

VIRGINIA:

BEFORE THE FIFTH DISTRICT SECTION I SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR

JUN 21 2011

IN THE MATTER OF DAVID COLIN JONES, Jr.  
VSB Docket No. 09-051-079309

SUBCOMMITTEE DETERMINATION  
PUBLIC REPRIMAND (WITHOUT TERMS)

On the 13<sup>th</sup> day of June, 2011, a meeting in this matter was held before a duly convened subcommittee of the Fifth District Committee, Section I, consisting of William Quinton Robinson, Esquire, James R. Carroll, Lay Member, and Debra L. Powers, Esquire, presiding.

Pursuant to Part 6, Section IV, Paragraph 13-15.B.4.c of the Rules of Virginia Supreme Court, that subcommittee of the Fifth District Committee, Section I, of the Virginia State Bar hereby serves upon the Respondent the following Public Reprimand without Terms.

**I. FINDINGS OF FACT**

1. At all times relevant hereto, David Colin Jones, Jr. ("Respondent"), has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. In or around June, 2008, the Complainant herein retained Respondent to file the petition necessary to restore Complainant's driving privileges following Complainant's conviction as an habitual offender. Complainant paid Respondent \$1,000.00 and paid to obtain the necessary Alcohol Safety Action Program (hereinafter "ASAP") report.
3. After the July 4<sup>th</sup> holiday, Complainant received a telephone call from Respondent who promised that he would prepare and file the necessary Petition. During

the first week of August, Complainant spoke to Respondent again and reminded Respondent of the fast approaching expiration date of the ASAP report. Respondent assured Complainant that he would complete the filing timely, advising that he (Respondent) would be in court on the third Friday in August and would take care of it at that time.

4. Respondent did not timely file the necessary Petition and as a result, the ASAP report expired. Respondent acknowledged the error and promised Complainant that he would contact ASAP personnel to inform them that the necessary Petition was not filed prior to the expiration of the ASAP report due to his delay.

5. In or around December, 2008, Complainant spoke to Respondent, at which time Respondent advised him he was "too busy" to complete the case and would have to refer it to another attorney.

6. Complainant retained other counsel to complete and file the Petition on his behalf and his driving privileges were thereafter restored. Respondent promptly refunded all fees paid by Complainant, and cooperated with subsequent counsel in the case.

Such conduct by David Colin Jones, Jr. constitutes violations of the following provisions of the Rules of Professional Conduct:

**RULE 1.3 Diligence**

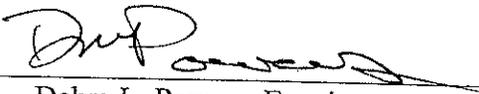
- (a) A lawyer shall act with reasonable diligence and promptness in representing a client.

**III. PUBLIC REPRIMAND WITHOUT TERMS**

Accordingly, based upon the above facts, it is the decision of the subcommittee that the Respondent should receive a Public Reprimand and he is so reprimanded.

Pursuant to Part Six, Section IV, Paragraph 13.9.E of the Rules of the Supreme Court, the Clerk of the Disciplinary System shall assess costs.

FIFTH DISTRICT SECTION I SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR

By   
Debra L. Powers, Esquire  
Subcommittee Chair

CERTIFICATE OF SERVICE

I certify that I have this 20<sup>th</sup> day of June, 2011, mailed a true and correct copy of the Subcommittee Determination (Public Reprimand without Terms) by CERTIFIED MAIL, to Respondent, David Colin Jones, Jr., Suite 301-A, 10617 Jones Street, Fairfax, VA 22030, his last address of record with the Virginia State Bar, and by U.S. Mail to Respondent's Counsel, Timothy J. Battle, Esquire, 520 King Street, Alexandria, Virginia 22214.

  
Kathleen M. Uston  
Assistant Bar Counsel