

VIRGINIA:

**BEFORE THE THIRD DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR**

**IN THE MATTERS OF
VAUGHAN CHRISTOPHER JONES**

**VSF Docket Nos. 08-033-072291
08-033-073778**

**SUBCOMMITTEE DETERMINATION
(PUBLIC ADMONITION WITHOUT TERMS)**

On June 8, 2009, a hearing in this matter was held before a duly convened panel of the Third District Committee, Section III, consisting of Mary P. Hunton (Lay Member), Margaret E. McDermid (Lay Member), William S. Francis, Jr., Esquire, Karen M. Adams, Esquire, Cullen D. Seltzer, Esquire, and Edward S. Whitlock, III, Esquire, Chair, presiding.

The Virginia State Bar appeared through its Bar Counsel, Edward L. Davis. The Respondent, Vaughan Christopher Jones, Esquire, appeared in person, *pro se*.

The matter proceeded upon the Charge of Misconduct, dated April 27, 2009, setting forth allegations that the Respondent violated Rules of Professional Conduct 1.1, *Competence*, 1.3 (a), *Diligence*, and 1.4 (a), (b), and (c), *Communication*.

The Chair polled each member of the hearing panel as to whether they had any personal or financial interest that might affect or reasonably be perceived to affect their ability to be impartial. Upon receiving answers in the negative, and upon the Chair affirming that he had no such interest, the Chair advised the parties of the hearing procedures.

Thereafter, the parties made opening statements, and the panel received the testimony of Demario Adkins, Oren M. Powell, and the Respondent, who testified as an adverse witness. The panel also received Virginia State Bar Exhibits 1 through 12 without objection.

Upon the conclusion of the bar's case, the Respondent moved to strike the bar's evidence, and

and the matter was argued by counsel. Upon due deliberation, the panel overruled the motion. Thereafter, the panel heard from the Respondent, who testified in his own behalf, and the panel received Respondent's Exhibit 1. At the conclusion of all of the evidence, the Committee adjourned to reconvene on July 14, 2009.

On July 14, 2009, the Virginia State Bar and the Respondent presented an Agreed Disposition in the referenced matters to a duly convened subcommittee consisting of Mary P. Hunton (Lay Member), Cullen D. Seltzer, Esquire, and Karen M. Adams, Esquire, Chair, presiding. Upon due deliberation, and upon considering the Respondent's prior Disciplinary Record, it was the unanimous decision of the subcommittee to accept the Agreed Disposition.

Pursuant to Part 6, Section IV, Paragraph 13-15.B.4 of the Rules of the Virginia Supreme Court, the Third District Subcommittee of the Virginia State Bar hereby serves upon the Respondent the following Public Admonition without Terms:

I. FINDINGS OF FACT

VSB Docket No. 08-033-072291 (Complainant: Demario Adkins)

1. At all times relevant hereto, Vaughan Christopher Jones ("Respondent"), has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. On April 19, 2007, the Circuit Court for the City of Richmond convicted Demario Adkins of felony possession of a concealed weapon and imposed a sentence of five years to serve with four years and ten months suspended (a net sentence of two months to serve). Mr. Jones served as counsel for Mr. Adkins.
3. Mr. Adkins desired to appeal the conviction, and the court appointed Mr. Jones to prosecute the appeal.
4. Mr. Jones timely filed the notice of appeal on May 18, 2007.
5. In accordance with Rule 5A:8 of the Rules of Court, the transcript was due to be filed with the trial court within 60 days after entry of the April 19, 2007 judgment, or June 18, 2007.

6. Mr. Jones did not file the transcript, and on August 14, 2007, the Court of Appeals of Virginia issued an order requiring Mr. Jones to show cause why the appeal should not be dismissed accordingly.

7. Mr. Jones responded to the show-cause order candidly acknowledging that a transcript was indispensable to the appeal.

8. Mr. Jones also filed a motion to extend the filing deadline for the transcript.

9. The Court of Appeals denied the extension request, however, in accordance with the Rule 5A:8 of the Rules of Court which provides that such requests must be filed within the 60-day time period before the deadline for filing the transcript.

10. On August 30, 2007, the Court of Appeals dismissed the appeal accordingly.

11. Mr. Adkins learned about the dismissal of his appeal by monitoring the court's website. Eventually, Mr. Jones informed Mr. Adkins that he had forgotten to file the transcripts, but said that he would "take care of it."

12. Thereafter, Mr. Adkins contacted the Court of Appeals directly and learned that a request for a delayed appeal must be filed within six months of an appeal's dismissal.

13. Mr. Adkins understood that Mr. Jones would pursue a delayed appeal on his behalf.

14. Mr. Jones, however, did not pursue a delayed appeal for his client.

15. Having learned that six months had passed without the filing of a petition for a delayed appeal, Mr. Adkins complained to the Virginia State Bar on June 10, 2008.

16. Previously, on September 27, 2007, the Court of Appeals also informed the bar about Mr. Jones' procedural default leading to the dismissal of Mr. Adkins appeal.

17. By letter dated April 18, 2007 (sic), and received by the Virginia State Bar on April 24, 2008, Mr. Jones explained that on August 21, 2007, he learned that a transcript had not been prepared and filed, and that he filed a motion to extend the filing deadline accordingly, which the Court of Appeals denied.

18. Mr. Jones stated further that the best way to have the Court of Appeals address Mr. Adkins' proposed assignments of error was through a petition for a writ of habeas corpus filed by another member of the bar, that he had spoken with another attorney about doing so, and that he would cooperate in the process.

19. At the time, however, Virginia Code Section 19.2-321.1 provided that under such circumstances (appeal dismissed due to attorney error through no fault of the client), application

for a delayed appeal could be made to the Court of Appeals within six months after dismissal of the appeal.

20. As stated previously, however, Mr. Jones did not avail himself of this remedy on behalf of his client.

21. When asked about this by the Virginia State Bar Investigator, Mr. Jones replied that he could not say why he had not pursued the delayed appeal route.

22. Mr. Jones' law partner did file a petition for a writ of habeas corpus on December 12, 2008, which was dismissed by the Circuit Court for the City of Richmond on January 9, 2009.

23. At a rehearing on April 13, 2009, the Circuit Court declined to take any action on the habeas corpus petition, leaving Mr. Adkins with no remedy to restore his appeal, dismissed through no fault of his own without being considered on the merits.

II. NATURE OF MISCONDUCT

Such conduct by Vaughan Christopher Jones constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

RULE 1.1 Competence

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

RULE 1.3 Diligence

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

In accordance with the Agreed Disposition, the Subcommittee dismisses VSB Docket Number 08-033-073778 and the violations of Rule 1.4 (a), (b) and (c) (Communication) for lack of clear and convincing evidence.

III. PUBLIC ADMONITION WITHOUT TERMS

Accordingly, it is the decision of the subcommittee to impose a Public Admonition without Terms and Vaughan Christopher Jones is hereby so admonished.

Pursuant to Paragraph 13-9.E. of the Rules of Court, the Clerk of the Disciplinary System shall assess costs.

THIRD DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

By: 
Karen M. Adams, Esquire
Subcommittee Chair

CERTIFICATE OF MAILING

I certify that on the 23rd day of July, 2009, I caused to be mailed by Certified Mail, Return Receipt Requested, a true and complete copy of the Subcommittee Determination (Public Admonition Without Terms) to Vaughan Christopher Jones, Respondent, at Johnson Jones LLP, 1622 West Main Street, Richmond, VA 23220, Respondent's last address of record with the Virginia State Bar.


