

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF  
OWAIIAN MAURICE JONES

VSB DOCKET NO. 09-000-076527

ORDER OF REVOCATION

This matter came before the Virginia State Bar Disciplinary Board on September 26, 2008, pursuant to a Notice of Noncompliance Second Request for Revocation of Respondent's License to Practice Law issued in accordance with the Rules of the Supreme Court of Virginia Part Six, Section IV, Paragraph 13.M. The hearing was held before a duly convened panel of the Board consisting of David R. Schultz, Timothy A. Coyle, Sandra L. Havrilak, Werner H. Quasebarth, Lay Member, and Robert E. Eicher, Chair.

All required notices were sent by the Clerk of the Disciplinary System. The Virginia State Bar was represented by Marian L. Beckett, Assistant Bar Counsel. Neither the Respondent nor any counsel appeared on his behalf. Terry S. Griffith, Chandler & Halasz, P. O. Box 9349, Richmond, VA 23227, (804) 730-1222, having been duly sworn, reported the hearing.

The Chair opened the hearing by calling the case both in the hearing room and in the adjacent hall. The Respondent did not answer or appear. The panel was then polled as to whether any member had any conflict of interest or other reason why the member should not participate in the hearing. Each member, including the Chair, answered in the negative.

The Prior Proceedings

This matter arises out of a Notice of Noncompliance and Request for Revocation of Respondent's License to Practice Law for Failure to Comply with Paragraph 13.M filed with the Board by Bar Counsel, based upon Respondent's failure to comply with several orders of the

Board and the aforesaid provisions of Part Six, Section IV, Paragraph 13.M of the Rules of Court. More particularly the Bar in its Notice of Noncompliance, alleged as follows:

1. Owaian Maurice Jones, Esquire, (hereinafter “the Respondent”), is an active member of the Virginia State Bar, whose license to practice law in the Commonwealth of Virginia was suspended for a period of eighteen (18) months by the Virginia State Bar Disciplinary Board on June 27, 2008, effective that day. The suspension was imposed following a three day trial held pursuant to an Expedited Petition. During the trial, the Respondent estimated that as of June 25, 2008, he had in excess of 200 active clients.

2. A Summary Order was issued on June 27, 2008, imposing the suspension and noting the effective date. The Summary Order was forwarded to the Respondent by the Clerk of the Disciplinary System on June 30, 2008. The following notation was indicated in the Summary Order provided to the Respondent on June 30, 2008:

The Board notes that concerning Paragraph 13(M) that:  
Respondent shall comply with all requirements of ¶ 13(M) of the Rules, including but not limited to sending the required notices making the required arrangements, and providing the required proof to the Bar.

A copy of the Summary Order entered June 27, 2008, and a copy of the June 30, 2008 correspondence to the Respondent from the Clerk of the Disciplinary System enclosing the Summary Order was attached thereto collectively as Exhibit 1.

3. The June 30, 2008 correspondence to the Respondent from the Clerk of the Disciplinary System set forth the following instruction:

Please note your duty under the Rules of Court, Part Six, § IV, Paragraph 13.M which states as follows:  
Duties of Suspended or Disbarred attorney: Any attorney who is disbarred or suspended as a result of a proceeding under this paragraph 13 shall forthwith give notice, by certified mail, of his disbarment or suspension to all clients for whom he is currently

handling matters and to all opposing attorneys and the presiding judges in pending litigation. The Attorney shall also make appropriate arrangements for the disposition of matters then in his care in conformity with the wishes of his client. The Attorney shall give such notice within fourteen (14) days of the effective date of the disbarment or suspension order, and make such arrangements as are required herein within forty-five (45) days of the effective date of the disbarment or suspension order. The Attorney shall also furnish proof to the bar within sixty (60) days of the effective date of the disbarment or suspension order that such notices have been timely given and such arrangements for the disposition of matters made. Issues concerning the adequacy of the notice and arrangements required herein shall be determined by the Disciplinary Board, which may impose a sanction of revocation or suspension for failure to comply with the requirements of this subparagraph.

4. The June 30, 2008 correspondence to the Respondent from the Clerk of the Disciplinary System included the instruction that the Respondent must provide the Clerk with proof of his compliance with the duties of a suspended attorney pursuant to Paragraph 13.M on or before August 29, 2008. The June 30, 2008 correspondence also enclosed certain forms which the letter identified as being “acceptable to the Disciplinary Board in order to be in compliance” with the provisions of Paragraph 13.M.

5. Also on June 30, 2008, the Respondent filed a Petition to Stay the Suspension with the Supreme Court of Virginia. The Petition was denied on July 21, 2008.

6. On July 31, 2008, the Memorandum Order of Suspension was entered by the Virginia State Bar Disciplinary Board. The Memorandum Order was forwarded to the Respondent by the Clerk of the Disciplinary System on July 31, 2008. Page 28 of the Memorandum Order also ordered the Respondent to comply with the provisions of Paragraph 13.M. A copy of the Memorandum Order entered July 31, 2008, and a copy of the July 31, 2008 correspondence to the Respondent from the Clerk of the Disciplinary System enclosing the Memorandum Order was provided to this Board as Exhibit 2.

7. Following the July 21, 2008 denial by the Supreme Court of the Respondent's Petition for a Stay of Suspension, the Bar began receiving an increased number of telephone calls and inquiries regarding the Respondent. Clients reported that the Respondent could not be reached or found, that his office appeared to be closed, and his office telephone appeared to be disconnected. Upon investigation by the Bar it appeared that the Respondent had abandoned his practice.

8. Upon Petition by the Bar pursuant to § 54.1-3900.01 of the Code of Virginia, 1950 as amended, the Circuit Court for Stafford County ordered that a receiver be appointed for the law practice of the Respondent, effective August 4, 2008.

9. The Respondent was to provide proof of compliance with Paragraph 13.M on or before August 29, 2008. To date, the Bar has received no proof of compliance by the Respondent.

10. To the Bar's knowledge, not only has the Respondent failed to give the required notice of suspension to all clients for whom he is currently handling matters, the Respondent has failed to give the required notice to any current client. The Bar and the Receiver for the Respondent's practice continue to receive daily telephone calls from current clients who are not aware of the Respondent's suspension. The Bar has also received inquiries from opposing counsel, Circuit Court judges' chambers and Commonwealth Attorneys' offices. The Bar has knowledge of trials remaining on court dockets indicating that the Respondent is counsel of record.

#### Evidence Presented to the Board

In addition to the Exhibits set forth in Bar Counsel's Notice of Noncompliance, Bar Counsel called the Receiver appointed by the Circuit Court of Stafford County, Patricia

Woodward, Esq., who gave additional testimony regarding the Respondent's failure to comply with the Board's prior orders. The Board, after receiving into evidence the Bar's Exhibits and the testimony of the Receiver, and hearing arguments of Bar Counsel, adjourned to determine whether Respondent had failed to comply with Rule 13.M.

#### Findings

The Board finds that the Bar has furnished uncontroverted clear and convincing evidence to substantiate the allegations set forth in its Notice of Noncompliance and the Board further finds that the Respondent has failed to show cause as to why his license to practice law should not be revoked.

#### Sanction

Because of the Respondent's total disregard of the Board's prior orders and non-compliance with the Rules of Court over an extended period of time, the Board believes the appropriate sanction to protect the public and the integrity of the Bar is the revocation of the Respondent's license, and it is so ORDERED that the license of Owaiian Maurice Jones to practice law in the Commonwealth of Virginia is hereby REVOKED, effective September 26, 2008.

It is further ORDERED that, pursuant to Part Six, Section IV, Paragraph 13.M of the Rules of the Supreme Court of Virginia, Respondent shall forthwith give notice, by certified mail, return receipt requested, of the revocation of his license to practice law in the Commonwealth of Virginia to all clients for whom he is currently handling any matters, to all Judges and the Clerk of the Court before which Respondent may have any pending cases and to opposing counsel in all such cases. Respondent shall also make appropriate arrangements for the disposition of matters not in his care, in conformity with the wishes of his clients.

It is further ORDERED that pursuant to Part Six, § IV, ¶ 13.B.8.c. of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess all costs against the Respondent.

It is further ORDERED that the Clerk of the Disciplinary System shall mail an attested copy of this order to Respondent at his address of record with the Virginia State Bar, being P. O. Box 8320, Fredericksburg, Virginia 22404, by certified mail, return receipt requested, by regular mail to 1707 Owens Road, Oxon Hill, MD 20745, and by regular mail to Marian L. Beckett, Assistant Bar Counsel, Virginia State Bar, 100 North Pitt Street, #310, Alexandria, Virginia 22314-3133.

ENTERED this 2<sup>nd</sup> day of October 2008

VIRGINIA STATE BAR DISCIPLINARY BOARD

Robert E. Eicher  
Robert E. Eicher, Chair