

VIRGINIA:

BEFORE THE SECOND DISTRICT SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR

IN THE MATTER OF  
MARK MICHAEL KANTRO

VS B Docket No. 09-021-079252

SUBCOMMITTEE DETERMINATION  
(PUBLIC REPRIMAND WITH TERMS)

On November 23, 2010, a meeting in this matter was held before a duly convened Second District Subcommittee consisting of Beverly P. Leatherbury, Esquire, Presiding Chair, Robert J. Krask, Esquire, Member, and Emanuel W. Michaels, Lay Member.

Pursuant to Part 6, Section IV, Paragraph 13-15.B.4 and E. of the Rules of the Virginia Supreme Court, the Second District Subcommittee of the Virginia State Bar hereby serves upon the Respondent the following Public Reprimand with Terms:

I. FINDINGS OF FACT

1. At all times relevant hereto, Respondent was an attorney licensed to practice law in the Commonwealth of Virginia.
2. In January 2004, Respondent and Carol A. Williams (“Williams”) qualified in the Norfolk Circuit Court as co-executors of the Estate of Nellie Kathleen Keith (“Estate”). After Respondent failed to timely file an inventory and several accountings as required, Philip R. Trapani, Jr., Commissioner of Accounts for the Norfolk Circuit Court (“Trapani”), issued delinquency letters and summonses to Respondent, and when those were unsuccessful, reported Respondent to the Virginia State Bar in August 2007. While that bar complaint remained pending, Respondent brought the Estate current. Based on the foregoing, and Respondent’s acknowledgment that he should have been more diligent in administering the Estate, that bar

complaint was resolved with the issuance of a Private Admonition Without Terms in February 2008 (VSB Docket No. 08-021-071647).

3. The complainant in the instant matter, Kathy Michelle Pritchard (“Pritchard”), is a granddaughter of the decedent. Pritchard and Billy Pritchard were the sole beneficiaries of the Estate. In February 2009, Pritchard filed the instant complaint alleging Respondent had not returned her calls and refused to make the final disbursements for the Estate or submit a final accounting for approval.

4. The history of the accountings filed in the Estate is as follows:

	<u>Due</u>	<u>Filed</u>
First Accounting (1/30/04-1/31/05)	May 2005	February 2007
Second Accounting (2/1/05-1/31/06)	May 2006	November 2007
Third Accounting (2/1/06-1/31/07)	May 2007	November 2007
Fourth Accounting (2/1/07-1/31/08)	May 2008	December 2008
Amended Final Accounting (2/1/08-1/19/10)		January 2010

5. Respondent did not finalize the administration of the Estate until January 2010.

6. Respondent intentionally postponed submission of a final accounting pending payment of fees he was claiming for his services, even after being advised by Trapani in December 2008 that he would not approve the additional fees Respondent was claiming as they would exceed the allowable amount under the fiduciary fee schedule for the size of the Estate<sup>1</sup>. Respondent had initially billed and received \$750.00 for his services as co-executor, and later refused to file a final accounting until Williams paid an additional \$1,500.00<sup>2</sup>.

7. The multiple accountings were unnecessary and resulted from the failure of Respondent to diligently handle the administration of the Estate before and after he was disciplined by the Virginia State Bar in February 2008.

---

<sup>1</sup> After the devising of a single parcel of real estate and the disbursement of roughly \$14,000 to creditors, the Estate had a total value of just over \$5,400.00 as of January 2005.

## II. NATURE OF MISCONDUCT

Such conduct by Mark Michael Kantro constitutes misconduct in violation 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.
- (b) A lawyer shall not intentionally fail to carry out a contract of employment entered into with a client for professional services, but may withdraw as permitted under Rule 1.16.
- (c) A lawyer shall not intentionally prejudice or damage a client during the course of the professional relationship, except as required or permitted under Rule 1.6 and Rule 3.3.

### **RULE 1.5 Fees**

- (a) A lawyer's fee shall be reasonable.

## III. PUBLIC REPRIMAND WITH TERMS

Accordingly, it is the decision of the subcommittee to offer the Respondent an opportunity to comply with certain terms and conditions, compliance with which will be a predicate for the disposition of this complaint with a Public Reprimand with Terms. The terms and conditions are:

Respondent shall issue a refund to the beneficiaries of the Estate in the total amount of \$750.00 (½ to Kathy Michelle Pritchard and ½ to Billy Pritchard). Said amounts shall be sent to the following addresses on or before December 31, 2010:

Kathy Michelle Pritchard  
13111 Southern Valley Drive  
Pearland, TX 77584

Billy Pritchard  
9673 B 15<sup>th</sup> Bay Street  
Norfolk, VA 23518

Respondent shall provide proof of compliance with the foregoing to M. Brent Saunders, the Assistant Bar Counsel assigned to this case, by January 10, 2011.

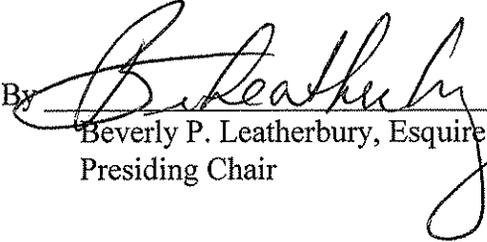
---

<sup>2</sup> Williams paid Respondent the additional \$1,500 in June 2009. Respondent subsequently refunded ½ of that payment. After that refund, the fees paid to Respondent totaled \$1,500.00. The Estate was the source of all monies paid to Respondent.

Upon satisfactory proof that such terms and conditions have been met, this matter shall be closed. If the terms and conditions are not met by the specified dates, the alternative disposition shall be the suspension of Respondent's license to practice law in the Commonwealth of Virginia for a period of thirty (30) days.

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

SECOND DISTRICT SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR

By   
Beverly P. Leatherbury, Esquire  
Presiding Chair

CERTIFICATE OF SERVICE

I certify that on DECEMBER 21, 2010, I mailed by Certified Mail, Return Receipt Requested, a true and correct copy of the Subcommittee Determination (Public Reprimand with Terms) to Mark Michael Kantro, Esquire, Respondent, at Suite 807, 142 West York Street, Norfolk, VA 23510, Respondent's last address of record with the Virginia State Bar.

  
M. Brent Saunders  
Assistant Bar Counsel