

VIRGINIA:

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

**IN THE MATTERS OF
WILLIAM CRAIG MEYER, II**

VS B Docket Nos.: 06-090-1898
06-090-2150
06-090-2377

SUBCOMMITTEE DETERMINATION

(Approval of Agreed Disposition for Public Admonition with Terms)

On May 6, 2006, a duly convened Ninth District Subcommittee consisting of John M. Perry, Jr., Esquire (Chair presiding), Mark B. Holland, Esquire, and John E. Crowder, lay member, met and considered these matters.

Pursuant to Part Six, Section IV, Paragraph 13.G.1.d(1) of the Rules of the Supreme Court of Virginia, the Ninth District Subcommittee of the Virginia State Bar hereby approves the Agreed Disposition entered into between Respondent William Craig Meyer, II (“Respondent”) and Assistant Bar Counsel Scott Kulp, and hereby serves upon Respondent the following Public Admonition with Terms:

**I. *In the Matter of William Craig Meyer, II*
VS B No.: 06-090-1898**

FINDINGS OF FACT

1. At all times relevant to this matter, Respondent was an attorney licensed to practice law in the Commonwealth of Virginia.
2. Respondent represented Ruth C. Gilbert (“Mrs. Gilbert”) on an appeal to the Court of Appeals upon her conviction and sentence for trespassing.
3. The Court of Appeals dismissed the appeal on October 11, 2005 because Respondent failed to file a transcript or statement of facts.

4. Upon interview by the bar's Investigator, Respondent indicated that he has handled appellate cases for approximately 6 years.

5. According to Respondent, he was required to prepare a statement of facts – something he contends he had not prepared before. Respondent contends he failed to mark his calendar, and the record was sent to the Court of Appeals without a statement of facts. Respondent notified Mrs. Gilbert of his error by September 23, 2005 letter.

6. Thereafter, Mrs. Gilbert's daughter advised Respondent that Mrs. Gilbert did not want an appeal; however, Respondent was to intervene with WalMart to try and hold Mrs. Gilbert's position during her period incarceration.

7. Respondent spoke with WalMart and obtained a leave of absence for Mrs. Gilbert so she could keep her job.

[Rule 1.3].

II. *In the Matter of William Craig Meyer, II*
VSB No.: 06-090-2150

FINDINGS OF FACT

1. At all times relevant to this matter, Respondent was an attorney licensed to practice law in the Commonwealth of Virginia.

2. Respondent represented Dan Matthew Witcher as court-appointed counsel on a habitual offender charge.

3. Upon Mr. Witcher's conviction in the circuit court, the Court of Appeals dismissed the appeal on November 22, 2005 because Respondent did not file a transcript or statement of facts.

4. According to Respondent, he made the same error that he made in Ruth C. Gilbert's case by failing to note on his calendar when a statement of facts was required.

5. Upon interview by the bar's Investigator, Dan Witcher stated he was unaware that his appeal to the Court of Appeals had been dismissed; however, since he had only six months remaining on his sentence, he was not interested in trying to revive the appeal. [Rule 1.3].

NATURE OF MISCONDUCT

The foregoing findings of fact in matters I and II give rise to the following violation 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. *In the Matter of William Craig Meyer, II* VSB No.: 06-090-2377

FINDINGS OF FACT

1. At all times relevant to this matter, Respondent was an attorney licensed to practice law in the Commonwealth of Virginia.
2. Respondent was court-appointed to defend William Edward Grimes in a case in which his parental rights were challenged.
3. Respondent appealed the circuit court's decision in favor of the Pittsylvania County Department of Social Services, and the appeal was dismissed on December 13, 2005 because Respondent failed to send the guardian *ad litem* a copy of the Notice of Appeal.
4. Respondent did not reply to the bar's preliminary investigation letter, and despite his efforts, the bar's Investigator was unsuccessful in coordinating an interview with Respondent.

5. Respondent's secretary, Ms. Joan Mills, stated that she reviewed Respondent's file and believed she had sent the guardian *ad litem* a copy of the Notice of Appeal.

6. Upon interview by the bar's Investigator, Mr. Grimes stated in pertinent part that after carefully considering his options of continuing the appeal, he took Respondent's advice and voluntarily agreed to withdraw the appeal.

7. Upon interview by the bar's Investigator, the guardian *ad litem* stated he did not receive a copy of the Notice of Appeal from Respondent. The only document he recalled receiving in connection with an appeal was Respondent's letter to the Court of Appeals requesting the withdrawal of Mr. Grimes's appeal. He also had a copy of a letter from the Court of Appeals advising Respondent that he could not withdraw the appeal by letter but needed to file a Motion with the Court.

[Rule 8.1c].

NATURE OF MISCONDUCT

The foregoing findings of fact in matter III gives rise to the following violation of the Rule of Professional Conduct:

RULE 8.1 Bar Admission And Disciplinary Matters

An applicant for admission to the bar, or a lawyer already admitted to the bar, in connection with a bar admission application, any certification required to be filed as a condition of maintaining or renewing a license to practice law, or in connection with a disciplinary matter, shall not:

- (c) fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this Rule does not require disclosure of information otherwise protected by Rule 1.6

SUBCOMMITTEE DETERMINATION

It is the decision of the Ninth District Subcommittee to accept the Agreed Disposition of the parties. Accordingly, a hearing is not necessary to resolve this matter

and Respondent shall receive a Public Admonition with Terms pursuant to Part Six, Section IV, Paragraph 13.G.1.d(1) of the Rules of the Supreme Court of Virginia. This Public Admonition with Terms is public discipline under the Rules of the Supreme Court of Virginia.

WHEREFORE, the Respondent is hereby issued a Public Admonition for the foregoing matters (VSB Docket Nos. 06-090-1898, 06-090-2150, and 06-090-2377) with the following Terms:

Attend the video rebroadcast of all seven (7) hours of the MCLE-approved Continuing Legal Education course entitled *First Solo and Small Firm Institute* and certify completion to Assistant Bar Counsel Scott Kulp by **November 13, 2006**. Specifically, Respondent must attend the Technology and Law Office Management for Solo and Small Firms portion of this program on one of the listed video replay dates. These seven (7) hours of CLE shall not count toward Respondent's annual MCLE requirement and Respondent shall not submit these hours to the MCLE Department of the Virginia State Bar or any other bar organization. In addition, after attending the aforementioned CLE, Respondent must consult by phone with John J. Brandt, Esquire, 1-800-215-7854, approved Independent Risk Manager for the Virginia State Bar, to discuss, among other things, ways to minimize the risk of future bar complaints in light of Respondent's history of procedural defaults in his appellate practice. Mr. Brandt's full description is listed on the Virginia State Bar's website, *vsb.org*. Respondent is charged with providing Assistant Bar Counsel Scott Kulp with a written summary of Mr. Brandt's suggestions by **November 13, 2006**.

Upon satisfactory proof that such terms have been met, this matter shall be closed. If, however, it appears that Respondent has not complied with the terms imposed, including written certification of compliance, the Ninth District Committee will conduct a hearing on the issue. At the hearing, the sole issue shall be whether Respondent fully completed the terms within the time specified above. The Respondent shall have the burden of proof by clear and convincing evidence at the hearing.

Should the Ninth District Committee conclude that Respondent has not fully and timely completed the aforementioned terms, the Ninth District Committee shall impose a

Certification for Sanction Determination pursuant to the following agreed provisions for purposes of the imposition of an alternative sanction.

Stipulations For Disciplinary Board Proceedings Upon Certification for Sanction Determination Upon Terms Failure

Upon Certification for Sanction Determination of the instant cases to the Disciplinary Board by the Ninth District Committee, this Agreed Disposition shall be presented to the Disciplinary Board for its consideration of the sanction to be imposed pursuant to Paragraphs 13.B.5.c and 13.I.4 of the Rules of the Supreme Court of Virginia.

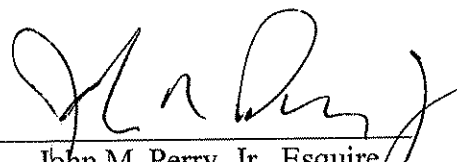
The sanction to which the bar and Respondent agree as an appropriate sanction to be imposed upon Certification for Sanction Determination is a **30-day suspension** of the Respondent's license to practice law in the Commonwealth of Virginia. Should the Disciplinary Board not approve this Agreed Disposition, the Respondent understands that a hearing will take place before the Disciplinary Board for a sanction determination pursuant to Paragraph 13.I.4 of the Rules of the Supreme Court of Virginia.

Respondent agrees that his prior disciplinary record may be disclosed to the Ninth District Subcommittee, and, if applicable, to the Disciplinary Board considering the appropriate agree disposition as stated herein.

The Clerk of the Disciplinary System shall assess the appropriate administrative costs pursuant to Paragraph 13.B.8.c.(1) of the Rules of the Supreme Court of Virginia.

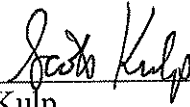
**NINTH DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR**

By: _____


John M. Perry, Jr., Esquire
Subcommittee Chair Presiding

CERTIFICATE OF SERVICE

I certify I have, this the 1st day of November, 2006, mailed by CERTIFIED MAIL, RETURN RECEIPT REQUESTED, a true and complete copy of the Subcommittee Determination (Public Admonition with Terms) to Respondent William Craig Meyer, at his last address of record with the Virginia State Bar, P.O. Box 1053, Chatham, Virginia 24531.



Scott Kulp
Assistant Bar Counsel