

**VIRGINIA:**

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

**IN THE MATTER OF  
ROBERT CHARLES NEELEY, JR.**

**VS. Docket No. 10-022-081894**

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**SUBCOMMITTEE DETERMINATION**  
**(PUBLIC REPRIMAND WITH TERMS)**

On the 11<sup>th</sup> day of August, 2010, a meeting in this matter was held before a duly-convened Second District Subcommittee consisting of Brandon H. Ziegler, Esquire, member, Ms. Elizabeth Martingayle, lay member, and Kara McGehee O'Brien, chair presiding.

Pursuant to Part 6, Section IV, Paragraphs 13-15.E. and 13-15B.4 of the Rules of the Virginia Supreme Court, the Second District—Section II Subcommittee of the Virginia State Bar hereby serves upon the Respondent the following Agreed Disposition reached between the parties of a PUBLIC Reprimand with Terms:

**I. FINDINGS OF FACT**

1. At all times relevant hereto, Respondent has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. On May 5, 2009, Willie Dollison, an inmate at Red Onion Prison, sent Respondent an unsolicited letter requesting unspecified legal services and enclosing two \$250.00 money orders.
3. Respondent deposited the funds into escrow on June 4, 2009.
4. On June 5, 2009, Respondent wrote to Dollison to acknowledge his letter and requested Dollison contact him.
5. Dollison did contact Respondent by detailed letters to Respondent dated June 23, 2009, July 13, 2009, August 13, 2009, and a further undated letter, in which Dollison forwarded his case information and explained his request that Respondent locate a witness in support of a petition for a writ of actual innocence.

6. Notwithstanding Dollison's letters, Respondent failed to communicate with Dollison and failed to take any action in the matter until after Dollison filed an inquiry with the Virginia State Bar on November 12, 2009.
7. Thereafter, Respondent reviewed the matter in full by undertaking research and making inquiries. Respondent advised Dollison that he would not be able to proceed in the matter and issued a full refund of Dollison's \$500.00 fee payment .

## **II. NATURE OF MISCONDUCT**

Such conduct by Robert Charles Neeley, Jr. 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.

### **RULE 1.4     Communication**

- (a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

## **II. 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 a PUBLIC Reprimand with Terms of this complaint. The terms and conditions are:

1. On or before September 30, 2010, Respondent shall purchase, install and begin to use for all new matters accepted by Respondent law practice specific case management software;
2. On or before September 30, 2010, Respondent shall certify in writing to Assistant Bar Counsel Georgiadis that he has purchased, installed, and begun to use on all new cases law practice specific case management software, therein identifying by name the software purchased, certifying the date of installation, and providing a hard copy of at least two representative functions of the software as employed on a current case of Respondent's.

Upon satisfactory proof that such terms and conditions have been met, this matter shall be closed. If, however, the terms and conditions are not met by September 30, 2010, Respondent agrees to an alternative disposition of sanction, pursuant to Rules of Court, Part 6, §IV, ¶13-15G, of a 15 day suspension of his license to practice law in the Commonwealth of Virginia to be imposed by the Disciplinary Board, subject to a district committee show-cause hearing pursuant to ¶13-15F. Respondent further agrees to waive his rights to have a three judge circuit court panel hear the matters of terms compliance and sanction imposition.

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 Kara McGehee O'Brien  
Kara McGehee O'Brien  
Chair Presiding

CERTIFICATE OF SERVICE

I certify that on the 30<sup>th</sup> day of August, 2010, I mailed by Certified Mail, Return Receipt Requested, a true and correct copy of the Subcommittee Determination (PUBLIC Reprimand with Terms) to Robert Charles Neeley, Jr., Esquire, Respondent, at 156 Newtown Road A-1, Virginia Beach, VA 23462, Respondent's last address of record with the Virginia State Bar.

Paul D. Georgiadis  
Paul D. Georgiadis  
Assistant Bar Counsel