

VIRGINIA:

AUG 12 2013

BEFORE THE CIRCUIT COURT FOR THE CITY OF RICHMOND

**IN THE MATTER OF
RAYMOND LEWIS PALMER**

**CASE NO. CL13-2023
VSB DOCKET NO. 12-033-089661**

AGREED DISPOSITION MEMORANDUM ORDER

This matter came to be heard on July 17, 2013, before a Three-Judge Circuit Court duly empanelled pursuant to Section 54.1-3935 of the Code of Virginia (1950) as amended, upon the joint request of the parties for the Court to accept the Agreed Disposition endorsed by the parties and offered to the Court as provided by the Rules of the Supreme Court of Virginia. The panel consisted of the Honorable James C. Hawks, Judge of the Third Judicial Circuit, Designated Chief Judge, the Honorable James F. Almand, Retired Judge of the Seventeenth Judicial Circuit, and the Honorable Ann Hunter Simpson, Retired Judge of the Fifteenth Judicial Circuit. Raymond Lewis Palmer appeared with his counsel, Michael L. Rigsby, Esquire. The Virginia State Bar appeared through its Bar Counsel, Edward L. Davis. The Chief Judge polled the members of the court as to whether any of them were aware of any personal or financial interest or bias which would preclude any of them from fairly hearing the matter to which each judge responded in the negative. Court Reporter, Angela N. Sidener, Chandler and Halasz, P.O. Box 9349, Richmond, Virginia 23227, telephone (804) 730-1222, after being duly sworn, reported the hearing and transcribed the proceedings.

WHEREFORE, upon consideration of the Agreed Disposition, the Certification, Respondent's Disciplinary Record and responsive pleadings of counsel,

It is **ORDERED** that the Circuit Court accepts the Agreed Disposition and the Respondent shall receive a forty-five day suspension as set forth in the Agreed Disposition, which is attached and incorporated in this Memorandum Order.

It is further **ORDERED** that the sanction is effective September 1, 2013.

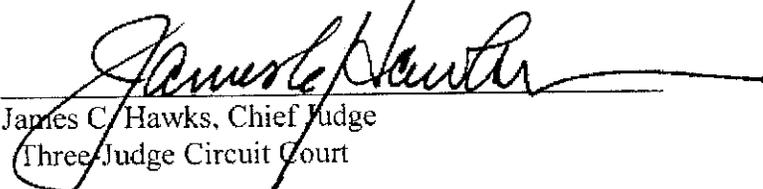
It is further **ORDERED** that the Respondent must comply with the requirements of Part Six, § IV, ¶ 13-29 of the Rules of the Supreme Court of Virginia. The Respondent shall forthwith give notice by certified mail, return receipt requested, of the forty-five day suspension of his license to practice law in the Commonwealth of Virginia, to all clients for whom he is currently handling matters and to all opposing attorneys and presiding judges in pending litigation. The Respondent shall also make appropriate arrangements for the disposition of matters then in his care in conformity with the wishes of his client. Respondent shall give such notice within 14 days of the effective date of the forty-five day suspension, and make such arrangements as are required herein within 45 days of the effective date of the forty-five suspension. The Respondent shall also furnish proof to the Bar within 60 days of the effective day of the forty-five day suspension that such notices have been timely given and such arrangements made for the disposition of matters.

It is further **ORDERED** that if the Respondent is not handling any client matters on the effective date of forty-five day suspension, he shall submit an affidavit to that effect to the Clerk of the Disciplinary System at the Virginia State Bar. All issues concerning the adequacy of the notice and arrangements required by Paragraph 13-29 shall be determined by the Virginia State Bar Disciplinary Board, unless the Respondent makes a timely request for a hearing before a three-judge court.

The Clerk of the Disciplinary System shall assess costs pursuant to § 13-9 E. of the Rules.

A copy teste of this Order shall be mailed to the Respondent, Raymond Lewis Palmer at his last address of record with the Virginia State Bar, Suite 300, 116 N. 3rd Street, Richmond, VA 23219, to Michael L. Rigsby, his counsel, at P.O. Box 29328, Henrico, VA 23242, to Edward L. Davis, Bar Counsel, Virginia State Bar, 707 East Main Street, Suite 1500, Richmond, Virginia 23219, and to Barbara Sayers Lanier, Clerk of the Disciplinary System, Virginia State Bar, 707 East Main Street, Suite 1500, Richmond, VA 23219.

ENTERED THIS 31ST DAY OF July, 2013
CIRCUIT COURT FOR THE CITY OF RICHMOND

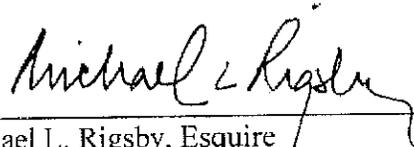

James C. Hawks, Chief Judge
Three-Judge Circuit Court

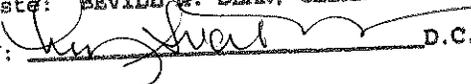
WE ASK FOR THIS:

VIRGINIA STATE BAR

By: 
Edward L. Davis, Bar Counsel
Virginia State Bar No. 23428
707 East Main Street, Suite 1500
Richmond, Virginia 23219-2800
Tel: (804) 775-0566
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RAYMOND LEWIS PALMER

By: 
Michael L. Rigsby, Esquire
Counsel for Respondent Raymond Lewis Palmer

A Copy,
Teste: BEVILL W. DEAN, CLERK
BY:  D.C.

Virginia State Bar No. 03016
Michael L. Rigsby, PC
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VIRGINIA: BEFORE THE CIRCUIT COURT FOR THE CITY OF RICHMOND JUL 15 2013

VIRGINIA STATE BAR EX REL
THIRD DISTRICT COMMITTEE

JUL 23 2013

v.

Case No. CL13-2023

RAYMOND LEWIS PALMER

AGREED DISPOSITION
(Forty-Five Day Suspension)

Pursuant to Part 6, § IV, ¶ 13-6.H of the Rules of the Supreme Court of Virginia, the Virginia State Bar, by Edward L. Davis, Bar Counsel, and Raymond Lewis Palmer, Respondent, and Michael L. Rigsby, Respondent's counsel, hereby enter into the following Agreed Disposition arising out of the referenced matter.

I. STIPULATIONS OF FACT

1. Respondent was licensed to practice law in the Commonwealth of Virginia on or about May 28, 1981.
2. On or about November 24, 2004, Joyce Lewis, an employee of Chesterfield County, was injured in an automobile accident that occurred during the course of her employment.
3. Ms. Lewis received workers' compensation benefits for her injury from her employer, Chesterfield County.
4. Ms. Lewis retained Respondent to represent her in a personal injury lawsuit against the other motorist involved in the accident.
5. By letter dated September 5, 2006, Respondent wrote the Department of Risk Management of Chesterfield County ("Department") and asked if Chesterfield County was asserting a workers' compensation lien against any third party recovery for Ms. Lewis.
6. Subsequent to this letter, Respondent communicated with the Department and learned that the county was asserting its workers' compensation lien against any third party recovery for Ms. Lewis.
7. On or about February 8, 2008, in a writing sent by facsimile, the Department notified Respondent of the county's workers' compensation lien.

8. By facsimile dated July 9, 2008, Respondent's paralegal advised the Department that Ms. Lewis's personal injury lawsuit had been settled.
9. By letter sent by facsimile dated July 9, 2008, Dawn Milton, Risk Management Specialist with the Department, advised Respondent that the county's total lien was \$6756.75 and that the county was willing to settle for a deduction of attorney fees and any itemized expenses.
10. Respondent did not timely pay Chesterfield County's workers' compensation lien.
11. On or about November 7, 2008, Ms. Milton spoke with Respondent and requested payment of the workers' compensation lien. Respondent told Ms. Milton he had forgotten about the lien and would pay the lien the following Monday.
12. Thereafter, Respondent did not timely pay the workers' compensation lien and did not respond to telephone calls from the Department.
13. On or about June 30, 2009, Ms. Lewis left the employment of Chesterfield County.
14. On or about October 14, 2009, Ms. Milton completed an inquiry form to file a bar complaint against Respondent for non-payment of the workers' compensation lien. On or about October 12, 2011, the Department submitted Ms. Milton's bar complaint to the Virginia State Bar.
15. On or about November 8, 2011, Respondent, by counsel, answered the bar complaint by stating that he had inadequate information to respond and by asking a series of questions about Ms. Lewis and her case.
16. On or about March 6, 2012, the bar served Respondent with a subpoena *duces tecum* for a copy of the client file and all trust account records relating to Respondent's representation of Ms. Lewis.
17. By letter from his counsel dated March 29, 2012, Respondent advised that he had no client file or trust account records relating to his representation of Ms. Lewis.
18. In March 2012, the Department offered to settle the lien for \$5500. The Department did not receive a response from Respondent.
19. On or about May 29, 2012, Respondent was interviewed by the bar's investigator. Respondent did not dispute Chesterfield County's claim that he had failed to pay the workers' compensation lien from the proceeds of Ms. Lewis's settlement. Respondent further admitted that he had no independent recollection of Ms. Lewis's case and that he did not know why the workers' compensation lien was not paid.

20. Respondent admitted to the bar's investigator that he was not sure if in 2008 he was aware of the automatic lien but was aware of it now and said that he was apparently on notice that the county had a lien.
21. Respondent admitted to the bar's investigator that he had no client file or trust account records related to his representation of Ms. Lewis.
22. Respondent acknowledged to the bar's investigator that in 2008 he did not properly maintain his trust account records. Mr. Palmer received a Public Admonition with Terms for this Misconduct in *Virginia State Bar, ex rel. Third District Committee v. Raymond Lewis Palmer*, Case No. CL11-2840, September 8, 2011.)
23. Respondent told the bar's investigator that since November 2011, he has been using QuickBooks to maintain his trust account records. Respondent admitted, however, that he had not properly reconciled his trust account in the first half of 2012.
24. On or about June 11, 2012, Respondent satisfied Chesterfield County's workers' compensation lien by submitting a payment of \$5500.

II. NATURE OF MISCONDUCT

Such conduct by Respondent constitutes Misconduct in violation of the following provisions of the Rules of Professional Conduct:

For misconduct occurring after June 21, 2011:

RULE 1.15 Safekeeping Property (Post-June 2011 revision)

(b) Specific Duties. A lawyer shall:

(4) promptly pay or deliver to the client or another as requested by such person the funds, securities, or other properties in the possession of the lawyer that such person is entitled to receive;

(c) Record-Keeping Requirements. A lawyer shall, at a minimum, maintain the following books and records demonstrating compliance with this Rule:

(4) All records subject to this Rule shall be preserved for at least five calendar years after termination of the representation or fiduciary responsibility.

(d) Required Trust Accounting Procedures. In addition to the requirements set forth in Rule 1.15 (a) through (c), the following minimum trust accounting procedures are applicable to all trust accounts.

(3) Reconciliations.

(i) At least quarterly a reconciliation shall be made that reflects the trust account balance for each client, person or other entity.

(ii) A monthly reconciliation shall be made of the cash balance that is derived from the cash receipts journal, cash disbursements journal, the trust account checkbook balance and the trust account bank statement balance.

(iii) At least quarterly, a reconciliation shall be made that reconciles the cash balance from (d)(3)(ii) above and the subsidiary ledger balance from (d)(3)(i).

(iv) Reconciliations must be approved by a lawyer in the law firm.

(4) The purpose of all receipts and disbursements of trust funds reported in the trust journals and ledgers shall be fully explained and supported by adequate records.

For misconduct occurring before June 21, 2011:

RULE 1.15 Safekeeping Property (pre-June 2011 revision)

(c) A lawyer shall:

(4) promptly pay or deliver to the client or another as requested by such person the funds, securities, or other properties in the possession of the lawyer which such person is entitled to receive.

(e) Record-Keeping Requirements, Required Books and Records.

(4) (v) the records required under this paragraph shall be preserved for at least five full calendar years following the termination of the fiduciary relationship.

III. SANCTION

Accordingly, Bar Counsel and the Respondent tender to the Court for its approval the Agreed Disposition of forty-five (45) days suspension of Respondent's license to practice law in the Commonwealth of Virginia as representing an appropriate sanction if this matter were to be heard through an evidentiary hearing.

If the Agreed Disposition is approved, the Clerk of the Disciplinary System shall assess an administrative fee.

If for any reason the three-judge court designated to hear this matter does not approve this Agreed Disposition, the same three-judge court will preside over the trial of this case.

THE VIRGINIA STATE BAR

By Edward L. Davis
Edward L. Davis, Bar Counsel

Raymond Lewis Palmer
Raymond Lewis Palmer, Respondent

Michael L. Rigsby
Michael L. Rigsby, Respondent's Counsel