

VIRGINIA:

BEFORE THE SIXTH DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

RECEIVED

IN THE MATTER OF
JOHN DOUGLAS PRIMEAU

JAN 25 2011

VS B Docket No. 08-060-075514

VS BAR OFFICE

SUBCOMMITTEE DETERMINATION
(PUBLIC REPRIMAND WITH TERMS)

On November 9, 2010, a meeting in this matter was held before a duly convened Sixth District Subcommittee consisting of Michael L. Heikes, Esquire, Donald S. Buckless, Lay Member, and William F. Neely, Esquire, Presiding Chair.

Pursuant to Part 6, Section IV, Paragraph 13-15.E. of the Rules of the Virginia Supreme Court, the Sixth 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, John Douglas Primeau, (hereinafter "the Respondent"), has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. Lisa Flynn, (hereinafter "the Complainant"), sustained a fall on a set of stairs at a shopping mall in October of 2001. In October of 2002 she retained the Respondent to represent her in a personal injury action against the mall.
3. The Respondent timely filed a Motion for Judgment on the Complainant's behalf but thereafter failed to timely prosecute the case to the extent that the matter was dismissed with prejudice from the Court's docket for failure to effect service on the defendant. The Respondent did not take a non-suit to preserve whatever time was left on the statute of limitations.

4. The Respondent did not withdraw from the representation so that the Complainant could engage other counsel, nor did Respondent timely communicate with the Complainant or advise her of the status of her case or timely return to the Complainant her original documents provided the Respondent at the outset of the representation, including the Complainant's medical records.

5. In his response to the bar complaint and during an interview conducted on April 14, 2010 by Virginia State Bar investigator Ronald Pohrivchak, the Respondent admitted he was not diligent in pursuing the case and that he failed to communicate with the Complainant. During April 14th interview, the Respondent's further admitted that he had failed to timely return to Complainant her original documents and medical records.

II. NATURE OF MISCONDUCT

Such conduct by John Douglas Primeau constitutes violations 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.
- (b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

RULE 1.16 Declining Or Terminating Representation

- (e) All original, client-furnished documents and any originals of legal instruments or official documents which are in the lawyer's possession (wills, corporate minutes, etc.) are the property of the client and shall be returned to the client upon request, whether or not the client has paid the fees and costs owed the lawyer. If the lawyer

wants to keep a copy of such original documents, the lawyer must incur the cost of duplication. Upon request, the client must also be provided copies of the following documents from the lawyer's file, whether or not the client has paid the fees and costs owed the lawyer: lawyer/client and lawyer/third-party communications; the lawyer's copies of client-furnished documents (unless the originals have been returned to the client pursuant to this paragraph); pleadings and discovery responses; working and final drafts of legal instruments, official documents, investigative reports, legal memoranda, and other attorney work product documents prepared for the client in the course of the representation; research materials; and bills previously submitted to the client. Although the lawyer may bill and seek to collect from the client the costs associated with making a copy of these materials, the lawyer may not use the client's refusal to pay for such materials as a basis to refuse the client's request. The lawyer, however, is not required under this Rule to provide the client copies of billing records and documents intended only for internal use, such as memoranda prepared by the lawyer discussing conflicts of interest, staffing considerations, or difficulties arising from the lawyer/client relationship.

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 a Public Reprimand with Terms of this complaint. The terms and conditions are:

1. Within 30 days of the issuance of this Agreed Disposition the Respondent shall send a sincere letter of apology to the Complainant, with a copy to Marian L. Beckett, Assistant Bar Counsel, Virginia State Bar, Eighth and Main Building, 707 East Main St., Suite 1500, Richmond, VA 23219. The letter of apology to the Complainant shall indicate that a copy is being provided to the Virginia State Bar.
2. The Respondent shall continue counseling and remain under the care of his current mental health care provider, Martin Shuh, Ph.D., until Dr. Shuh discharges the Respondent from treatment. Should the Respondent remain under the care of Dr. Shuh for a period of two years from the date of the issuance of this Agreed Disposition, this term shall expire.

3. During the period of time the Respondent remains under the care of Dr. Shuh, the Respondent shall ensure that Dr. Shuh issues to the Virginia State Bar periodic reports at three-month intervals as to the Respondent's continuance with therapy and compliance with Dr. Shuh's recommendations. This term *does not* require the provision of mental health status or any other information not specified by this term. Such reports shall not be provided to the Respondent but should be forwarded directly to Marian L. Beckett at the Virginia State Bar. Should the Respondent remain under the care of Dr. Shuh for a period of two years from the date of the issuance of this Agreed Disposition, this term shall expire.

4. At the Respondent's suggestion, the Respondent shall complete 50 hours of *pro bono* legal services under the supervision of Gilberto Sanchez, Esquire, Director, Prince William County Office of Legal Services of Northern Virginia. The Respondent shall complete the 50 hours of service no later than 12 months from the date of the issuance of this Agreed Disposition. The completion of the community service shall be certified via correspondence from Mr. Sanchez to Marian L. Beckett at the Virginia State Bar.

5. For a period of one (1) year following the date of the issuance of this Agreed Disposition the Respondent shall engage in no conduct which violates any provisions of Virginia Rules of Professional Conduct 1.3, 1.4 and 1.16, including any amendments thereto, and/or which violates any analogous provisions, and any amendments thereto, of the disciplinary rules of another jurisdiction in which the Respondent may be admitted to practice law. The terms contained in this Paragraph 5 shall be deemed to have been violated when any ruling, determination, judgment, order, or decree has been issued against the Respondent by any disciplinary tribunal which contains a finding that Respondent has violated one or more provisions of the disciplinary rules referred to above; *provided, however*, that the conduct upon

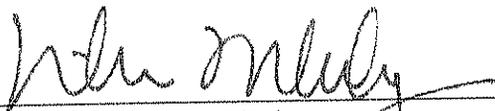
which such finding was based occurred within the one-year period referred to above, and provided that such ruling has become final.

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 Respondent agrees that the Sixth District Committee shall certify the matter to the Virginia State Bar Disciplinary Board for determination of an appropriate sanction pursuant to Part Six, Section IV, Paragraph 13-15.G. of the Rules of Court.

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

SIXTH DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

By



William Fullerton Neely
Chair

CERTIFICATE OF SERVICE

I certify that on 24th day of Jan., 2011, I mailed by Certified Mail, Return Receipt Requested, a true and correct copy of the Subcommittee Determination (Public Reprimand with Terms) to John Douglas Primeau, Esquire, Respondent, at John Primeau LLC, 9119 Church St., Manassas, VA 20110, Respondent's last address of record with the Virginia State Bar, and by first class mail, postage prepaid to David Ross Rosenfeld, Esquire, Respondent's Counsel, at 118 South Royal Street, Second Floor, Alexandria, VA 22314.



Marian L. Beckett
Assistant Bar Counsel