

VIRGINIA:

BEFORE THE NINTH DISTRICT COMMITTEE  
OF THE VIRGINIA STATE BAR

IN THE MATTER OF  
TONJA MICHELLE ROBERTS

VSB Docket No. 06-090-3155

DISTRICT COMMITTEE DETERMINATION  
(PUBLIC REPRIMAND WITH TERMS)

On March 16, 2007 a hearing in this matter was held before a duly convened Ninth District Committee, panel consisting of John M. Perry, Jr., Esq., Chair Presiding; Mark B. Holland, Esq.; Philip G. Gardner, Esq.; Tyler E. Williams, III, Esq.; Frank A. Wright, Jr., Esq.; Theodore Bruning, Jr., lay member, and John E. Crowder, lay member.

Respondent appeared in person *pro se*. Scott Kulp appeared as counsel for the Virginia State Bar. Tammy Pacheco, RPR, with Cavalier Reporting and Videography was sworn as the court reporter.

The Chair polled each member of the hearing panel as to whether he had any personal or financial interest that might affect or reasonably be perceived to affect his ability to be impartial. Upon receiving answers in the negative, and upon the Chair affirming that he had no such interest, the Chair advised the parties of the hearing procedures.

The parties made opening statements, and the panel received testimony from Albert E. Rhodenizer, Jr., VSB Investigator; Mr. Ronald W. Williams, Esq.; Mr. William Watkins, Complainant; and from Respondent. The panel received Virginia State Bar Exhibits 1-7 without objection. After the parties' evidence was completed, the panel

received closing arguments, and the panel then adjourned to deliberate whether any of the Charges of Misconduct had been proven by clear and convincing evidence.

Pursuant to Part 6, Section IV, Paragraph 13.H.2.1.2.d of the Rules of the Virginia Supreme Court, the Ninth District Committee 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 to this matter, Respondent Tonja Michelle Roberts (hereinafter "the Respondent") was an attorney licensed to practice law in the Commonwealth of Virginia, and she was active and in good standing to practice law in the Commonwealth of Virginia.

2. Complainant William Watkins (hereinafter "Mr. Watkins") was involved in an automobile accident on February 21, 2003.

3. Shortly thereafter, Mr. Watkins consulted with Respondent who agreed to take his case on a contingency fee basis.

4. Mr. Watkins provided Respondent with his hospital bills, and he went to see a chiropractor from whom he incurred additional medical bills.

5. Respondent conveyed a settlement offer to Mr. Watkins in June 2004, but Mr. Watkins declined to accept it.

6. Respondent then filed a Motion for Judgment on Mr. Watkins's behalf on February 22, 2005.

7. Thereafter, Mr. Watkins was unable to reach Respondent by telephone or at her office, resulting in his consultation with another attorney, Mr. Ronald Williams, in December 2005.

8. On Mr. Watkins's behalf, Mr. Williams attempted to reach Respondent for a status report on Mr. Watkins's case. Mr. Watkins testified that he called Respondent's office and even tried to reach Respondent through her father's law office, but he was unable to get a response from Respondent.

9. Mr. Watkins mailed Respondent letters dated December 6, 2005, December 7, 2005, December 22, 2005, and January 10, 2006 without response.

10. With Mr. Williams's assistance, Mr. Watkins filed a bar complaint against Respondent at the end of March 2006.

11. While the bar's Investigation revealed that the lawsuit was still pending, it had not been served on the defendants within 12 months pursuant to Va. Code § 8.01-275.1.

12. Respondent failed to obtain service of the lawsuit on the defendants, and she failed to communicate the problem to Mr. Watkins.

13. Respondent acknowledged that her last communication with Mr. Watkins was in November 2005.

## II. Nature Of Misconduct

### **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.

## III. Public Reprimand With Terms

Accordingly, it is the decision of the Committee 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 shall be:

[1] Respondent shall file a motion for leave to withdraw as Mr. Watkins's counsel and shall diligently bring the motion to hearing within 30 days of the bar's mailing of this Determination to her. Respondent shall mail a copy of the motion to Mr. Watkins; [2] Respondent shall attend at least three (3) hours of MCLE-approved Continuing Legal Education in the area of law office management within 90 days of the bar's mailing of this Determination to her. If such course is not available within 90 days, Respondent shall attend the next available course; [3] No later than 30 days after completion of the Continuing Legal Education course, Respondent shall both establish a calendar/docket control system for her law practice including reminders and ticklers and consult with John J. Brandt, Esquire, 1-800-215-7854, approved Independent Risk Manager for the Virginia State Bar, for the purposes of discussing changes to her law office management practices [Mr. Brandt's full description is listed on the Virginia State Bar's

website, *vsb.org*.]; and [4] Respondent shall certify in writing her compliance with all of these Terms to Bar Counsel within 30 days of her compliance.

Upon satisfactory proof that such terms and conditions have been met, this matter shall be closed. If, however, the foregoing Terms are not met by the date specified, this District Committee shall impose a Certification For Sanction Determination.

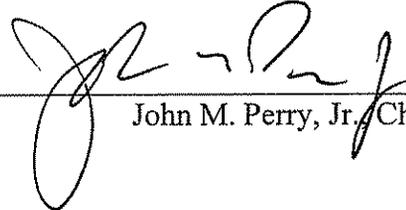
IV. Alternative Sanction

If the foregoing Terms are not met by the dates specified, this District Committee shall impose a Certification For Sanction Determination as defined by Part 6, Section IV, Paragraph 13.A of the Rules of the Virginia Supreme Court and set forth Part 6, Section IV, Paragraph 13.H.2.p.2 of the Rules of the Virginia Supreme Court

Pursuant to Part Six, Section IV, Paragraph 13.b.8.c.(1) of the Rules of the Virginia Supreme Court, the Clerk of the Disciplinary System shall assess costs.

NINTH DISTRICT COMMITTEE  
OF THE VIRGINIA STATE BAR

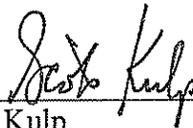
By



John M. Perry, Jr., Chair

CERTIFICATE OF SERVICE

I certify that on MAY 23, 2007, I mailed by Certified Mail, Return Receipt Requested, a true copy of the District Committee Determination (Public Reprimand with Terms) to Tonja Michelle Roberts, Roberts Law Office, 116 South Market Street, Danville, VA 24541, Respondent's last address of record with the Virginia State Bar.



Scott Kulp  
Assistant Bar Counsel