

**VIRGINIA:**

**BEFORE THE FIFTH DISTRICT—SECTION II SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR**

**IN THE MATTER OF ALFRED LINCOLN ROBERTSON, JR., ESQUIRE  
VSB Docket No. 09-052-076428**

**SUBCOMMITTEE DETERMINATION  
PUBLIC REPRIMAND, WITH TERMS**

On June 3, 2011, a meeting in this matter was held before a duly convened Fifth District--Section II Subcommittee consisting of Julia B. Judkins, Esq., Mr. Lee Wilkinson, lay person, and Benton S. Duffett, III, Esq., presiding, to review an Agreed Disposition reached by the parties.

Pursuant to the provisions of the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-15.4.c., the Fifth District--Section II Subcommittee of the Virginia State Bar accepts the proposed Agreed Disposition and hereby serves upon the Respondent the following Public Reprimand, with Terms, as set forth below:

**I. FINDINGS OF FACT**

1. At all times relevant hereto, Alfred Lincoln Robertson, Jr. ("Respondent"), has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. In or around June, 2008, Complainant, Andres Benitez, retained Respondent to assist him with a domestic assault matter pending in the Fairfax County Juvenile and Domestic Relations Court. Complainant paid Respondent \$1,000.00 to assist him.
3. At the attorney advisement hearing on June 4, 2008, which Respondent advised Complainant he did not have to attend, Complainant's case was set for trial on July 10, 2008. When Complainant learned of the trial date, his wife telephoned Respondent on the evening of June 4<sup>th</sup> to advise that their family had long standing travel plans, from June 23<sup>rd</sup> through July 10, 2008, for a trip to El Salvador. Respondent assured her that he would obtain a continuance of the trial date and that they could proceed with their trip.
4. Thereafter, on June 20, 2008, Complainant and his daughter went to Respondent's office to make a payment and at that time inquired again as to whether or not they should proceed

with their trip. Again, Respondent assured them that they could go to El Salvador as planned. At no time during this meeting did Respondent advise Complainant that he would have to attend the hearing seeking a continuance or otherwise discuss the matter with him.

5. The Respondent failed to obtain a continuance of the trial and the case was called by the court for trial on July 10, 2008. At that time, neither the Respondent nor the Complainant were present and a *capias* was therefore issued by the judge for Complainant's arrest.

6. The complaining witness in Complainant's domestic assault case, his step-daughter, was present on July 10, 2008, and informed Complainant upon his return from El Salvador that the bench warrant had been issued.

7. On July 11, 2008, Complainant and his wife went to the Respondent's office in order to determine what had transpired with his case. Respondent promised to "take care of it" and told Complainant to meet him at the courthouse at 8:30 a.m. on July 14<sup>th</sup>. At that time, Complainant's wife met the Respondent at the courthouse. Respondent filed a motion to have the bench warrant lifted, which was to be heard that afternoon. Respondent informed Complainant's wife that he was too sick to assist them that afternoon and arranged for another attorney in his firm to present the motion. The Complainant did not attend that hearing.

8. Subsequently, on July 16, 2008, Complainant retained another attorney to assist him and the *capias* was successfully lifted by his new attorney.

9. On August 1, 2008, another attorney wrote to Respondent on Complainant's behalf asking that he refund "all or some of [his] fee." Respondent never responded to this letter and never provided any refund whatsoever to Complainant.

10. On or around September 3, 2008, a copy of Complainant's bar complaint was sent to Respondent at his last address of record with the Virginia State Bar under cover of a letter demanding his written response thereto within twenty-one (21) days pursuant to his obligations under Rule of Professional Conduct 8.1(c). Respondent never responded to the bar complaint, despite his obligation to do so, and admitted to Investigator Moffatt that "he had no excuse" for failing to meet his obligations under RPC 8.1(c).

## **II. NATURE OF MISCONDUCT**

The Subcommittee finds that the following provisions of the Rules of Professional Conduct have been violated:

**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.
- (c) A lawyer shall inform the client of facts pertinent to the matter and of communications from another party that may significantly affect settlement or resolution of the matter.

**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[.]

**RULE 1.16 Declining Or Terminating Representation**

- (d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, refunding any advance payment of fee that has not been earned and handling records as indicated in paragraph (e).

**III. PUBLIC REPRIMAND, WITH TERMS**

Accordingly, it is the decision of the Subcommittee to offer the Respondent an opportunity to comply with certain Terms, compliance with which shall be a predicate for the disposition of this complaint by imposition of a PUBLIC REPRIMAND, WITH TERMS. The Terms are as follows:

On or before July 1, 2011, the Respondent shall deliver to Seth M. Guggenheim, Senior Assistant Bar Counsel, at 707 East Main Street, Suite 1500, Richmond, Virginia 23219-2800, a check in the sum of One Thousand Dollars (\$1,000.00) made payable to the order of Andres Benitez. (Note: Mr. Benitez is not a party to this disciplinary action. Thus, payment to Mr. Benitez in accordance with this disciplinary action does not establish or create civil liability of Respondent to Mr. Benitez, operate to discharge and release the Respondent from claims of further liability, if any, to Mr. Benitez, or impair the right of the Respondent to assert any defenses to such claims.)

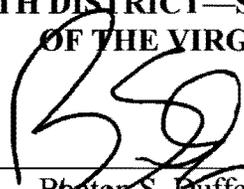
Upon Respondent's compliance with the Terms set forth herein, a PUBLIC REPRIMAND, WITH TERMS, shall be imposed. If, however, Respondent violates any of the Terms set forth herein, then, and in such event, the Committee shall, as an alternative disposition to a Public Reprimand, with Terms, certify this matter to the Virginia State Bar Disciplinary Board for proceedings to be conducted pursuant to the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-20 ("Board Proceedings Upon Certification for Sanction Determination").

#### **IV. COSTS**

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

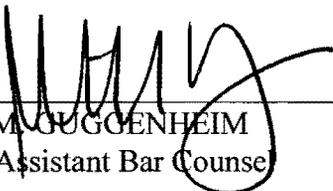
#### **FIFTH DISTRICT—SECTION II SUBCOMMITTEE OF THE VIRGINIA STATE BAR**

By \_\_\_\_\_

  
Benton S. Buffett, III, Esquire  
Chair of Subcommittee

**CERTIFICATE OF SERVICE**

I hereby certify that on June 10, 2011 I caused to be mailed by Certified Mail, a true and complete copy of the Subcommittee Determination (Public Reprimand, with Terms) to Alfred Lincoln Robertson, Jr., Esq., Robertson Law Office, PLLC, 11350 Random Hills Road, Suite 800, Fairfax, Virginia 22030.

  
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SETH M. GUGENHEIM  
Senior Assistant Bar Counsel