

**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. 08-052-071661**

**SUBCOMMITTEE DETERMINATION  
PUBLIC REPRIMAND, WITH TERMS**

On March 26, 2009, a meeting in this matter was held before a duly convened Fifth District--Section II Subcommittee consisting of Gifford R. Hampshire, Esq., Mr. Lee Wilkinson, lay person, and Heather A. Cooper, 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.G., 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., Esq., (hereafter "Respondent"), was an attorney licensed to practice law in the Commonwealth of Virginia.
2. On or about April 14, 2005, Mr. Frank Dombrowski (hereafter "Complainant") engaged the Respondent to represent him in a domestic relations case pending in the Circuit Court of Madison County, Virginia.
3. An engagement letter of that date, proffered to the Complainant and signed by the Respondent and the Complainant, contained the provision that "the entire [\$8,000] fee will be deemed a non-refundable retainer and earned upon your acceptance of this agreement."

4. The Respondent accepted a partial payment of the fee from the Complainant, but failed to deposit it to an attorney escrow account and to retain it in such account until such time as it was earned. Instead, the Respondent deposited the tendered fee in the operating account of his law firm.

5. During the pendency of the case, the Respondent repeatedly failed to respond to discovery propounded against the Complainant. As a consequence of these failures, the Court ruled, at time of trial on September 11, 2006, that the opposing party's requests for admissions were deemed admitted, that the Complainant was precluded from supporting or opposing designated claims and defenses, and that he was prohibited from introducing designated matters into evidence.

6. The Respondent failed to advise the Complainant in a timely manner of the opposing party's allegations regarding Respondent's failures to respond to discovery; he failed to give the Complainant adequate notice of the need to prepare for trial; and he failed to review with the Complainant before filing with the Court the post-trial "Closing Argument in Support of Respondent's Proposed Final Decree" which the Respondent had drafted.

## **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.

- (b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.
- (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 1.15 Safekeeping Property**

- (a) All funds received or held by a lawyer or law firm on behalf of a client, other than reimbursement of advances for costs and expenses, shall be deposited in one or more identifiable escrow accounts maintained at a financial institution in the state in which the law office is situated and no funds belonging to the lawyer or law firm shall be deposited therein except as follows:
  - (2) funds belonging in part to a client and in part presently or potentially to the lawyer or law firm must be deposited therein, and the portion belonging to the lawyer or law firm must be withdrawn promptly after it is due unless the right of the lawyer or law firm to receive it is disputed by the client, in which event the disputed portion shall not be withdrawn until the dispute is finally resolved.

**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:

1. The Respondent shall engage the following law office management consultant:

Janean S. Johnston, Esquire  
250 South Reynolds Street, #710  
Alexandria, Virginia 22304-4421  
Phone: (703) 567-0088

on or before the fifteenth (15<sup>th</sup>) day following the date of issuance of this Subcommittee

Determination. The consultant's engagement shall be for the purposes of reviewing

Respondent's law practice policies, methods, systems, and escrow account maintenance and record-keeping to ensure compliance with all provisions of Rules 1.3, 1.4, and 1.15 of the Virginia Rules of Professional Conduct (hereafter "the said Rules"). In the event the consultant determines that Respondent is in compliance with the said Rules, the consultant shall so certify in writing to the Respondent and the Virginia State Bar. In the event the consultant determines that Respondent is not in compliance with the said Rules, then, and in that event, the consultant shall notify the Respondent and the Virginia State Bar, in writing, of the measures that Respondent must take to bring himself into compliance with the said Rules.

2. In the event the Respondent is determined by the consultant to be not in compliance with the said Rules, he shall have sixty (60) days following the date the consultant issues her written statement of the measures Respondent must take to comply with the said Rules within which to bring himself into compliance. The consultant shall be granted access to Respondent's office, books, records, and files following the passage of the sixty (60) day period to determine whether Respondent has brought himself into compliance, as required. The consultant shall thereafter certify in writing to the Virginia State Bar and to the Respondent either that the Respondent has brought himself into compliance with the said Rules within the sixty day (60) period, or that he has failed to do so. Respondent's failure to bring himself into compliance with the said Rules as of the conclusion of the aforesaid sixty (60) day period shall be considered a violation of the Terms set forth herein.

3. The consultant shall again examine the Respondent's law practice policies, methods, systems, and escrow account maintenance and record-keeping at a time not earlier than six (6) months following the date of the consultant's initial certification of compliance pursuant to the terms hereof, and not later than nine (9) months following such date. The consultant shall

thereafter either recertify Respondent's compliance with said Rules or issue a report to the Virginia State Bar and the Respondent stating that the Respondent is not in compliance, and the basis for such a determination. The Respondent shall be deemed to have violated the Terms hereof in the event the consultant, upon such re-examination of Respondent's said law practice policies, methods, systems, and escrow account maintenance and record-keeping, reports any material noncompliance with the requirements of any provision of Rules 1.3, 1.4, and/or 1.15 of the Virginia Rules of Professional Conduct.

4. The Respondent shall be obligated to pay when due the consultant's fees and costs for her services (including provision to the Bar and to Respondent of information concerning this matter).

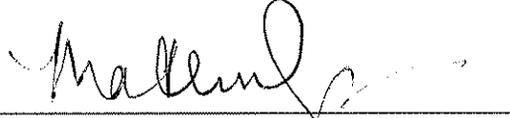
Upon Respondent's compliance with the Terms set forth herein, a PUBLIC REPRIMAND, WITH TERMS, shall be imposed. If, however, Respondent violates any of the Terms set forth herein, then, and in such event, the Committee shall, as an alternative disposition to a Public Reprimand, with Terms, certify this 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.I.4. ("Proceedings Upon Certification for Sanction Determination").

#### **IV. COSTS**

Pursuant to Part Six, Section IV, Paragraph 13.B.8.c. 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

  
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Heather A. Cooper, Esq.  
Chair

**CERTIFICATE OF SERVICE**

I hereby certify that on April 1, 2009 I caused to be mailed by Certified Mail, Return Receipt Requested, a true and complete copy of the Subcommittee Determination (Public Reprimand, With Terms) to Alfred Lincoln Roberston, Jr., Esq., Robertson Law Office, PLLC, 11350 Random Hills Road, Suite 800, Fairfax, Virginia 22030.

  
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SETH M. GUGGENHEIM  
Senior Assistant Bar Counsel