

VIRGINIA:

**BEFORE THE NINTH DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR**

**IN THE MATTER OF
J. PATTERSON ROGERS, III**

VS Docket No. 09-090-075922

SUBCOMMITTEE DETERMINATION
PUBLIC REPRIMAND WITH TERMS

On February 10, 2009, a meeting in this matter was held before a duly convened Ninth District Subcommittee consisting of James Richard McGarry, Esq., Tyler Edward Williams, III, Esq., and Frances J. Giles.

Pursuant to Part 6, Section IV, Paragraph 13.G.4. of the Rules of the Virginia Supreme Court, the Ninth District Subcommittee of the Virginia State Bar hereby serves upon the Respondent the following Public Reprimand with Terms:

I. FINDINGS OF FACT

1. On April 20, 2005, Complainant Monica H. Strange retained Respondent J. Patterson Rogers, Esq., ("Respondent") to represent Ms. Strange with respect to potential personal injury claim(s) arising out of an April 6, 2005, car accident involving potential defendant Oliver Gammon (the "Gammon Accident").
2. In June 2005, Ms. Strange retained Respondent to represent her with respect to potential personal injury claim(s) arising out of a car accident suffered on June 16, 2005.
3. Respondent did not settle or perform any significant services with respect to the June 16, 2005, car accident.
4. By March 2007, the only significant work performed by Respondent on the claims arising from the Gammon Accident included the filing of suit (against the wrong insurer) and a demand letter, again to the wrong insurer. Respondent maintains he did correspond with

- the correct insurer a few times in 2007. Ms. Strange ultimately had to obtain her own medical records regarding the Gammon Accident.
5. In October 2007, because Respondent had not resolved either case and out of frustration, Ms. Strange discharged Respondent on both cases.
 6. In January 2008, Ms. Strange settled her claims arising out of the June 16, 2005, car accident with the insurer.
 7. In January 2008, Ms. Strange again retained Respondent to represent her with respect to her claim(s) arising from the Gammon Accident.
 8. In April 2008 Respondent learned that Defendant Oliver Gammon had passed away. Respondent subsequently attempted to obtain the appointment of an administrator of Mr. Gammon's estate so that he could resolve Ms. Strange's claim.
 9. On June 25, 2008, Ms. Strange again discharged Respondent as her counsel.
 10. Ms. Strange subsequently retained successor counsel, and she has received a settlement offer in the Gammon Accident, which she is considering.
 11. Ms. Strange was never billed and never paid Respondent any fees for services rendered on either case.

II. NATURE OF MISCONDUCT

Such conduct by J. Patterson Rogers, III constitutes misconduct in violation 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.

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 thirty (30) days following the date of issuance of the Subcommittee Determination, Respondent shall engage the services of a law office management consultant, approved by Assistant Bar Counsel, to review Respondent's law office management practices and procedures to aid in Respondent's future compliance with all Rules of Professional Conduct.
2. Respondent shall promptly inform Assistant Bar Counsel Renu Mago in writing that he has engaged the law office management consultant as required herein. Respondent shall be obligated to pay, when due, the consultant's legal fees and costs for services. The consultant shall provide information regarding the services performed and the bill to the Bar and Respondent.
3. No later than sixty (60) days following the date of issuance of the Subcommittee Determination, the consultant shall review all Respondent's law office management practices and procedures, in general, but shall focus particularly upon those practices and procedures which involve file maintenance and organization, the use of a tickler system, and the means of communication with clients. In the event the consultant determines that Respondent has practices and procedures in place which aid his future compliance with the Rules of Professional Conduct, the consultant shall so certify in writing to Respondent and the Virginia State Bar. In the event the consultant determines that Respondent does not have such practices and procedures in place so as to aid in his future compliance with the Rules of Professional Conduct, then, the consultant shall notify Respondent and the Virginia State Bar, in writing, of the measures Respondent must take to improve his practices and procedures. The consultant's certification or notification of non-compliance shall be submitted to Respondent and the Virginia State Bar no later than seventy-five (75) days following the date of issuance of the Subcommittee Determination.
4. In the event that the consultant determines that Respondent's law office practices and procedures are deficient, Respondent shall have sixty (60) days following the date the consultant issues his/her written statement of the measures Respondent must take to institute the consultant's recommendations to improve Respondent's practices and procedures:
5. The consultant shall be granted access to Respondent's office following the passage of the sixty (60) day period to determine whether or not Respondent has instituted the recommended practices and procedures. The consultant shall thereafter certify in writing to the Virginia State Bar and Respondent either that Respondent has instituted the recommended measures within the sixty (60) day period, or that he failed to do so. Respondent's failure to conform her law office management practices and procedures to the consultant's recommendations as of the conclusion of the sixty (60) day period shall constitute a violation of these Terms. The certification shall be submitted to Assistant Bar Counsel Renu Mago in writing by July 15, 2009.
6. Within thirty (30) days following the date of issuance of the Subcommittee Determination, Respondent shall confirm in writing review of Rule 1.3 of the Rules of

Professional Conduct to Assistant Bar Counsel Renu Mago, Virginia State Bar, Eighth and Main Building, 707 East Main Street, Suite 1500, Richmond, Virginia 23219-2800.

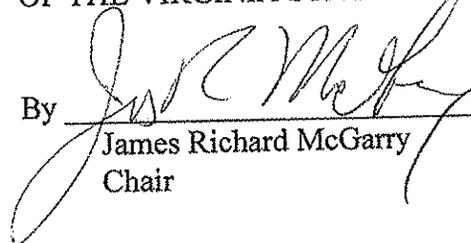
7. Attend six (6) hours of MCLE-approved Continuing Legal Education in the area of law office management by delivering a fully and properly executed Virginia MCLE Board Certification of Attendance Form(s) to Assistant Bar Counsel Renu Mago by **March 15, 2010**. These six (6) hours of CLE shall not count toward Respondent's annual MCLE requirement, and Respondent shall not submit these hours to the MCLE Department of the Virginia State Bar or any other Bar organization.

Upon satisfactory proof that such Terms and conditions have been met, this matter shall be closed. If, however, ANY of the foregoing Terms are not met by the dates specified, this District Committee shall impose as an Alternate Sanction a Certification For Sanction Determination as defined by Part VI, Section IV, Paragraph 13.A of the Rules of the Virginia Supreme Court and set forth in Part VI, Section IV, Paragraph 13.G.5.b. of the Rules of the Virginia Supreme Court. If there is disagreement as to whether the Terms were fully and timely completed, the Tenth District Committee will conduct a hearing on the issue. At the hearing, the sole issue shall be whether Respondent fully completed the Terms within the time specified above. The Respondent shall have the burden of proof by clear and convincing evidence at the hearing.

Pursuant to Part Six, Section IV, Paragraph 13.B.8.c. of the Rules of Court, the Clerk of the Disciplinary System shall assess costs.

NINTH DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

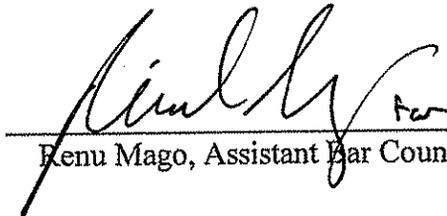
By



James Richard McGarry
Chair

CERTIFICATE OF SERVICE

I certify that on March 3, 2009, 2009, I mailed by Certified Mail, Return Receipt Requested, a true and correct copy of the Subcommittee Determination PUBLIC Reprimand with Terms to J. Patterson Rogers, III, Esquire, Respondent, at Masonic Building Suite 600, 105 South Union Street, Danville, VA 24541, Respondent's last address of record with the Virginia State Bar.



Renu Mago, Assistant Bar Counsel