

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF
JASON CHRISTOPHER ROPER

VS. DOCKET NO. 12-021-092135

ORDER OF PUBLIC REPRIMAND
(WITH TERMS)

THIS MATTER came on to be heard on March 22, 2013, before a panel of the Disciplinary Board (the "Board") consisting of Martha JP McQuade, Chair; John Sykes Barr; Robert Lucas Hobbs; Esther J. Windmueller; and Jody D. Katz, Lay Member. The Virginia State Bar (the "Bar") was represented by Assistant Bar Counsel M. Brent Saunders. The Respondent, Jason Christopher Roper, appeared in person and represented himself. Tracy Stroh, court reporter Chandler & Halasz, P.O. Box 9349, Richmond, VA, 23227, 804-730-1222, after being duly sworn, reported the hearing and transcribed the proceedings.

The Chair polled the members of the Board Panel as to whether any of them had any personal or financial interest or bias which would impair, or could reasonably be perceived to impair, his or her ability to be impartial in this matter. Each member of the Board, including the Chair, responded in the negative.

The matter came before the Board on the Determination for Certification made by the Second District Subcommittee.

I. FINDINGS OF FACT

With respect to the Bar's Exhibits: The Complaint in this matter was admitted as the Bar's Exhibit 1A over Respondent's objection; Exhibits 1B and 1C were admitted without objection; Exhibits 2A, 2B, and 2C were admitted over Respondent's objection; Respondent's objection to the entirety of VSB Exhibit 2D was sustained by the Board panel as a whole and that exhibit was not admitted; and Exhibit 3 was withdrawn. In addition, the Bar and the Respondent stipulated to the following: (1) The case of *Danny Murrill and Debra Murrill v. Brian R. Dinning, et al.*, Norfolk Circuit Court, Case No. CL-08-5447 was on appeal at the time the email

at issue in this matter was sent by the Respondent to Mr. Dinning; and 2) the Board has jurisdiction over the Respondent in this matter.

The Respondent then moved to dismiss this matter on the basis that the Complainant was not present to testify. That motion was denied.

The Bar relied solely on its admitted Exhibits and stipulation of fact for its case-in-chief, and rested.

Respondent's Exhibits 1 through 4 were presented, over the objection of the Bar as they had not been filed in advance of the hearing and in accordance with the Pre-Hearing Order entered in this matter. The Respondent then testified on his own behalf. During his testimony, the Respondent brought up and discussed some of the information contained in the Bar's Exhibits to which he had objected and which objection had been sustained. In response to questions from the Board, he said he had to do so in order to defend himself. At the conclusion of his testimony, the Respondent rested his case. He also moved to strike the Bar's evidence and to have the case against him dismissed, which motions were denied.

After due deliberation of all evidence and argument presented in the misconduct phase, the Board found that the following fact had been proven on the basis of clear and convincing evidence:

1. At all times relevant hereto, the Respondent Jason Christopher Roper, has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. The Respondent received proper notice of this proceeding as required by Part Six, § IV, ¶ 13-12 C. and 13-18 C. of the Rules of Virginia Supreme Court.
3. On April 30, 2009, Respondent was counsel for the Murrills in *Danny Murrill and Debra Murrill v. Brian R. Dinning, et al.*, Norfolk Circuit Court, Case No. CL-08-5447 and was conducting a deposition of Dinning. During this deposition, Respondent commented that Mr. Dinning's wife had given him gonorrhea and called him a "crook."

4. Opposing counsel moved to terminate the remainder of the deposition. In response, Norfolk Circuit Court Judge Karen J. Burrell ruled on May 21, 2009, that Respondent had acted in an “inappropriate, intolerable and unprofessional manner” *VSB Ex. 2B*, and ordered the Respondent to conduct himself in a professional manner and refrain from engaging in any further personal attacks and making gratuitous and ancillary comments having no bearing on the issues.” *Id. See also VSB Ex. 2C.*
5. On June 6, 2012, after the conclusion of the trial in *Murrill v. Dinning* case, after Respondent ceased to represent the Murrills, and while the case was on appeal, Dinning was indicted in the Eastern District of Virginia for multiple counts of wire fraud.
6. On the following day, June 7, 2012, and by his own admission, Respondent sent an email to Dinning which read as follows:

Mr. Dinning:

Good morning and congratulations on your indictment! May you enjoy the next twenty to thirty years in a nice federal penitentiary [sic] without the comforts of your bimbo wife, your kids or the finer things in life that you were able to enjoy by stealing from hardworking people like the Murrills. Don't worry about your wife, If she appears at your trial, I will make sure to inform her that if she needs a good serving, she can always give me a call.

Oh, by the way, Troy A. Titus, was charged with less charges then [sic] you and got thirty years.

Finally, once you find your way to a nice jail, I will send you some soap on a rope. A pretty boy like yourself is sure to attract the likes of some large, burly man who will love to bend you over a couple of times a day.

Laughing still,

Jason C. Roper

II. MISCONDUCT

The Board further found that such conduct constitutes a violation of the following provision of the Virginia Rules of Professional Conduct:

Rule 8.4 Misconduct

It is professional misconduct for a lawyer to:

- (b) commit a criminal or deliberately wrong act that reflects adversely on the lawyer's honesty, trustworthiness or fitness to practice law.

III. DISPOSITION-PUBLIC REPRIMAND WITH TERMS

Thereafter, the Board received further evidence and argument from the Bar and Respondent with regard to aggravating and mitigating factors, and including Respondent's prior disciplinary record. After due deliberation of same, the Board found three aggravating factors:

- a. Respondent's prior disciplinary record;
- b. Respondent's pattern of misconduct;
- c. Respondent's refusal to acknowledge the nature of his wrongful conduct.

The panel found one possible mitigating factor:

- a. Respondent's personal or emotional problems.

The panel also considered the American Bar Association's Standards for Imposing Sanctions, specifically Rule 5.14 which states "An admonition is generally appropriate when a lawyer engages in any other conduct that reflects adversely on a the lawyer's fitness to practice law." Considering the aggravating factors and the absence of mitigating factors, the panel imposed the following sanction: A PUBLIC REPRIMAND WITH A TERM, effective March 22, 2013, with the term being that the Respondent must complete an anger management class - which must be a non-internet, classroom-type course acceptable to the Bar - and provide verification that he has completed same, by December 31, 2013. If the Respondent fails to comply with the aforementioned term, then the alternative sanction will be a suspension of SIX MONTHS beginning/effective at the conclusion of the Respondent's current 3-year suspension for misconduct. Any proceeding initiated due to failure to comply with terms will be considered

a new matter, and an administrative fee and costs will be assessed pursuant to ¶ 13-9.E of the *Rules of the Supreme Court*.

ACCORDINGLY, it is ORDERED that the Respondent is REPRIMANDED with respect to the aforesaid misconduct found and is ordered to fulfill the term set forth above.

AND IT IS FURTHER ORDERED that if the Respondent fails to comply with the term set forth above, the alternative disposition specified above shall be imposed.

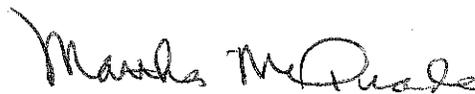
AND IT IS FURTHER ORDERED that if any proceeding initiated due to failure to comply with terms will be considered a new matter, and an administrative fee and costs will be assessed pursuant to ¶ 13-9.E of the *Rules of the Supreme Court*.

AND IT IS FURTHER ORDERED that, pursuant to Part Six, Section IV, Paragraph 13.9E of the *Rules of the Supreme Court*, the Clerk of the Disciplinary System shall assess costs in this matter;

AND IT IS FURTHER ORDERED that the Clerk of the Disciplinary System shall send, by certified mail, an attested copy of this order to Respondent, Jason Christopher Roper, at his address of record with the Virginia State Bar, that being 702 Lakeview Court, Mars, Pennsylvania, 16046; shall also send a copy of that mailing to him by regular mail to 2237 Pokeberry Park, Lexington, Kentucky, 40509; and shall also hand-deliver a copy to M. Brent Saunders, Assistant Bar Counsel, Virginia State Bar, 707 East Main Street, Suite 1500, Richmond, Virginia 23219.

ENTERED this 25th day of June, 2013.

VIRGINIA STATE BAR DISCIPLINARY BOARD



Martha JP McQuade, Chair