

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF GREGORY ALLEN THOMAS

VSB DOCKET NO. 09-060-077778

ORDER OF REVOCATION

THIS MATTER came on the 11th day of April, 2011, to be heard on the Agreed Disposition of the Virginia State Bar and the Respondent Gregory Allen Thomas based on the Certification of the Sixth District Subcommittee. The Agreed Disposition was considered by a duly convened panel of the Virginia State Bar Disciplinary Board consisting of V. Max Beard, Lay Member, Paul M. Black, Timothy A. Coyle and William E. Glover, presiding. Pleasant S. Brodnax, III, was also designated as a panel member but did not participate. Both the Respondent and the Bar consented to proceed with a panel consisting of four members.

The Chair polled the members of the Board Panel as to whether any of them was conscious of any personal or financial interest or bias which would preclude any of them from fairly hearing this matter and serving on the panel, to which inquiry each member responded in the negative. Tracy J. Stroh, court reporter, Chandler and Halasz, P.O. Box 9349, Richmond, Virginia, 23227, telephone (804) 730-1222, after being duly sworn, reported the hearing and transcribed the proceedings.

Marian L. Beckett, representing the Bar, and the Respondent, Gregory Allen Thomas, appearing *pro se*, presented an Agreed Disposition, endorsed by the Respondent on April 7, 2011, reflecting the terms of the Agreed Disposition.

I. FINDINGS OF FACT

Having considered the Certification and the Agreed Disposition, the Virginia State Bar Disciplinary Board makes the following findings of fact on the basis of clear and convincing evidence:

1. At all times relevant hereto, the Respondent Gregory Allen Thomas, (hereinafter “the Respondent”), has been an attorney licensed to practice law in the Commonwealth of Virginia. The Respondent’s current address of record with the Virginia State Bar is 201 Crescent Avenue, Colonial Heights, VA 23834. The Respondent received proper notice of this proceeding as required by Part Six, § IV, ¶ 13-12 and 13-18 A. of the Rules of Virginia Supreme Court.

2. The Respondent’s uncle, Clarence Flippo Hicks, Esquire, is licensed to practice law in the Commonwealth of Virginia and at the time of the events in question maintained a law office in Gloucester, Virginia.

3. Due to personal circumstances Mr. Hicks became unable to continue the full-time practice of law, and in or about 2007 the Respondent began working in Mr. Hicks’ office to assist him in completing the existing cases of the firm. At that time Mr. Hicks expressed a decision to retire from the practice of law.

4. When the Respondent began working in Mr. Hicks’ office in 2007, they shared an understanding that the Respondent would close down the practice after the existing cases were brought to conclusion or were otherwise disposed of. With Mr. Hicks’ permission, the Respondent became a signatory for the firm trust account and also had access to the firm’s operating account. The Respondent did not have authorization for access to Mr. Hicks’ personal checking account maintained at Branch Banking and Trust.

5. Despite the lack of authorization to do so, the Respondent admits that beginning in or about June of 2008, he began transferring via internet funds from Mr. Hicks' personal checking account to the firm operating account, and thereafter using the funds to pay for his living expenses and other personal needs. According to an accounting by the firm accountant, Mr. Wright Aloba, the Respondent removed approximately \$30,000 from Mr. Hick's personal account. The financial withdrawals by the Respondent caused overdrafts on both the firm operating account and Mr. Hicks' personal account.

6. Mr. Hicks was made aware of the overdrafts by personnel from Branch Banking and Trust. Mr. Hicks informed the representative of BB&T that he would not have authorized withdrawals or loans to the Respondent from his personal account. When Mr. Hicks was shown authorizations for withdrawals he stated that the signatures on the authorizations were not his.

7. In his October 13, 2010 Answer to the Certification, the Respondent admitted the allegations contained in paragraph 5 above, and added that the monies transferred to the firm operating account "were also used to pay office expenses and salary for the receptionist hired by C. Flippo Hicks without the consent of the Respondent."

8. In his October 13, 2010 Answer to the Certification, the Respondent admitted that his conduct "violated RULE 8.4."

II. MISCONDUCT

The Bar and the Respondent agreed on the violations of the following provisions 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 wrongful act that reflects adversely on the lawyer's honesty, trustworthiness or fitness to practice law;

- (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation which reflects adversely on the lawyer's fitness to practice law[;]

III. DISPOSITION

Upon review of the foregoing findings of fact, upon review of Certification and the Agreed Disposition, presentations by the Virginia State Bar and the Respondent, evidence of aggravation and mitigation from the Bar and the Respondent, including the Respondent's prior disciplinary record, the Board recessed to deliberate. After due deliberation the Board reconvened and stated its findings and sanction as follows:

1. The Board determined that the parties agreed, and the Respondent admitted to, violations of Rules of Professional Conduct 8.4 (b) and (c).

2. The Board accepted unanimously the Agreed Disposition of Revocation of the Respondent's license to practice law in the Commonwealth of Virginia.

Accordingly, it is ORDERED that the license of Gregory Allen Thomas, Respondent, to practice law in the Commonwealth of Virginia is REVOKED, effective April 11, 2011.

It is further ORDERED that, as directed in the Board's April 11, 2011, Summary Order in this matter, Respondent must comply with the requirements of Part Six, § IV, ¶ 13-29 of the Rules of the Supreme Court of Virginia. The Respondent shall forthwith give notice by certified mail, return receipt requested, of the Revocation of his license to practice law in the Commonwealth of Virginia, to all clients for whom he is currently handling matters and to all opposing attorneys and presiding judges in pending litigation. The Respondent shall also make appropriate arrangements for the disposition of matters then in his care in conformity with the wishes of his clients. Respondent shall give such notice within 14 days of the effective date of the Revocation, and make such arrangements as are required herein within 45 days of the effective date of the Revocation. The Respondent shall also furnish proof to the Bar within 60

days of the effective day of the Revocation that such notices have been timely given and such arrangements made for the disposition of matters.

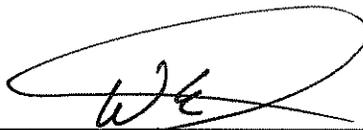
It is further ORDERED that if the Respondent is not handling any client matters on the effective date of Revocation, he shall submit an affidavit to that effect to the Clerk of the Disciplinary System at the Virginia State Bar. All issues concerning the adequacy of the notice and arrangements required by Paragraph 13-29 shall be determined by the Virginia State Bar Disciplinary Board, unless the Respondent makes a timely request for hearing before a three-judge court.

It is further ORDERED that pursuant to Part Six, § IV, ¶ 13-9 E. of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess all costs against the respondent.

It is further ORDERED that the Clerk of the Disciplinary System shall mail an attested copy of this order to the Respondent Gregory Allen Thomas at his address of record with the Virginia State Bar, being 201 Crescent Avenue, Colonial heights, VA 23834, by certified mail and by regular mail to Marian L. Beckett, Assistant Bar Counsel, Virginia State Bar, 707 East Main Street, Suite 1500, Richmond, Virginia 23219.

ENTERED this 21st day of April, 2011.

VIRGINIA STATE BAR DISCIPLINARY BOARD



William E. Glover, Chair