

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF JOHN WILLIAM TRIPP

VS B Docket No. 11-022-086296

MEMORANDUM ORDER
(Public Admonition without Terms)

This matter came to be heard on the 18th day of October, 2012 by the Virginia State Bar Disciplinary Board (the "Board") by teleconference upon an Agreed Disposition between the parties, which was presented to a duly convened panel of the Board consisting of Martha JP McQuade, Chair, presiding; Michael S. Mulkey, Melissa W. Robinson, Samuel R. Walker and Robert W. Carter, lay member. The Virginia State Bar was represented by Paul D. Georgiadis, Assistant Bar Counsel; The Respondent was represented by Michael L. Rigsby; and the Respondent was also present on the call. Terry Griffith of Chandler & Halasz, P.O. Box 9349, Richmond, Virginia 23227, telephone number (804) 730-1222 was the court reporter for the hearing and transcribed the proceedings.

Pursuant to the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-6.H, the Bar and Respondent entered into a written proposed Agreed Disposition and presented this to the Panel.

The Chair swore the Court Reporter and polled the members of the Panel to determine whether any member had a personal or financial interest that might affect or reasonably be perceived to affect his or her ability to be impartial in these matters. Each member, including the Chair, verified that he or she had no such interests.

The Panel heard argument from Counsel and was informed that the Respondent had no prior disciplinary record. Thereafter, the Panel retired to deliberate on the Agreed Disposition.

Thereafter, and having considered all the evidence before it, the Panel announced its decision to accept the Agreed Disposition including the following:

I. STIPULATIONS OF FACT

The Disciplinary Board finds the following facts by clear and convincing evidence:

1. At all times relevant hereto, John William Tripp, "Respondent", has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. Prior to February 23, 2010, Respondent spoke repeatedly with the Collins law firm and agreed to accept a referral of the medical malpractice case of Jacqueline Mercer from the Collins firm. The medical malpractice case arose from a surgery performed on April 7, 2008.
3. By letter dated February 23, 2010, the Collins law firm forwarded the Mercer case file to Respondent and therein confirmed its understanding that Respondent agreed to accept the case.
4. In accord with said letter, Jacqueline Mercer thereafter contacted Respondent's office and was advised that since she was still under the care of a doctor, she should continue to see the doctor and to forward medical updates to Respondent's office.
5. In the ensuing months, Jacqueline Mercer did forward medical updates to the Respondent.
6. Upon completing medical treatment in November, 2010, Jacqueline Mercer made an appointment to see Respondent on November 22, 2010. At the appointment, Respondent told Jacqueline Mercer that he could not find her file and asked her to return on November 24, 2010.
7. When Jacqueline Mercer returned to the office on the 24th, Respondent advised her that the statute of limitations on her case had run in April, 2010.

8. At no time prior to November 24, 2010, did Respondent advise Jacqueline Mercer or the Collins law firm of the limited scope of his responsibility, i.e., reviewing the file. Nor did he advise Jacqueline Mercer of the time sensitive nature of the matter.
9. Respondent did not review the file until November 24, 2010.
10. If this matter were to proceed to hearing, Respondent would have offered evidence that neither he nor his firm had any contacts from Jacqueline Mercer until November, 2010. Respondent would further dispute that he ever agreed to represent Jacqueline Mercer in this matter, and would dispute that he owed her any duty of representation.

II. NATURE OF MISCONDUCT

Such conduct by Respondent constitutes misconduct in violation of the following Rules of Professional Conduct:

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.

III. IMPOSITION OF SANCTION (Public Admonition without Terms)

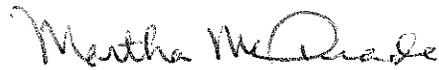
Having considered all the evidence before it and having determined to accept the Agreed Disposition, the Disciplinary Board **ORDERS** that Respondent John William Tripp be and is hereby publicly admonished for that above stated misconduct.

It is further **ORDERED** that costs shall be assessed by the Clerk of the Disciplinary System pursuant to the Rules of the Supreme Court of Virginia, Part Six, Section IV, Paragraph 13-9.E.

It is further **ORDERED** that the Clerk of the Disciplinary System shall send a certified copy of this order to John William Tripp at his last address of record with the Virginia State Bar: John William Tripp, Esquire, Suite 202, 468 Investors Place, Virginia Beach, Virginia 23452; to Respondent's Counsel: Michael L. Rigsby, Michael L. Rigsby, PC, P.O. Box 29328, Henrico, Virginia 23242; and to Assistant Bar Counsel Paul D. Georgiadis at Virginia State Bar, 707 E. Main Street, Suite 1500, Richmond, Virginia 23219.

ENTERED November 5, 2012

VIRGINIA STATE BAR DISCIPLINARY BOARD



Martha JP McQuade, Chair