

VIRGINIA:

BEFORE THE SIXTH DISTRICT SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR

RECEIVED

IN THE MATTER OF  
TIMOTHY JAMES WALL

AUG 16 2010

VSB Docket No. 08-060-074935

VSB CLERKS OFFICE

SUBCOMMITTEE DETERMINATION  
(PUBLIC REPRIMAND WITHOUT TERMS)

On June 8, 2010, a hearing in this matter was held before a duly convened Sixth District Subcommittee consisting of Donald S. Buckless, Lay Member, Christopher A. Abel, Esquire, and James S. Insley, Esquire, Chair Presiding.

Pursuant to Part 6, Section IV, Paragraph 13-15.E. of the Rules of the Virginia Supreme Court, the Sixth District Subcommittee of the Virginia State Bar hereby serves upon the Respondent the following Public Reprimand:

I. FINDINGS OF FACT

1. At all times relevant hereto, Timothy James Wall, (hereinafter "the Respondent"), has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. Andrew Wade Stephan, (hereinafter "the Complainant"), hired the Respondent in January of 2007 for representation in a divorce. He paid an advanced fee of \$3000.
3. The representation ended on or about November 15, 2007. The Complainant contacted the Respondent by telephone on more than one occasion after the end of the representation seeking the refund of his unearned fees. He also sent e-mails to the Respondent on February 5<sup>th</sup> and 12<sup>th</sup>; April 14<sup>th</sup> and 19<sup>th</sup>; and May 7<sup>th</sup>, 2008 requesting a refund.

4. The Respondent did not respond to the referenced inquiries from the Complainant. Having had no success in retrieving his funds the Complainant filed a bar complaint dated April 29, 2008.

5. During the course of the bar's investigation of this case a subpoena *duces tecum* was issued to the Respondent on July 21, 2008, requesting:

The complete client file and all other documents of whatever type or description, or true copies of the same, in your possession and custody and/or under your control, omitting nothing therefrom, pertaining to your representation of Andrew Wade Stephan, PSC 451, Box 680, FPO VA 09834.

All attorney trust account subsidiary ledgers(s) and all other journals, ledgers, books of account, bank statements, deposit tickets, and canceled checks which reflect deposits to and disbursements from any and all bank accounts of any proceeds, or portions thereof, related to your representation of the client named above.

All other materials related in any manner to your representation of the client named above, including fee agreement(s), court pleadings, correspondence, memoranda, claim settlements disbursement sheets, notes, letters, telephone messages, and copies of e-mails.

6. The Respondent's response to the subpoena included periodic client invoices sent to the Complainant. As early as November of 2007 the client invoices indicated the Complainant was due a refund. Succeeding invoices for the months of December of 2007 and January, February, March and April of 2008 also note a refund still owed to the Complainant. The Respondent issued a refund in the amount of \$1075.00 to the Complainant on May 23, 2008, more than five months after termination of the representation.

7. The Respondent's response to the subpoena issued by the bar was incomplete. By letters dated November 20, 2008 and December 18, 2008 from the bar to the Respondent, attempts were made to obtain the information omitted from the response to the subpoena. The

Respondent did not respond to the November 20 and December 18 correspondence, other than providing a copy of the refund check only after the bar filed a Notice of Noncompliance and Request for an Interim Suspension of the Respondent's license to practice law.

8. The Respondent also failed to file a response to the bar complaint. During an interview with Virginia State Bar Investigator Donald L. Lange on July 22, 2009, the Respondent stated he did not file the required response because he "forgot" to do so.

## II. NATURE OF MISCONDUCT

Such conduct by Timothy James Wall constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

Such conduct by Timothy James Wall constitutes violations of the following provisions of the Rules of Professional Conduct:

### **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.

### **RULE 1.15 Safekeeping Property**

- (c) A lawyer shall:
  - (4) promptly pay or deliver to the client or another as requested by such person the funds, securities, or other properties in the possession of the lawyer which such person is entitled to receive.

### **RULE 1.16 Declining Or Terminating Representation**

- (d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, refunding any advance payment of fee that has not been earned and handling records as indicated in paragraph (e).

### **RULE 8.1 Bar Admission And Disciplinary Matters**

An applicant for admission to the bar, or a lawyer in connection with a bar admission application, in connection with any certification required to be filed as a condition of maintaining or renewing a license to practice law, in connection with a disciplinary matter, shall not:

- (c) fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this Rule does not require disclosure of information otherwise protected by Rule 1.6; [or]

### III. PUBLIC REPRIMAND

Accordingly, it is the decision of the subcommittee to impose a Public Reprimand and the Respondent is hereby so reprimanded.

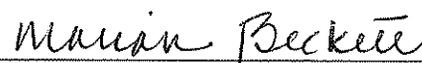
Pursuant to Paragraph 13-9.E. the Clerk of the Disciplinary System shall assess costs.

#### SIXTH DISTRICT SUBCOMMITTEE OF THE VIRGINIA STATE BAR

By:   
James S. Insley, Esquire  
Chair Presiding

#### CERTIFICATE OF SERVICE

I certify that on the 11<sup>th</sup> day of August, I caused to be mailed by Certified Mail, Return Receipt Requested, a true and correct copy of the Subcommittee Determination (Public Reprimand Without Terms) to Timothy James Wall, Esquire, Respondent, at, The Law Office of Timothy J. Wall, Suite 213, 150 Riverside Parkway, Fredericksburg, VA 22406, his last address of record with the Virginia State Bar.

  
Marian L. Beckett  
Assistant Bar Counsel