

VIRGINIA:

**BEFORE THE SECOND DISTRICT COMMITTEE
OF THE VIRGINIA STATE BAR**

**IN THE MATTER OF
PAUL LEE WARREN**

VSB Docket No. 07-021-0665

**DISTRICT COMMITTEE DETERMINATION
(PUBLIC REPRIMAND WITHOUT TERMS)**

On June 12, 2008, a hearing in this matter was held before a duly convened Second District Committee panel consisting of Michael S. Brewer (Lay Member), Mary M. Kellam, Esquire, Beverly P. Leatherbury, Esquire, Michael C. Moore, Esquire, Ellen C. Carlson, Esquire, and James T. Lang, Esquire, Vice-Chair, presiding.

The Respondent, Paul Lee Warren, Esquire appeared in person *pro se*. The Virginia State Bar appeared through its Assistant Bar Counsel, Edward L. Davis, Esquire.

The matter proceeded upon the Notice of Hearing and Charge of Misconduct, dated May 1, 2008. The Charge of Misconduct set forth allegations that the Respondent violated Rules of Professional Conduct 4.2, *Communication with Persons Represented by Counsel*, 4.3 (a) and (b), *Dealing with Unrepresented Persons*, and 8.4 (a), *Misconduct*.

The Chair polled each member of the hearing panel as to whether they had any personal or financial interest that might affect or reasonably be perceived to affect their ability to be impartial. Upon receiving answers in the negative, and upon the Chair affirming that he had no such interest, the Chair advised the parties of the hearing procedures.

Thereafter the parties made opening statements, and the panel received the testimony of George M. Casane, Dewayne Hewitt, Adam Casagrande, Esquire, and the Respondent, who testified as an adverse witness. The panel also received Virginia State Bar Exhibits one through

seven without objection, Virginia State Bar Exhibit eight over the Respondent's objection, and Respondent's Exhibit A without objection.

Upon the conclusion of the bar's evidence, the Respondent moved to strike the bar's case, which motion was overruled by unanimous decision of the panel. Thereafter, the panel received the testimony of Mr. Steven Cook and the Respondent, who testified in his own behalf. At the conclusion of all of the evidence, the Respondent renewed his motion to strike the bar's evidence, which the panel overruled by unanimous decision. The parties presented closing arguments, and the panel adjourned to deliberate the Charge of Misconduct.

Pursuant to Part 6, Section IV, Paragraph 13.H.2 (m) of the Rules of the Virginia Supreme Court, the Second District Committee of the Virginia State Bar hereby serves upon the Respondent the following Public Reprimand without Terms:

I. FINDINGS OF FACT

1. At all times relevant hereto, Paul Lee Warren ("Respondent"), has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. On October 11, 2005, the Complainant, George M. Casane, a general contractor, entered into a contract with Mr. and Mrs. Steven Cook to perform major renovations on their home.
3. With about 80% of the work done, and Mr. Casane claiming about \$15,000 in unpaid invoices, a dispute developed between the parties over the billing, unsigned change contracts, the completion date and other matters. Mr. and Mrs. Cook ceased making payments, and Mr. Casane ceased performing on the contract.
4. Mr. Casane hired attorney Adam Casagrande to assist him with the dispute.
5. By letter, dated March 30, 2006, Mr. Cook asked Mr. Casane for details concerning the completion of the project and expressed an interest in resolving the matter in an amicable way.
6. Mr. Cook sent a courtesy copy of the letter to the Respondent, Mr. Warren, although he had not been hired in the matter at that point.

7. By letter, dated April 5, 2006, Mr. Casagrande responded to Mr. Cook on behalf of Mr. Casane and suggested that the parties meet to discuss the matter.
8. Thereafter, Mr. Casane contacted Mr. Cook directly and arranged a meeting at the Cook's residence for April 11, 2006 with the understanding that they would try to resolve the matter without attorneys present.
9. On April 10, 2006, the day before the meeting, Mr. and Mrs. Cook hired Mr. Warren to serve as their counsel in the matter.
10. At some point prior to the April 11 meeting, Mr. Cook furnished Mr. Warren a copy of Mr. Casagrande's April 5, 2006 letter to Mr. Cook.
11. Mr. Warren knew that Mr. Casane had hired an attorney prior to the meeting.
12. On April 11, 2006, the meeting commenced as scheduled.
13. In anticipation of a meeting out of the presence of their attorneys, Mr. Casane arrived without counsel, bringing instead electrician Dewayne Hewitt with him and some construction materials in anticipation of recommencing work that day.
14. Mr. and Mrs. Cook, however, brought Mr. Warren to the meeting and introduced him to Mr. Casane.
15. At some point during the meeting, Mr. Warren furnished his business card to Mr. Casane.
16. Mr. Warren knew that Mr. Casane's attorney was not present when Mr. Warren asked Mr. Casane questions about the subject matter of the representation.
17. Mr. Casane asked Mr. Warren if he was a lawyer.
18. When Mr. Warren confirmed that he was an attorney, Mr. Casane replied that he was represented by counsel as well, and that if Mr. Cook had an attorney present, he wanted to have his own lawyer present.
19. Mr. Casane testified that Mr. Warren tried to talk him out of leaving, saying that he didn't need a lawyer, and that Warren was only there to try to mediate and get the project going, or words to that effect.
20. Mr. Casane reiterated that he wanted his lawyer present, and stepped outside to call Mr. Casagrande.
21. Mr. Casagrande, however, was in court and unavailable. Mr. Casane, therefore, told the other parties that he had to leave.

22. Mr. Casane testified that Mr. Warren continued to try to talk him out of leaving and that as he left, Mr. Warren told Mr. Casane, or told Mr. Cook in Mr. Casane's presence, that leaving at that time would constitute abandonment of the project.

23. Likewise the electrician, Mr. Hewitt, heard Mr. Warren state that he was there to mediate the matter, heard him ask Mr. Casane questions about the project, heard him tell Mr. Casane that by leaving he was abandoning the project, and otherwise recalls the conversation as alleged by Mr. Casane.

24. The meeting having been cancelled, litigation ensued. The Norfolk General District Court dismissed the underlying claims and denied a motion to disqualify Mr. Warren as counsel for Mr. and Mrs. Cook on the basis that Mr. Casane terminated the conversation before a conflict developed.

II. NATURE OF MISCONDUCT

Upon due deliberation, the Committee found by unanimous decision that the Respondent's Conduct was in violation of the following Rules of Professional Conduct:

RULE 4.2 Communication With Persons Represented By Counsel

In representing a client, a lawyer shall not communicate about the subject of the representation with a person the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer or is authorized by law to do so.

RULE 8.4 Misconduct

It is professional misconduct for a lawyer to:

- (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;

With Respect to Rule 4.3 (a) and (b), the Committee found that there was no legal authority for this Rule to apply to these circumstances, and dismissed those charges accordingly.

III. PUBLIC REPRIMAND WITHOUT TERMS

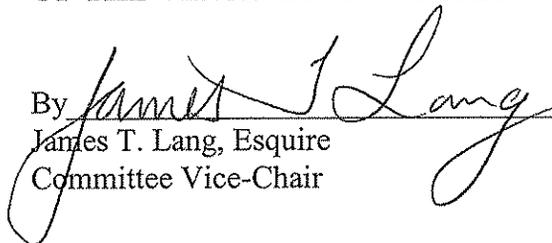
Whereupon the Committee received evidence of the Respondent's prior disciplinary record and the parties presented arguments concerning an appropriate sanction.

Upon due deliberation, it is the unanimous decision of the Second District Committee to impose a Public Reprimand without Terms and the Respondent is hereby so reprimanded.

In reaching this decision, the Committee considered the Respondent's prior disciplinary record, which consisted of two Private Admonitions without Terms.

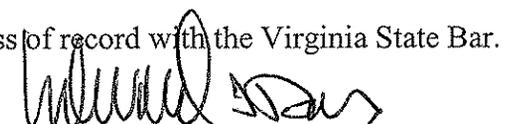
Pursuant to Paragraph 13.B.8 (c) (1) of the Rules of Court, the Clerk of the Disciplinary System shall assess costs.

**SECOND DISTRICT COMMITTEE
OF THE VIRGINIA STATE BAR**

By 
James T. Lang, Esquire
Committee Vice-Chair

CERTIFICATE OF SERVICE

I certify that on the 7th day of July, 2008, I mailed by Certified Mail, Return Receipt Requested, a true copy of the District Committee Determination (Public Reprimand without Terms) to Paul Lee Warren at Suite 100, 409 Duke Street, Post Office Box 11166, Norfolk, Virginia 23517, his last address of record with the Virginia State Bar.


Edward L. Davis, Assistant Bar Counsel