

May 24, 2016

VIRGINIA:

VSB CLERK'S OFFICE

BEFORE THE SECOND DISTRICT SUBCOMMITTEE  
OF THE VIRGINIA STATE BARIN THE MATTER OF  
Jennifer Marie Williams

VSB Docket No. 15-022-102889

**SUBCOMMITTEE DETERMINATION**  
**(PUBLIC REPRIMAND WITH TERMS)**

On March 09, 2016, a meeting was held in this matter before a duly convened Second District Subcommittee consisting of Cal Thompson Bain, Esquire, Mr. Francis R. Nance, Lay Member, and Charisse Lee Black, Esquire, Chair. During the meeting, the Subcommittee voted to approve an agreed disposition for a PUBLIC Reprimand with Terms pursuant to Part 6, § IV, ¶ 13-15.B.4. of the Rules of the Supreme Court of Virginia. The agreed disposition was entered into by the Virginia State Bar, by Christine Corey, Assistant Bar Counsel, and Jennifer Marie Williams, Respondent, [pro se].

WHEREFORE, the Second District Subcommittee of the Virginia State Bar hereby serves upon Respondent the following PUBLIC Reprimand with Terms:

**I. STIPULATIONS OF FACT**

- 1) At all relevant times, Respondent was licensed to practice law in the Commonwealth of Virginia.
- 2) Respondent was appointed to represent Gregory Donnell Juniper in April 2014 after Mr. Juniper's previous attorney's license was suspended.
- 3) Mr. Juniper's previous attorney had already filed the appeal.
- 4) Respondent met with Mr. Juniper on May 20, 2014 at the Hampton Roads Regional Jail.
- 5) Respondent and Mr. Juniper discussed his case and Respondent believed there was

another issue regarding a conflict of interest with the trial judge that should have been appealed.

6) Respondent told Mr. Juniper that she would be filing a supplemental petition regarding the conflict issue. He alleges that he told Respondent that he wanted to see the supplemental petition before it was filed. Respondent denies that Mr. Juniper asked to see the supplemental petition.

7) Respondent filed a supplemental petition with the Court of Appeals on July 8, 2014, but did not request leave of court to do so and it was not considered by the Court of Appeals. Respondent claims that she received conflicting information regarding whether she needed to request leave of court to file a supplemental petition. Mr. Juniper states that he did not see the supplemental petition before it was filed.

8) The Virginia Court of Appeals denied the appeal on October 9, 2014.

9) Respondent received the Order from the Court of Appeals via e-mail.

10) Respondent produced a note from her doctor dated October 23, 2014 that said Respondent needed to be "out of work until her next scheduled visit in 2 weeks." Respondent also told the investigator that she was put on bedrest on October 23, 2014 because of a difficult pregnancy. When Respondent's daughter was born in December 2014, the infant needed to be hospitalized and Respondent spent a great deal of time traveling to and from the hospital that was 2.5 hours away from Respondent's home. After the investigation in this matter, but prior to the entry of this agreed disposition, Respondent's daughter passed away on February 6, 2016.

11) Despite her doctor's note requiring bedrest, her difficult pregnancy, and the ongoing medical care that was required for her daughter, Respondent did not seek to withdraw from Mr. Juniper's case at that time or at any time prior to the Complaint from Mr. Juniper.

12) Respondent did not note an appeal in Mr. Juniper's case to the Virginia Supreme Court, and she told the investigator that she did not receive any instructions from Mr. Juniper that he did not want to proceed with the appeal.

13) Mr. Juniper had not heard from Respondent since June 26, 2014. He did not receive communication that his appeal had been denied, and Respondent did not tell him that she did not

request leave of court to file the supplemental petition.

14) Mr. Juniper maintains that he wrote to Respondent numerous times requesting information.

15) Mr. Juniper's mother called Respondent about the appeal in March 2015 and Respondent admits that she did not return the call.

16) Mr. Juniper's bar complaint is dated May 21, 2015, and was received by the bar on May 28, 2015.

17) After the bar complaint, Respondent sent Mr. Juniper a letter on June 18, 2015, stating that she would file the motion for leave to supplement the appeal on his behalf.

18) Thereafter, on July 5, 2015, Respondent sent the motion for leave to supplement the appeal to the Court of Appeals.

19) By letter dated July 27, 2015, the Court of Appeals wrote Respondent stating that the petition for appeal was denied on October 9, 2014, and because no demand for further review was received by October 23, 2014, the Court certified the mandate in the case and returned the record to the trial court.

20) Mr. Juniper sent two letters dated August 2, 2015 and August 6, 2015 to Respondent requesting his entire file, including transcripts, pleadings, and appeal documents.

21) Respondent put the file in the mail to Mr. Juniper on September 9, 2015, with those transcripts in her possession that had been received by the prior attorney. Respondent advised him to get any necessary transcripts from the Circuit Court.

22) Mr. Juniper's habeas petition would have been due in less than a month by the time he received the file.

## **II. NATURE OF MISCONDUCT**

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

Failure to Communicate in violation of RPC 1.4

(a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

#### Failure to act with Diligence in violation of RPC 1.3

(a) A lawyer shall act with reasonable diligence and promptness in representing a client.

#### Failure to Terminate Representation in violation of RPC 1.16

(a) Except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:

(2) the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client;

### **III. PUBLIC REPRIMAND WITH TERMS**

Accordingly, it is the decision of the subcommittee to offer the Respondent an opportunity to comply with certain terms and conditions, compliance with which will be a predicate for the disposition of a Public Reprimand with Terms. The terms and conditions are:

- 1) Respondent shall notify the Indigent Defense Commission of this Public Reprimand and provide them with a copy of the Determination. Respondent shall certify to Assistant Bar Counsel Christine M. Corey or her designee that she has satisfied the notification requirement within fourteen (14) days of this Determination.
- 2) Respondent shall not handle criminal appeals, either as retained or court appointed counsel, for a period of one year beginning March 31, 2016.
- 3) Respondent may note an appeal from a criminal conviction in order to preserve a client's right to appeal before referring the matter to other counsel.
- 4) During the one-year period in which Respondent is not handling criminal appellate matters, Respondent shall attend 6 hours of Continuing Legal Education credits in the area of appellate practice and/or criminal law ethics that are approved by the Indigent Defense Commission. However, at least three of the credit hours shall be in the area of appellate practice. These Continuing Legal Education credits shall not apply towards Respondent's

annual Continuing Legal Education credits requirement. Respondent shall certify her completion of this requirement to Assistant Bar Counsel Christine M. Corey or her designee.

- 5) If Respondent is handling any appellate matters at the time this Determination is entered, she shall withdraw from those matters and certify to Assistant Bar Counsel Christine M. Corey or her designee that she has withdrawn from all appellate matters pursuant to this Determination.

Upon satisfactory proof that the Terms have been met, this matter shall be closed. If, however, it appears that Respondent has not complied with the Terms, then pursuant to the Rules of Court, Part Six, Section IV, Paragraph 13-15.F, Assistant Bar Counsel shall serve notice requiring Respondent to show cause why the alternative disposition of a thirty-day suspension of Respondent's license to practice law in the Commonwealth of Virginia should not be imposed. The burden of proof shall be on Respondent to show compliance with the Terms by clear and convincing evidence. As set forth at Paragraph 13-15.F, if Respondent has failed to comply with the Terms, including written certification of compliance, within the stated time period, as determined by the Subcommittee, the alternative disposition for a thirty-day suspension shall be imposed. In accordance with the Paragraph 13-15.F, any proceeding to address compliance with these Terms will be heard by the District Committee.

In accordance with the Agreed Disposition for a Public Reprimand with Terms, this **ORDER** is **FINAL** and **NON-APPEALABLE**.

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.

SECOND DISTRICT COMMITTEE, SECTION II  
SUBCOMMITTEE OF THE VIRGINIA STATE BAR

By:   
\_\_\_\_\_  
CHARISSE LEE BLACK,  
SUBCOMMITTEE CHAIR

CERTIFICATE OF MAILING

I certify that on May 24, 2016 a true and complete copy of the Subcommittee Determination (PUBLIC Reprimand With Terms) was sent by certified mail to Jennifer Marie Williams, Respondent, at Law Office of Jennifer M. Williams PLLC, Suite 250, 426 E. Freemason Street, Norfolk, VA 23510, Respondent's last address of record with the Virginia State Bar.

  
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Christine Corey  
Assistant Bar Counsel

VIRGINIA:

BEFORE THE SECOND DISTRICT SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR

IN THE MATTER OF  
JENNIFER MARIE WILLIAMS

VSB Docket No. 15-022-102889

AGREED DISPOSITION  
PUBLIC REPRIMAND WITH TERMS

Pursuant to the Rules of the Supreme Court of Virginia, Part 6, § IV, ¶ 13-15.B.4, the Virginia State Bar, by Christine Corey, Assistant Bar Counsel, and Jennifer Marie Williams, Respondent, hereby enter into the following agreed disposition arising out of the referenced matter.

I. STIPULATIONS OF FACT

- 1) At all relevant times, Respondent was licensed to practice law in the Commonwealth of Virginia.
- 2) Respondent was appointed to represent Gregory Donnell Juniper in April 2014 after Mr. Juniper's previous attorney's license was suspended.
- 3) Mr. Juniper's previous attorney had already filed the appeal.
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- (b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

Failure to act with Diligence in violation of RPC 1.3

- (a) A lawyer shall act with reasonable diligence and promptness in representing a client.

#### Failure to Terminate Representation in violation of RPC 1.16

- (a) Except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:
  - (2) the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client;

### III. PROPOSED DISPOSITION

Accordingly, Assistant Bar Counsel and Respondent tender to a subcommittee of the Second District Section II Committee for its approval the agreed disposition of a Public Reprimand with Terms as representing an appropriate sanction if this matter were to be heard through an evidentiary hearing by the Second District Committee. The terms shall be met by March 31, 2017 and are as follows:

- 1) Respondent agrees to and shall notify the Indigent Defense Commission of this Agreed Disposition and provide them with a copy of the Agreed Disposition. Respondent shall certify to Assistant Bar Counsel Christine M. Corey or her designee that she has satisfied the notification requirement within fourteen (14) days of this Agreed Disposition.
- 2) Respondent shall not handle criminal appeals, either as retained or court appointed counsel, for a period of one year beginning March 31, 2016. Respondent may note an appeal from a criminal conviction in order to preserve a client's right to appeal before referring the matter to other counsel.
- 3) During the one-year period in which Respondent is not handling criminal appellate matters, Respondent shall attend 6 hours of Continuing Legal Education credits in the area of appellate practice and/or criminal law ethics that are approved by the Indigent Defense

Commission. However, at least three of the credit hours shall be in the area of appellate practice. These Continuing Legal Education credits shall not apply towards Respondent's annual Continuing Legal Education credits requirement. Respondent shall certify her completion of this requirement to Assistant Bar Counsel Christine M. Corey or her designee.

4) If Respondent is handling any appellate matters at the time this Agreed Disposition is finalized, she shall withdraw from those matters and certify to Assistant Bar Counsel Christine M. Corey or her designee that she has withdrawn from all appellate matters pursuant to this Agreed Disposition.

Upon satisfactory proof that such terms and conditions have been met, this matter shall be closed. If, however, the terms and conditions are not met within one year of this Agreed Disposition (6 hours of Continuing Legal Education regarding appellate/criminal ethics matters), the Respondent agrees that these terms (not handling criminal appellate cases) shall continue in effect until such time as they are satisfied. If this agreed disposition is accepted by the Subcommittee, Respondent agrees it is final and non-appealable.

If the terms are not met by March 31, 2017, Respondent agrees that the District Committee shall impose a thirty (30) day suspension pursuant to Part 6, § IV, ¶ 13-15.F of the Rules of the Supreme Court of Virginia. 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 of Virginia.

If the agreed disposition is approved, the Clerk of the Disciplinary System shall assess an administrative fee.

Pursuant to Part 6, § IV, ¶ 13-30.B of the Rules of the Supreme Court of Virginia,  
Respondent's prior disciplinary record shall be furnished to the subcommittee considering this  
agreed disposition.

THE VIRGINIA STATE BAR

  
Christine Corey  
Assistant Bar Counsel

  
Jennifer Marie Williams, Esq.  
Respondent