

VIRGINIA:

**BEFORE THE THIRD DISTRICT COMMITTEE, SECTION III
OF THE VIRGINIA STATE BAR**

**IN THE MATTER OF
JOSEPH MARK GREGORY**

VS **VS** **Docket No. 07-033-0379**

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

On November 1, 2007, 2007, a meeting in this matter was held before a duly convened Third District, Section III Subcommittee consisting of Dennis R. Kiker, Chair, Cullen D. Seltzer, and Mary P. Hunton, lay person, to consider acceptance of a proposed Agreed Disposition presented by the Respondent and Paulo E. Franco, Jr., Assistant Bar Counsel.

Pursuant to Part 6, Section IV, Paragraph 13.G.4 of the Rules of the Virginia Supreme Court, the Third District, Section III Subcommittee of the Virginia State Bar hereby accepts the Agreed Disposition and serves upon the Respondent the following **PUBLIC REPRIMAND WITH TERMS:**

I. STIPULATED FINDINGS OF FACTS

1. At all times relevant hereto, Joseph Mark Gregory ("Respondent"), has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. Respondent was admitted to the practice of law in the Commonwealth of Virginia on May 13, 1981.
3. Ms. Charlene Taylor met with Respondent on May 6, 2005 for a consultation about her loss due to an engine fire in her car. Ms. Taylor received Respondent's name from the Virginia Lawyer Referral Service.
4. During that meeting, Ms. Taylor provided Respondent with all her paperwork and the \$35.00 fee for the referral.
5. Respondent stated that he would review the paperwork and get back with Ms. Taylor.

6. Ms. Taylor states that Respondent never did get back to her.
7. Ms. Taylor states that within the following two weeks she went to Respondent's office on several occasions and was told he was not available.
8. Months later, Ms. Taylor spoke with Respondent and he again told her he would look over her case and get back with her.
9. Ms. Taylor states that as in the previous instance, Respondent never did get back in touch with her.
10. Sometime in February or March of 2006, Ms. Taylor called Respondent and spoke with him. He promised to call back but never did. He never even left a voice mail.
11. Respondent has never written Ms. Taylor advising her that there is nothing he could for her in her case.
12. As of this date, Respondent has failed to return Ms. Taylor's original documents that she left with him back in 2005.
13. Respondent was sent a proactive letter from the office of Intake Counsel and on August 18, 2006, Respondent wrote back indicating that he would contact Ms. Taylor.
14. Respondent failed to respond to a second proactive letter sent from Intake Counsel.

II. STIPULATED FINDINGS OF MISCONDUCT

The foregoing factual allegations give rise to the following Charge of Misconduct:

RULE 1.3 Diligence

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

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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.

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

III. PUBLIC REPRIMAND WITH TERMS

Accordingly, the Subcommittee of the Third District Committee, Section III, hereby issues the Respondent a **PUBLIC REPRIMAND WITH TERMS**.

The terms to which Respondent shall be held are as follows:

1. Within ten (10) days of the date of the Public Reprimand, the Respondent provide proof to Bar Counsel that he has returned Ms. Taylor her file along with a letter of apology.; and
2. Respondent provide proof to the satisfaction of Bar Counsel that he has put in place sufficient docketing controls for the prompt return of clients phone calls and that in the event he is unable to contact them by phone that he follow up by letter; and
3. That the Respondent take four (4) additional hours of continuing legal education ("CLE") in the field of ethics that are in addition to and not in lieu of your required CLE credits

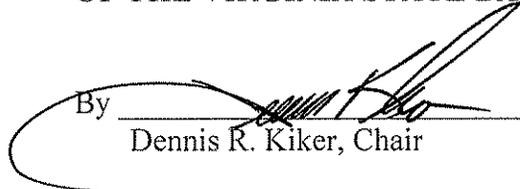
The alternate disposition of these matters, should Respondent fail to comply fully with the foregoing terms a Certification for Sanctions Determination.

In the event of the Respondent's alleged failure to meet one or more of the terms set forth above, the Virginia State Bar shall issue and serve upon the Respondent a Notice of Hearing to Show Cause why the alternate sanction should not be imposed. The sole factual issue will be whether the Respondent has violated the terms of this Agreed Disposition without legal justification or excuse. All issues concerning the Respondent's compliance with the terms of this Agreed Disposition shall be determined by the Third District Committee, Section III, and Respondent hereby waives any right he may have to have a three judge panel consider imposition of the alternate disposition. At the hearing, the burden of proof shall be on the Respondent to show timely compliance with the terms, including timely certification of such compliance, by

clear and convincing evidence. The Respondent agrees his prior disciplinary record may be disclosed to the Third District Committee, Section III.

Pursuant to Part 6, Sec. IV, Para. 13.B.8.c of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess costs.

**THIRD DISTRICT, SECTION III SUBCOMMITTEE
OF THE VIRGINIA STATE BAR**

By  _____
Dennis R. Kiker, Chair

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of NOVEMBER, 2007, a true and correct copy of the foregoing Public Reprimand with Terms was mailed, U.S. Mail, certified return receipt requested to Joseph Mark Gregory, 3850 Gaskins Road, Suite 200, Richmond, Virginia 23233, his last known address of record with the Virginia State Bar.

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