

VIRGINIA:

**BEFORE THE SECOND DISTRICT - SECTION I SUBCOMMITTEE
OF THE VIRGINIA STATE BAR**

**IN THE MATTER OF JEFFREY G. HAVERSON
VSB DOCKET NO. 02-021-2643
(Thesier)**

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

On January 28, 2004, a meeting in this matter was held before a duly convened Subcommittee of the Second District Committee - Section I, consisting of Afshin Farashahi, Esquire, Mr. Robert W. Carter (lay member), and Robert William McFarland, Esquire, Chair presiding.

Pursuant to an Agreed Disposition of the parties and to Part 6, § IV, ¶ 13G1(c) of the Rules of the Supreme Court, the Second District - Section I Subcommittee of the Virginia State Bar hereby serves upon the Respondent, Jeffrey G. Haverson, the following Public Admonition with Terms:

I. FINDINGS OF FACT

1. At all times material to these allegations, the Respondent, Jeffrey G. Haverson, hereinafter "Respondent", has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. On October 22, 1998, Sharon Allen and Margaret Owens retained Respondent for personal injuries suffered in a motor vehicle accident on September 30, 1998.
3. On October 27, 1998, Respondent received from William R. Thesier, D.C. copies of Assignments of Benefits and liens executed by both Allen and Owens for the costs of their continuing treatment for injuries suffered in the subject motor vehicle accident.
4. On or about August 15, 2001, GEICO Insurance Company forwarded and Respondent received settlement checks in the amount of \$9,500 for Allen's claims, and \$8,000 for Owens' claims.

5. Thereafter, Respondent met with Allen and Owens to review proposed disbursements of the settlement funds, including sums owed to third parties such as Dr. Thesier. Allen disputed Dr. Thesier's bill of \$2,560.00 as too high, did not give Respondent permission to pay this amount, and agreed with Respondent's suggestion that he attempt to negotiate the amount due. Owens, at this time also agreed with Respondent's suggestion to attempt to negotiate the sum claimed by Dr. Thesier of \$1,878.74
6. On September 19, 2001, Dr. Thesier wrote Respondent to demand payment from Respondent for services rendered to Allen in the amount of \$2,560.00 and \$1,878.74 for services to Owens. Dr. Thesier also included a statement of account and copies of the Assignments of Benefits and liens. Finally, Dr. Thesier advised that should he not receive payment within 72 hours, he would take steps including filing suit to collect these amounts.
7. On October 5, 2001, counsel for Dr. Thesier wrote Respondent renewing demand for payment for services to Allen and Owens. This demand was renewed in a further letter to Respondent dated November 8, 2001. Litigation ensued in Virginia Beach General District Court which resulted in a judgement being obtained against Respondent on or about May 14, 2001, which was appealed to Circuit Court. During this time, Respondent interpleaded the funds in question to the Court. Respondent continued to negotiate with Dr. Thesier's counsel, who at the time was demanding interest and attorney's fees.
8. Learning of the suit against Haverson, Owens advised Respondent to pay Dr. Thesier the amounts Dr. Thesier claimed she owed him, so long as her funds on hand with Respondent were sufficient. Respondent did not make the requested pay-off.
9. During the pendency of the *Thesier v Haverson* litigation, both Allen and Owens contacted Respondent's office for information regarding Respondent's efforts to settle the dispute with Dr. Thesier and to learn about the disposition of their funds. Notwithstanding such requests, Respondent failed to fully respond to Allen and Owens and failed to fully keep them advised of the status of negotiations and the litigation.
10. During the course of ensuing litigation by Dr. Thesier against Respondent for both such sums, Dr. Thesier filed suit against Allen and Owens in separate suits on or about August 11, 2002.
11. On or before December 2, 2002, Respondent settled the litigation by paying Thesier the full amounts claimed, less the claimed interest and attorney's fees. In reaching this settlement, Respondent failed to advise Allen of the settlement.

II. NATURE OF MISCONDUCT

The following Rule of Professional Conduct has been found to have been violated:

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. PUBLIC ADMONITION WITH TERMS

With the agreement of the Respondent in an Agreed Disposition finalized on June 4, 2004, the Subcommittee has decided to impose a Public Admonition with Terms. The Subcommittee hereby admonishes Respondent for the aforesaid violation. It shall dismiss this matter conditioned upon his compliance with the following terms:

The terms, to be completed on or before July 31, 2004, are that Respondent shall

- 1) Consult with VSB Risk Manager John Brandt, Esquire at 800-215-7854 regarding an attorney's duties and appropriate procedures for handling healthcare provider liens and communicating with clients regarding disbursements of settlement funds.
- 2) Respondent shall report in writing by letter to Assistant Bar Counsel Georgiadis, or his designee, briefly setting forth the date and substance of said telephone consultation with Mr. Brandt and the resulting changes in Respondent's policies and procedures.

In the event of alleged failure to meet the terms as 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 of Public Reprimand 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.

At said hearing, the burden of proof shall be on the Respondent to show timely compliance and timely certification of such compliance by clear and convincing evidence.

The Public Admonition with Terms, shall remain a permanent part of Respondent's record with the Virginia State Bar.

SECOND DISTRICT - SECTION I SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

By: _____
Robert William McFarland
Subcommittee Chair

CERTIFICATE OF SERVICE

I certify that I have this _____ day of _____, 2004, mailed by CERTIFIED MAIL, RETURN RECEIPT REQUESTED, a true and correct copy of the Subcommittee Determination (Public Admonition with Terms) to the Respondent, Jeffrey G. Haverson, 154 Newtown Road, Suite B3, Virginia Beach, Virginia 23462-2412, his last known address of record with the Virginia State Bar, and via First Class U.S. Mail, postage-prepaid, to John R. Fletcher, Esquire, his counsel of record, at Tavss, Fletcher, Maiden & Reed, P.C., P.O. Box 3747, Norfolk, Virginia. 23514

Paul D. Georgiadis
Assistant Bar Counsel