

VIRGINIA:

**BEFORE THE SIXTH DISTRICT
SUBCOMMITTEE OF THE VIRGINIA STATE BAR**

**IN THE MATTER OF
DAVID MAYER HILL**

Docket No. 04-060-3188

**Subcommittee Determination
(Public Reprimand with Terms)**

On March 7, 2005, a duly convened subcommittee of the Sixth District Committee, consisting of lay member Andrew C. Gallagher and attorneys William E. Glover and Christopher A. Abel, chair and presiding officer, met to consider an agreed disposition of the above-referenced matter.

Pursuant to Part Six, Section IV, Paragraph 13.G.4. of the Rules of the Virginia Supreme Court, the Sixth District Committee accepts the proposed agreed disposition and hereby serves upon the respondent David Mayer Hill this Public Reprimand with Terms:

I. Findings of Fact

1. The respondent, David Mayer Hill, was admitted to the practice of law in the Commonwealth of Virginia on June 10, 1974.

2. Mr. Hill was an attorney in good standing to practice law in the Commonwealth of Virginia until October 7, 2004, when the Disciplinary Board administratively suspended his license to practice law in Virginia after he failed to comply with a subpoena duces tecum the bar issued in this matter.

3. Joan Schroyer, a Colorado resident, paid Mr. Hill \$1,000.00 by check dated August 29, 1998, to represent her son in Maryland on a traffic charge.

4. Although Mr. Hill deposited the check, there is no evidence he did any work on the case.

5. Mr. Hill did not respond to Ms. Schroyer's inquiries about the case or refund her money.

6. Ms. Schroyer filed a bar complaint against Mr. Hill on or about April 30, 2004.

7. Mr. Hill did make any response to the bar complaint or a bar subpoena requiring him to produce his file client and trust account records.

II. Findings of Misconduct

The foregoing findings of fact, which are supported by clear and convincing evidence, give rise to findings that Mr. Hill violated the following Rules of Professional Conduct:

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.

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RULE 1.5 Fees

(a) A lawyer's fee shall be reasonable. The factors to be considered in determining the reasonableness of a fee include the following:

- (1) the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;
- (2) the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;
- (3) the fee customarily charged in the locality for similar legal services;
- (4) the amount involved and the results obtained;
- (5) the time limitations imposed by the client or by the circumstances;
- (6) the nature and length of the professional relationship with the client;
- (7) the experience, reputation, and ability of the lawyer or lawyers performing the services; and

(8) whether the fee is fixed or contingent.

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RULE 1.16 Declining Or Terminating Representation

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(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).

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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

(d) obstruct a lawful investigation by an admissions or disciplinary authority.

III. Imposition of Sanction

Accordingly, it is the decision of the Sixth District Committee to accept the Agreed Disposition and impose a Public Reprimand with Terms, and Mr. Hill is hereby so reprimanded and the following terms imposed:

1. Mr. Hill shall within ten days of the approval of this agreed disposition submit a written request to the executive director of the Virginia State Bar to be transferred to the disabled and retired class of membership, with medical documentation supporting his request,

and copy Bar Counsel on his request. Mr. Hill understands that members qualifying for transfer to the disabled and retired class of membership are not eligible to practice law.

2. If Mr. Hill's request to be transferred to the disabled and retired class is denied for any reason, or if he fails to submit the request in a timely manner or to supply adequate medical documentation, he agrees to consent to the revocation of his law license based upon the findings of fact and misconduct set out in this agreed disposition.

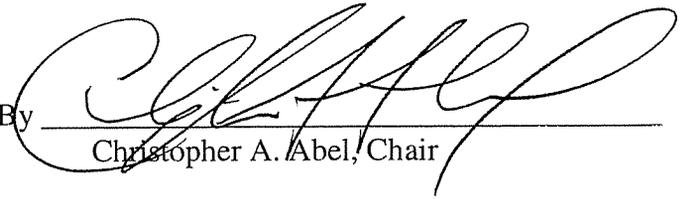
3. Mr. Hill shall reimburse Ms. Schroyer the \$1,000 fee she paid no later than March 31, 2005.

If Mr. Hill fails to comply with one or both of the foregoing terms, Bar Counsel may notice a show cause hearing before the Sixth District Committee. The only issue to be decided at that hearing will be the sufficiency of his compliance with the agreed upon terms. If the Sixth District Committee finds that Mr. Hill has not complied with one or more of the agreed upon terms, Mr. Hill agrees that the case shall be certified to the Disciplinary Board pursuant to Paragraph 13.I. of the Rules of Court for imposition of an appropriate sanction.

This Public Reprimand with Terms shall be made part of Mr. Hill's disciplinary record. Pursuant to Part Six, Section IV, Paragraph 13.B.8.c. of the Rules of the Virginia Supreme Court, the Clerk of the Disciplinary System shall assess the appropriate administrative fees and costs.

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

By _____


Christopher A. Abel, Chair

CERTIFICATE OF SERVICE

I hereby certify that I have this 15th day of March 2005, mailed by certified mail, return receipt requested, a true and correct copy of the Subcommittee Determination (Public Reprimand with Terms) to the respondent, David Mayer Hill, Esquire, at his last address of record with the Virginia State Bar, 10207 North Hampton Lane, Fredericksburg, Virginia 22408.

Barbara Ann Williams