

VIRGINIA:

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

**IN THE MATTER OF
BRADFORD CLARK JACOB
VSB DOCKET NO. 03-032-4018**

**DISTRICT COMMITTEE DETERMINATION
PUBLIC REPRIMAND WITH TERMS**

On April 9, 2004, a hearing in this matter was held before a duly convened Third District Committee, Section II, panel consisting of Mary B. Owens, attorney member; John Tracy Walker, IV, attorney member; Cary A. Ralston, attorney member; John B. Daly, lay member and William S. Francis, Jr., Esquire, chair .

Bradford Clark Jacob appeared with counsel, Michael L. Rigsby, and Linda Mallory Berry, appeared as counsel for the Virginia State Bar.

Pursuant to Part 6, Section IV, Paragraph 13.H.2.n. of the Rules of the Virginia Supreme Court, the Third District Committee, Section II, of the Virginia State Bar hereby serves upon the Respondent the following Public Reprimand with Terms:

I. FINDING OF FACTS

1. At all times relevant hereto, Bradford Clark Jacob ("Mr. Jacob") has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. On or about June 4, 2003, Mr. Jacob began communicating with a woman over the internet. Mr. Jacob and the woman arranged to meet on June 5, 2003, for a sexual activity between himself, the woman and another female. During the internet communication between Mr. Jacob and the woman, she inquired as to the availability of drugs at the meeting, and Mr. Jacob replied and inferred that he would bring "E" to the meeting. It is understood that "E" meant the drug Ecstasy. The woman involved was an informant for the King George County Sheriff's Department in whose jurisdiction the planned meeting was to take place.

3. Mr. Jacob met the woman on June 5, 2003, in a pre-selected location in King George County where they engaged in brief conversation. That conversation was recorded by the police. The woman asked Mr. Jacob about the quality of the drugs he brought. Mr. Jacob responded, "It's pretty good stuff, my friend does it, he's a pharmacist." Mr. Jacob showed the woman two lemon shaped pills. The pills actually were a mint known as Altoids that Mr. Jacob had placed in his eyeglass case. Mr. Jacob agreed to follow the woman to a motel room. However, the King George County Sheriff's Department arrested him as he left the King George County location.
4. Mr. Jacob was charged with criminal violation of each of the following sections of the Code of Virginia, 1950, as amended: § 18.2-248, possession, manufacture, sale of a controlled substance, felony; § 18.2-308, carrying a concealed weapon (Kabar knife), first offense, misdemeanor; and § 18.2-346, solicitation of a prostitute, misdemeanor.
5. On September 18, 2003, in the Circuit Court of King George County, upon motion of the Commonwealth, the felony drug charge was amended to misdemeanor possession of an imitation controlled substance. Mr. Jacob signed a Waiver of Indictment in both the drug case and in the solicitation case and pled no contest to both. The matters were prosecuted before the court and Mr. Jacob was found guilty of misdemeanor possession of an imitation controlled substance and a misdemeanor solicitation of a prostitute.
6. The court sentenced Mr. Jacob to a jail sentence of twelve (12) months on each charge and suspended all jail time on the following conditions:
 - a. payment of a fine of fifty dollars (\$50.00) and court costs, which were paid on September 18, 2003;
 - b. supervision by Community Based Probation or (at the discretion of the Probation Officer) private counseling; and
 - c. completion of drug and sex offender evaluations, treatment and counseling, as recommended.
7. It was determined that Mr. Jacob's conduct in King George County constitutes Misconduct in violation of Rule 8.4 (b) and (c) of the Rules of Professional Conduct.
8. Following Mr. Jacob's arrest, his employment was terminated by his employer, a Richmond law firm. In seeking employment at another firm, Mr. Jacob misrepresented the circumstances of his termination from the prior firm, failed to disclose his arrest and made other misleading statements. The material misrepresentations were made by Mr. Jacob during an extensive interview process over a period of weeks as the prospective employer considered employment and/or partnership with Mr. Jacob. The truth became known only after

circumstances of Mr. Jacob's arrest were made public in a news broadcast by a Richmond television station.

9. Following his arrest, Mr. Jacob did not accurately report the circumstances of his arrest, interview or attendant actions to the Virginia State Bar, nor did he attempt to correct the misconceptions he knew had arisen from his inaccurate reporting of his arrest, interview or attendant actions.
10. It was determined that Mr. Jacob's conduct constitutes Misconduct in violation of Rule 8.1(a) and (b) of the Rules of Professional Conduct.

II. NATURE OF MISCONDUCT

The foregoing facts give rise to violations of the following Rules of Professional Conduct:

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:

- (a) knowingly make a false statement of material fact;
- (b) fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter;

RULE 8.4 Misconduct

It is professional misconduct for a lawyer to:

- (b) commit a criminal or deliberately wrongful act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer;
- (c) engage in professional conduct involving dishonesty, fraud, deceit or misrepresentation;

III. AGREED DISPOSITION

PUBLIC REPRIMAND WITH TERMS

Accordingly, it is the decision of the committee to offer the Respondent an opportunity to comply with certain terms and conditions with which he, his counsel and

the Committee Chair did agree and sign, compliance with which will be a predicate for the disposition of a Public Reprimand with Terms of this complaint. The terms and conditions shall be met by the dates specified in each of the numbered paragraphs below.

AGREED TERMS AND CONDITIONS

1. The following terms and conditions shall be met as follows:

a. No later than April 9, 2004, Respondent shall take associate status with the Virginia State Bar. [Associate members may not practice law, vote or hold office in the Virginia State Bar.] Thereafter, Respondent shall not change his status from associate to active until such time as he receives written authorization from the Third District Committee, Section II, to do so. Authorization shall be given, at the sole discretion of the Third District, Section II, Committee, upon Respondent's successful completion of the terms and conditions that follow concerning Respondent's probation and counseling, but no sooner than September 18, 2005, unless good cause is shown to the Third District Committee, Section II, prior to that date.

b. Respondent shall certify to the Third District Committee, Section II, that he has been successfully terminated from probation and shall provide the Virginia State Bar with paperwork directly from the probation officer and /or the court signifying the same.

c. The Respondent shall certify to the Third District Committee, Section II, that he has successfully completed counseling. Respondent shall provide the Committee a notarized statement directly from the therapist/counselor/licensed clinical social worker(s) signifying successful completion of services.

Upon satisfactory proof that such terms and conditions have been met as stated, this matter shall be closed.

If, however, the terms and conditions are not met, the Respondent agrees that the Third District Committee, Section II, shall certify this matter to the Disciplinary Board for a sanction determination only, based upon the agreed stipulated facts and agreed disciplinary rules recited in the District Committee Determination.

Pursuant to Part Six, Section IV, Paragraph 13.b.8.c.(1) of the Rules of the Virginia

Supreme Court, the Clerk of the Disciplinary System shall assess costs.

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

By _____
William S. Francis, Jr., Chair

CERTIFICATE OF SERVICE

I certify that on the ___th day of _____, 2004, I mailed by Certified Mail, Return Receipt Requested, Number 7000 0600 0022 8269 2334, a true copy of the foregoing Third District Committee, Section II, determination (PUBLIC REPRIMAND WITH TERMS) to Bradford Clark Jacob, Respondent, P.O. Box 2527, Midlothian, VA 23113, his last address of record with the Virginia State Bar.

Linda Mallory Berry, Assistant Bar Counsel