

VIRGINIA :

BEFORE THE FIFTH DISTRICT--SECTION III SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

IN THE MATTER OF LAWRENCE RAYMOND MORTON, ESQ.
VSB Docket # 03-053-1264

SUBCOMMITTEE DETERMINATION
PUBLIC REPRIMAND

On October 25, 2004, a meeting in this matter was held before a duly convened Fifth District--Section III Subcommittee consisting of E. Allen Newcomb, Esq., William Hanson, lay member¹, and H. Jan Roltsch-Anoll, Esq., presiding.

Pursuant to the provisions of the Rules of the Supreme Court of Virginia, Part 6, § IV, ¶13(G), the Fifth District--Section III Subcommittee of the Virginia State Bar hereby serves upon the Respondent the following Public Reprimand, as set forth below:

I. FINDINGS OF FACT

1. At all times relevant hereto, Lawrence Raymond Morton, Esq. (hereafter "Respondent"), was an attorney licensed to practice law in the Commonwealth of Virginia.
2. On or about March 6, 2002, Bert Eyley (hereafter "Complainant") retained the Respondent to represent him in a divorce matter that had been filed in the Fairfax County, Virginia, Circuit Court on February 5, 2002.
3. One of the objectives of the Complainant was to have an adjustment made in the level of child support he was to pay pursuant to the terms of a property settlement agreement which he had entered into with his wife prior to the time he had retained the Respondent.

¹ Member, Fifth District—Section II Committee, serving as substitute for unavailable lay members of Fifth District—Section III Committee.

4. The Respondent filed an Answer and Cross-Bill of Complaint on behalf of the Complainant on or about April 3, 2002. On Complainant's behalf, Respondent made the following averments in Paragraphs 12E and 12F of the Cross-Bill:

Defendant [Complainant in this disciplinary proceeding] does not agree to the child support provision of the purported agreement (Paragraph 5). To the knowledge of Defendant's counsel, there has been no attempt to do a calculation of the child support as would be recommended by the Virginia child support guidelines to be found at Virginia Code section 20-108.2.

Complainant [Complainant's wife] has not performed or satisfied, her obligations of financial disclosure as required by paragraph 31 of the purported agreement. To Defendant this evinces intent by Complainant that she not be bound by the purported agreement, but that the tendrils of legal binding extend only in the direction of the Defendant. In addition, Complainant's lack of financial disclosure leaves counsel for Defendant unable to advise his client as to whether the amount of child support called for in the purported agreement is at all consistent with the Virginia child support guidelines.

5. The Respondent propounded no discovery on Complainant's behalf in the Circuit Court proceedings for the purpose of securing the financial information essential to the calculation of child support under the statutory schedules. Respondent also failed to file any motion and notice any hearing thereon at which Respondent would request the Court to set Complainant's child support obligations pursuant to the statutory schedules.

6. On September 23, 2002, following the Court's entry of an Order incorporating the aforesaid separation agreement on June 18, 2002, and the entry of a Final Decree of Divorce on August 15, 2002, the Complainant engaged new counsel, who reopened the case, filed a motion

to modify child support, conducted discovery, and successfully negotiated a reduction of Complainant's child support obligation and other matters.

7. The Virginia State Bar opened a formal Complaint respecting the Respondent's aforesaid conduct. On November 8, 2002, Bar Counsel directed a letter of that date to Respondent, enclosing the Complaint, and stating, *inter alia*, in bold and underlined text, the following: "please review the complaint and provide this office with a written answer, including an original and one copy of your response and all attached exhibits, within twenty-one (21) days of the date of this letter." The Respondent failed to file a written response to the Complaint with the Bar as required by the said letter, either within twenty-one (21) days, or at any time thereafter.

II. NATURE OF MISCONDUCT

The Subcommittee finds that the following Rules of Professional Conduct have been violated:

RULE 1.1 Competence

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

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[.]

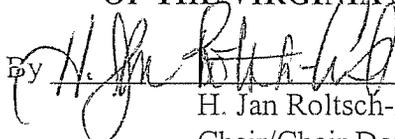
III. PUBLIC REPRIMAND

Accordingly, it is the decision of the Subcommittee to impose a PUBLIC REPRIMAND on Respondent, Lawrence Raymond Morton, Esquire, and he is so reprimanded.

IV. COSTS

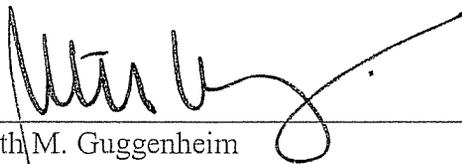
Pursuant to Part Six, § IV, ¶ 13(B)(8)(c) of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess costs against the Respondent.

**FIFTH DISTRICT - SECTION III SUBCOMMITTEE
OF THE VIRGINIA STATE BAR**

By  _____
H. Jan Roltsch-Anoll
Chair/Chair Designate

CERTIFICATE OF SERVICE

I certify that I have this 28th day of October, 2004, mailed a true and correct copy of the Subcommittee Determination (PUBLIC REPRIMAND) by CERTIFIED MAIL, RETURN RECEIPT REQUESTED, to the Respondent, Lawrence Raymond Morton, Esq., at 17850 Curtis Dr., Dumfries, VA 22026



Seth M. Guggenheim
Assistant Bar Counsel