

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF JOHN PATRICK BOND

VS. B DOCKET NO. 18-053-110106

**AGREED DISPOSITION MEMORANDUM ORDER
TWO YEAR SUSPENSION**

On Thursday, January 17, 2019 this matter was heard by the Virginia State Bar Disciplinary Board (hereinafter “the Board”) upon the joint request of the parties for the Board to accept the Agreed Disposition signed by the parties and offered to the Board as provided by the Rules of the Supreme Court of Virginia, as amended. Due to an unforeseen scheduling conflict, a Board member was unable to participate in the hearing, and there being no objection by the Respondent John Patrick Bond (hereinafter “Respondent”), Elizabeth K. Shoenfeld, counsel for the Bar, and the members of the Panel, the hearing went forward with the panel consisting of Sandra L. Havrilak, 1st Vice Chair, John A.C. Keith, Jeffrey L. Marks, and Robert W. Carter, Lay Member. The Virginia State Bar was represented by Elizabeth K. Shoenfeld, Assistant Bar Counsel. The Respondent John Patrick Bond was present and was not represented by counsel. The Chair polled the members of the Board as to whether any of them were aware of any personal or financial interest or bias which would preclude any of them from fairly hearing the matter to which each member responded in the negative. Court Reporter Angela N. Sidener, Chandler and Halasz, P.O. Box 9349, Richmond, Virginia 23227, telephone (804) 730-1222, after being duly sworn, reported the hearing and transcribed the proceedings.

It appearing that the Board considered the Agreed Disposition, the Certification, Respondent’s Disciplinary Record, and the arguments of the parties.

Upon consideration whereof, it is Ordered that the Disciplinary Board accepts the Agreed Disposition and the Respondent shall receive a Two-Year Suspension, as set forth in the Agreed

Disposition, which is attached hereto and incorporated in this Memorandum Order.

It is further Ordered that the sanction is effective January 17, 2019.

It is further Ordered as follows:

The Respondent must comply with the requirements of Part Six, §IV, ¶13-29 of the Rules of the Supreme Court of Virginia, as amended. The Respondent shall forthwith give notice by certified mail of the Suspension of his license to practice law in the Commonwealth of Virginia, to all clients for whom he is currently handling matters and to all opposing attorneys and presiding Judges in pending litigation. The Respondent shall also make appropriate arrangements for the disposition of matters then in his care in conformity with the wishes of his clients. The Respondent shall give such notice within 14 days of the effective date of the Revocation or Suspension, and make such arrangements as are required herein within 45 days of the effective date of the Revocation or Suspension. The Respondent shall also furnish proof to the Bar within 60 days of the effective day of the Suspension that such notices have been timely given and such arrangements made for the disposition of matters.

It is further ORDERED that if the Respondent is not handling any client matters on the effective date of the Suspension, he shall submit an affidavit to that effect within 60 days of the effective date of the Suspension to the Clerk of the Disciplinary System at the Virginia State Bar. All issues concerning the adequacy of the notice and arrangements required by ¶13-29 shall be determined by the Virginia State Bar Disciplinary Board, which may impose a sanction of Revocation or additional Suspension for failure to comply with the requirements of this subparagraph.

The Clerk of the Disciplinary System shall assess costs pursuant to ¶13-9 E. of the Rules of the Supreme Court of Virginia, as amended.

It is further Ordered that an attested copy of this Order be mailed to the Respondent by certified mail, return receipt requested, at his last address of record with the Virginia State Bar at 3902 Laro Court, Fairfax, VA 22031, and a copy hand-delivered to Elizabeth K. Shoenfeld, Assistant Bar Counsel, Virginia State Bar, Suite 700, 1111 E. Main Street, Richmond, VA 23219.

Entered this 17th day of January, 2019.

VIRGINIA STATE BAR DISCIPLINARY BOARD

Sandra L. Havrilak

Digitally signed by Sandra L. Havrilak
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Sandra L. Havrilak, 1st Vice Chair



VIRGINIA:

**BEFORE THE DISCIPLINARY BOARD
OF THE VIRGINIA STATE BAR**

**IN THE MATTER OF
JOHN PATRICK BOND**

VSB Docket No. 18-053-110106

**AGREED DISPOSITION
(TWO-YEAR SUSPENSION)**

Pursuant to the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-6.H, the Virginia State Bar, by Elizabeth K. Shoenfeld, Assistant Bar Counsel and John Patrick Bond, Respondent, hereby enter into the following Agreed Disposition arising out of this matter.

I. STIPULATIONS OF FACT

1. Respondent represented Hassan and Jina Moussavi and their company, K-One Corporation, which is a design and construction firm. The Moussavis had entered into a contract to renovate a home owned by Nazir and Ashraf Bhagat. The Moussavis sought to assert a breach of contract claim against the Bhagats.
2. The Moussavis and Respondent agreed to a mixed billing arrangement pursuant to which half of Respondent's hourly fees would be due when billed and the other half would be due only upon recovery of any judgment. Respondent also charged an additional contingency fee of 10% of all money collected. This arrangement was memorialized in a December 8, 2015 fee agreement.
3. The fee agreement required "an advanced fee payment of \$3000.00 prior to [Respondent] beginning substantive work on this matter." On December 14, 2015, the Moussavis wrote Respondent a check for the advance legal fee of \$3,000. Despite the fact that Respondent received this fee before he had earned it, Respondent did not deposit this fee into his trust account.
4. Respondent filed suit on behalf of the Moussavis and their company against the Bhagats for breach of contract and nonpayment for services rendered. The original complaint was never served, but on July 20, 2016, Respondent filed an amended complaint, which was served on the Bhagats.
5. The Bhagats filed a counterclaim on September 23, 2016, seeking \$200,000 in damages. Respondent failed to respond to the counterclaim on time. On December 2, 2016, the Bhagats moved for a default judgment.
6. On December 5, 2016, Respondent filed a motion for extension of time to respond to the counterclaim, along with an answer to the counterclaim. In support of the motion, Respondent stated that he "accepts all responsibility for missing this deadline due to an

administrative oversight and not entering this deadline and related preparatory deadlines in the litigation calendar.” The court granted the extension of time and declined to enter a default judgment against the Moussavis.

7. On March 1, 2017, the Bhagats served discovery on the Moussavis. Respondent was served by both mail and email. Respondent did not submit any response by the deadline, nor did he respond to opposing counsel’s attempts to meet and confer regarding the responses.
8. On April 14, 2017, the Bhagats filed a motion to compel. Respondent never told the Moussavis about the motion.
9. Respondent agreed to a consent order, entered on April 28, 2017, which required his clients to provide responses without objection within 10 days, and also to pay \$500 in attorney’s fees to the Bhagats.
10. Although the order required his clients to pay the fees, Respondent told the bar’s investigator that he intended to pay the fees himself. In fact, Respondent neither paid the fees required by the consent order nor informed his clients that he had signed an order obligating them to pay the fees.
11. On June 22, 2017, the Bhagats filed a motion for a rule to show cause and for sanctions. They asserted that Respondent had not submitted any responses to the discovery¹ and had not paid the fees. They also asserted that Respondent had altogether failed to respond to their counsel’s communications. One of the sanctions sought was dismissal of the Moussavis’ claims.
12. In early July 2017, Respondent met with the Moussavis but did not tell them that a motion was pending that could lead to dismissal of their case.
13. On July 14, 2017, the court heard the motion for a rule to show cause and for sanctions and dismissed the Moussavis’ case with prejudice. Respondent did not inform his clients that a hearing was held or that the case had been dismissed. On the order dismissing his clients’ case, Respondent noted an objection that discovery was not produced due to his incapacity and not the fault of his clients.
14. Respondent and Mr. Moussavi disagreed as to how Mr. Moussavi learned that his case was dismissed. Mr. Moussavi said that he learned of the court’s decision a week later when he contacted the court to determine the next court date. Respondent said that he met with the Moussavis at his office a few days after the hearing and informed them of the results.
15. On August 15, 2017, the Bhagats filed a petition for attorney’s fees and costs. Their basis for doing so was a clause in the construction contract that provided that the prevailing party shall pay any resulting litigation fees and costs. The Bhagats sought \$64,175.60 in fees and costs.

¹ Respondent did produce some emails, but did not provide written responses to the discovery by the date the motion was filed.

16. On August 17, 2017, Respondent left a message for Mrs. Moussavi stating that he was trying to pursue a settlement agreement in which everyone would just walk away with no additional money changing hands.
17. On August 25, 2017, the Bhagats filed a second motion for a rule to show cause and for sanctions. They cited the Moussavis' continuing failure to respond to all discovery and requested that the court preclude the Moussavis from submitting evidence in opposition to their counterclaim.
18. On September 1, 2017, Jay Igiel was substituted as new counsel for the Moussavis. According to the Moussavis, they did not know that the counterclaim was pending against them until Mr. Igiel was retained. Meanwhile, the counterclaim remained set for trial for September 2017, although that date was subsequently continued to December 2017.
19. Prior to trial, the Moussavis agreed to pay the Bhagats \$45,000 to settle their claims.
20. During the time that he was representing the Mousseavis, Respondent was licensed to practice law in Virginia. He has since terminated his law practice.

II. NATURE OF MISCONDUCT

Such conduct by the Respondent constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

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 1.3 Diligence

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

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.

RULE 1.15 Safeguarding Property

(a) Depositing Funds.

(1) All funds received or held by a lawyer or law firm on behalf of a client or a third party, or held by a lawyer as a fiduciary, other than reimbursement of advances for costs and expenses shall be deposited in one or more identifiable trust accounts; all other property held on behalf of a client should be placed in a safe deposit box or other place of safekeeping as soon as practicable.

RULE 1.16 Declining Or Terminating Representation

(a) Except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:

(1) the representation will result in violation of the Rules of Professional Conduct or other law;

(2) the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client; or

(3) the lawyer is discharged.

RULE 3.4 Fairness To Opposing Party And Counsel

A lawyer shall not:

...

(e) Make a frivolous discovery request or fail to make reasonably diligent effort to comply with a legally proper discovery request by an opposing party.

III. PROPOSED DISPOSITION

Accordingly, Assistant Bar Counsel and the Respondent tender to the Disciplinary Board for its approval the agreed disposition of a two-year suspension as representing an appropriate sanction if this matter were to be heard through an evidentiary hearing by a panel of the Disciplinary Board. If approved, the two-year suspension shall begin immediately.

If the Agreed Disposition is approved, the Clerk of the Disciplinary System shall assess an administrative fee.

AGREED:



**Elizabeth K. Shoenfeld, Assistant Bar Counsel
Virginia State Bar**



John Patrick Bond, Respondent