

VIRGINIA:

BEFORE THE SECOND DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

IN THE MATTER OF
Benjamin David Bowers

VS B Docket No. 14-022-098719

On September 10, 2014 a meeting was held in this matter before a duly convened Second District Subcommittee consisting of Mr. Clarke H. Crenshaw, Sr., lay member, Wanda Jones Cooper, Esquire, and Charisse Lee Black, Chair presiding. During the meeting, the Subcommittee voted to approve an agreed disposition for a PUBLIC Reprimand with Terms pursuant to Part 6, § IV, ¶ 13-15.B.4. of the Rules of the Supreme Court of Virginia. The agreed disposition was entered into by the Virginia State Bar, by Paul D. Georgiadis, Assistant Bar Counsel, Respondent Benjamin David Bowers, and Michael L. Rigsby, Esquire, counsel for Respondent.

WHEREFORE, the Second District Subcommittee of the Virginia State Bar hereby serves upon Respondent the following PUBLIC Reprimand with Terms:

I. FINDINGS OF FACT

1. At all times relevant hereto, Respondent Benjamin David Bowers has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. After practicing law for seven years as an associate with his law firm, Respondent suddenly resigned from the firm on January 20, 2014 for personal reasons.
3. Thereafter, the firm discovered overcharges in Respondent's billings to firm clients totaling approximately \$7,000.00 for legal work billed for but never performed.

4. When the firm asked Respondent about the charges, Respondent acknowledged the overbillings and offered to repay the clients.
5. Respondent has explained that due to health issues he was unable to complete the work assigned to him and to meet the firm's expectations of billable hours.
6. The bar agrees that Respondent has been candid and cooperative in this matter and has voluntarily taken steps to address his health issues.

II. NATURE OF MISCONDUCT

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

RULE 1.5 FEES

- (a) A lawyer's fee shall be reasonable.

III. PUBLIC REPRIMAND WITH TERMS

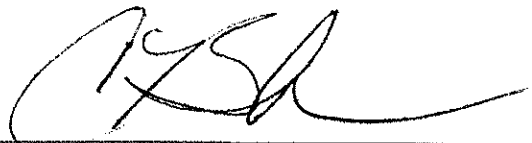
Accordingly, having approved the agreed disposition, it is the decision of the Subcommittee to impose a PUBLIC Reprimand with Terms. The terms are:

- 1) Within 30 days of the service date of the Subcommittee Determination, Respondent shall provide a copy of his current Lawyers Helping Lawyers Contract entered into on February 28, 2014 that reflects an extension of his current monitoring contract for a period of one year effective March 1, 2015 to run through February 28, 2016.
- 2) For a period of one year from the service date of the Subcommittee Determination, Respondent shall not commit any further misconduct.

If the Terms are violated, Bar Counsel shall proceed pursuant to Part 6, § IV, ¶ 13-15.F of the Rules of the Supreme Court of Virginia with a show cause proceeding for a determination of terms compliance. In the event the District Committee determines that the Respondent has failed to comply with the Terms, the District Committee shall issue a Certification for Sanction Determination pursuant to Part 6, § IV, ¶ 13-15.G of the Rules of the Supreme Court of Virginia. Any proceeding initiated due to failure to comply with terms will be considered a new matter, and an administrative fee and costs will be assessed.

Pursuant to Part 6, § IV, ¶ 13-9.E. of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess costs.

SECOND DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR



Charisse Lee Black
Subcommittee Chair

CERTIFICATE OF MAILING

I certify that on the 8th day of October, 2014, a true and complete copy of the Subcommittee Determination (PUBLIC Reprimand With Terms) was sent by certified mail to Benjamin David Bowers, Respondent, at Law Office of Benjamin D. Bowers, Suite 208, 4101 Granby Street, Norfolk, VA 23504, Respondent's last address of record with the Virginia State Bar, and by first class mail, postage prepaid to Michael L. Rigsby, counsel for Respondent, at Michael L. Rigsby, PC, P.O. Box 29328, Henrico, VA 23242.



Paul D. Georgiadis
Assistant Bar Counsel