



It is further **ORDERED** that the sanction is effective February 14, 2020.

It is further **ORDERED** that:

The Respondent must comply with the requirements of Part Six, § IV, ¶ 13-29 of the Rules of the Supreme Court of Virginia. The Respondent shall forthwith give notice by certified mail of the Revocation or 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 Revocation or Suspension that such notices have been timely given and such arrangements made for the disposition of the matters.

It is further **ORDERED** that if the Respondent is not handling any client matters on the effective date of the Revocation or Suspension, he shall submit an affidavit to that effect within 60 days of the effective date of the Revocation or 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 Paragraph 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.

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 COTULaw, PO Box 405, Ashland, VA 23005, and a copy hand-delivered to Laura Ann Booberg, Assistant Bar Counsel, Virginia State Bar, Suite 700, 1111 E. Main Street, Richmond, VA 23219.

Enter this Order this 14th day of February, 2020

**VIRGINIA STATE BAR DISCIPLINARY BOARD**

Yvonne S. Gibney

Digitally signed by Yvonne S. Gibney  
Date: 2020.02.14 16:48:59 -0500

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Yvonne S. Gibney  
Second Vice Chair

VIRGINIA:

BEFORE THE DISCIPLINARY BOARD  
OF THE VIRGINIA STATE BAR

IN THE MATTERS OF  
JASON MICHAEL BRENEMAN

VS B Docket No. 19-032-114975  
VS B Docket No. 19-032-114090  
VS B Docket No. 18-032-111093  
VS B Docket No. 19-000-114710  
VS B Docket No. 19-000-114711

AGREED DISPOSITION  
(THREE (3) MONTH SUSPENSION WITH TERMS)

Pursuant to the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-6.H, the Virginia State Bar, by Laura Ann Booberg, Assistant Bar Counsel and Jason Michael Breneman, Respondent, *pro se*, hereby enter into the following Agreed Disposition arising out of the referenced matters.

ALLEGATIONS OF FACT FOR VSB DOCKET NO. 18-032-111093

Complainant: Edward Kyle McNew

1. At all times relevant hereto, Respondent has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. This complaint was filed on December 1, 2017 by Edward Kyle McNew, Esq., (“McNew”). It arose out of McNew’s representation of Jeffrey Terry (“Terry”) who is a former client of Respondent. Respondent represented Terry in litigation involving the dissolution of an antiques business.
3. On December 30, 2016, Respondent filed a Warrant in Debt on Terry’s behalf in Richmond General District Court. On February 10, 2017, the defendant, represented by Thomas Coates (“Coates”) filed a lawsuit in Richmond Circuit Court. On April 6, 2017, Respondent filed a Grounds of Removal to join the Warrant in Debt action as a counterclaim to the claim pending in circuit court.
4. On March 3, 2017, an Answer was due in circuit court. Respondent filed an Answer and Grounds of Defense by facsimile on March 3, 2017. On March 14, 2017, Coates filed a Motion for Default Judgment, asserting that the Grounds of Defense was not timely filed since it was filed by facsimile.

5. On April 6, 2017, a hearing was held on the Motion for Default Judgment. Terry was not present at the hearing because Respondent told him that he did not need to be there.
6. By order entered April 7, 2017, the judge denied the motion and granted leave for Terry to file a responsive pleading within ten days of the order. The judge ordered Terry to pay \$3,840.05 in attorney's fees to Coates and to file the pleading under oath, by affidavit.
7. Respondent never told Terry that the order had been entered nor did he provide him with a copy.
8. On April 12, 2017, Coates filed a Motion to Dismiss the Warrant in Debt filed in Richmond General District Court on the grounds that Respondent did not timely file a Bill of Particulars.
9. On April 18, 2017, Coates filed a renewed motion for default judgment, and a hearing was scheduled for May 10, 2017. On the morning of the hearing, Respondent filed a Motion for Continuance and the matter was continued until May 31, 2017.
10. On April 19, 2017, two days late and without an affidavit or payment of the attorney's fees, Respondent filed an Amended Answer and Counterclaim in circuit court.
11. The renewed Motion for Default Judgment was set for a hearing on June 12, 2017. Although Terry was present at the hearing, he did not understand what was happening.
12. On June 26, 2017, the judge issued a letter opinion granting the Motion for Default Judgment and setting it for trial on October 5, 2017 to determine damages. Respondent never showed this opinion to Terry.
13. Terry consulted with other counsel, and on August 3, 2017, McNew filed a Notice of Appearance and a Motion to Set Aside the Default Judgment. The court heard the motion on September 29, 2017.
14. On October 13, 2017, McNew filed a complaint for legal malpractice against Respondent in the Richmond City Circuit Court.
15. On January 3, 2018, the court denied McNew's motion and continued the case until January 30, 2018 for determination of damages against Terry. Terry declared bankruptcy on February 1, 2018. This triggered an automatic stay of all debt collection and an order regarding damages was never entered.
16. On March 6, 2018, the Virginia State Bar ("VSB") issued a subpoena duces tecum for Respondent to produce the following documents to the VSB on or before March 27, 2018:

Copies of all files, records, reports, documents and electronically stored information related to your representation of Jeffrey M. Terry, including, but not limited to:

- 1) your entire client file;

- 2) all contracts for legal representation;
- 3) all communications with the client and others about the representation, including but not limited to letters, emails, text messages and messages sent via other media platforms;
- 4) all billing records; and
- 5) all trust account and operating account records, including all paper and electronically stored records, including cancelled checks, cash receipts journals, cash disbursements journals, individual client subsidiary ledgers, bank statements, deposit tickets and evidence of reconciliations; that are in your possession, custody or control, relating to your representation of Jeffrey M. Terry [.]

17. Despite a signed certified receipt that Respondent received the subpoena on or about March 19, 2018, he failed to comply with the subpoena.
18. On May 3, 2018, Respondent was sent a Notice of Noncompliance and Request for Interim Suspension. This Notice provided Respondent with the opportunity to petition the Board within 10 days to withhold entry of an interim suspension order pending a hearing. Respondent neither petitioned the Board nor answered the subpoena within the allotted time.
19. Accordingly, on May 15, 2018, the Board suspended Respondent's license, and it remained suspended until May 17, 2018 when Respondent produced documents in response to the subpoena, at which time the suspension was lifted.
20. The VSB investigator later determined that Respondent had not produced any of the bank statements or evidence of the completion of the required accounting procedures in response to the subpoena issued to him on March 6, 2018. During an interview with Respondent on August 22, 2018, the VSB investigator inquired about these missing records and Respondent requested that the investigator send him an email detailing the request. The investigator emailed Respondent the following detailed list on August 22, 2018:
  1. Quarterly reconciliation that reflects the trust account balance for Mr. Terry.
  2. Monthly reconciliation of the cash balance that is derived from the cash receipts journal, cash disbursements journal, the trust account checkbook balance, and the trust account bank statement.
  3. Quarterly reconciliation of the cash balance from (2) and the subsidiary ledger from (1) above.
  4. Approval of reconciliations by a lawyer in the firm.
21. Respondent failed to produce the records. By letter dated September 27, 2018, Respondent was advised that, due to his failure to produce the additional documents, he was not in compliance with the subpoena. Again, Respondent was given 10 days either to produce the records or to request a hearing before the Board. Respondent did not respond or request a

hearing. On October 18, 2018, his license was suspended for failing to comply with the subpoena.

22. On November 6, 2018, after hearing nothing from Respondent, the VSB investigator emailed a courtesy copy of the Interim Suspension Order to Respondent's office manager. On November 7, 2018, Respondent told the investigator that he had just seen the order and asked what he needed to provide to properly comply with the subpoena. The investigator resent the August 22, 2018 list.
23. By emails dated November 9 and 10, 2018, Respondent provided copies of his trust account records. On November 13, 2018, the interim suspension was lifted.
24. The VSB investigator sent several emails to Respondent for an explanation concerning discrepancies in the records Respondent had produced to the VSB. He told the investigator that he would respond to his questions as soon as he was able. However, Respondent did not provide any further information. On February 8, 2019, Respondent told the VSB investigator that he did not have any of the additional information requested.
25. On July 23, 2019, a default judgment was entered against Respondent for legal malpractice. The court awarded damages in the amount of \$176,912.98 after Respondent failed to appear or file any responsive pleadings in the malpractice case.

#### NATURE OF MISCONDUCT

Such conduct by 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.

(b) A lawyer shall not intentionally fail to carry out a contract of employment entered into with a client for professional services, but may withdraw as permitted under Rule 1.16.

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.

(c) A lawyer shall inform the client of facts pertinent to the matter and of communications from another party that may significantly affect settlement or resolution of the matter.

RULE 8.1 Bar Admission And Disciplinary Matters

An applicant for admission to the bar, or a lawyer already admitted to the bar, in connection with a bar admission application, any certification required to be filed as a condition of maintaining or renewing a license to practice law, or in connection with a disciplinary matter, shall not:

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(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 [.]

ALLEGATIONS OF FACT FOR VSB DOCKET NO. 19-032-114090  
Complainant: Virginia State Bar

26. As detailed above, Respondent was suspended from the practice of law in Virginia from October 18, 2018 through November 13, 2018. Respondent was served with the Notice of Interim Suspension by certified and regular mail at his address of record with the VSB. Information from the United States Postal Service indicates that the notice sent via certified mail was available for pick up at the Ashland, VA post office on October 19, 2018. As of November 3, 2018, the letter was marked unclaimed, and was subsequently returned to the VSB on November 9, 2018. There is no evidence that Respondent did not receive the notice via regular mail.
27. Respondent told the VSB investigator that he first became aware of the Interim Suspension Order on November 13, 2018, when the Honorable Hugh S. Campbell of the Hanover General District Court provided him with a copy of it. However, as noted above, in an email on November 7, 2018, Respondent advised the VSB investigator that he had received the copy of the order given to his office manager. He asked the investigator what he needed to do to properly comply with the subpoena.
28. In response, the VSB investigator emailed Respondent and restated what he had requested on August 22, 2018. After reviewing this information, Respondent told the

investigator that he had not read the entire email and thus did not see that it was an Interim Suspension Order. He further stated that he was too busy to pick up certified mail at the post office.

29. On November 12 and 13, 2018, Hanover County Commonwealth's Attorney Raymond "Trip" Chalkley, contacted the VSB and advised that Respondent had appeared as counsel on numerous occasions in Hanover County Circuit and General District courts. He provided the VSB with a list of cases in which Respondent appeared as counsel. He also stated that Respondent had not notified him of his suspension, as required by the Interim Suspension Order and Part Six, § IV, Paragraph 13-29 of the Rules of the Supreme Court of Virginia.
30. The documentation provided by Chalkley listed 28 matters in which Respondent was counsel of record during the period of interim suspension from October 18, 2018 through November 13, 2018.
31. On November 19, 2018, the Honorable Patricia Kelly notified the VSB regarding Respondent's practice in her court while he was suspended. The same day, Respondent was notified of the instant bar complaint regarding his unauthorized practice of law during the interim suspension period. The letter contained a demand that Respondent submit a written answer to the complaint within 21 days. Respondent did not provide a response until January 11, 2019, when he stated in an email to the VSB:

I do not contest that you saw fit to suspend my license after I failed to provide Mr. McCall with documents and answers related to my law office's operating and IOLTA accounts within several weeks of our meeting in August. I also do not contest that I made several appearances before the General District Court and Circuit Court of Hanover County during the interim suspension.

32. Respondent admitted to earning a total of \$600.00 in fees for which he submitted a Form DC-40 for payment. He went on to state that, of the matters he handled while suspended, "the four matters resulting in pleas of guilt or facts sufficient of same obviously cause [him] the most immediate concern, and [he is] expediting communications with these clients with most pressing urgency." Respondent made these statements on January 11, 2019, almost two months after the end of the suspension period.

#### NATURE OF MISCONDUCT

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

RULE 5.5 Unauthorized Practice of Law; Multijurisdictional Practice of Law

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(c) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

RULE 8.4 Misconduct

It is professional misconduct for a lawyer to:

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(b) commit a criminal or deliberately wrongful act that reflects adversely on the lawyer's honesty, trustworthiness or fitness to practice law;

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ALLEGATIONS OF FACT FOR VSB DOCKET NO. 19-032-114975

Complainant: Brian J. McConnell

33. On October 23, 2018, while Respondent was suspended from practicing law in the Commonwealth of Virginia, he accepted the appointment to represent Complainant Brian J. McConnell ("McConnell") in Hanover County General District Court on a charge of grand larceny. McConnell had been denied bond on October 23, 2018.
34. On October 25, 2018, while Respondent was suspended, he sent a letter to the court clerk for acceptance of the representation of McConnell. He also filed a Motion to Set Bond on McConnell's behalf.
35. On November 8, 2018, while Respondent was suspended, he filed a Notice of Appeal for determination of bail by the Hanover County Circuit Court on behalf of McConnell.
36. On November 15, 2018, while Respondent was still suspended, he appeared before Judge Kelly in Hanover County Circuit Court and requested a continuance of McConnell's bail hearing. The continuance was granted, and the hearing was set for December 20, 2018. McConnell had been held without bail since on or about October 20, 2018.
37. On January 19, 2019, Respondent visited McConnell in jail and held up to the visitor's window a letter that stated:

Pursuant to Rules of Court, Part Six, § IV, Paragraph 13-29, I am hereby notifying you that my license to practice law in the Commonwealth of Virginia was suspended on October 18, 2018 until it was reinstated on November 13, 2018. During this time you

were one of my active clients. Please contact me as soon as possible to make arrangements for the handling of your case.

38. On January 25, 2019, Respondent engaged in negotiations for a plea deal. Respondent stated that his understanding was that the Commonwealth would accept a plea of guilty to a misdemeanor offense. Respondent advised McConnell of this agreement and McConnell agreed and waived his right to a preliminary hearing.
39. McConnell recalled that, following the proceeding in which he waived his right to a preliminary hearing, Respondent told him that he would file a motion for a bond hearing in circuit court immediately. Between January 25, 2019 and March 12, 2019, Respondent did not file the bond motion nor communicate with McConnell. McConnell recalled that when he finally spoke to Respondent, Respondent told him that he had a “family situation.”
40. When interviewed by the VSB Investigator, Respondent stated that he did not make a trip to the jail to see McConnell as he had nothing to tell him. He further stated that he was “running in the red” on McConnell’s case and could not afford to spend a half day meeting with an opiate-addicted client when he had nothing to tell him.
41. At a hearing on March 26, 2019, the Commonwealth presented Respondent with an agreement by which McConnell would plead guilty to a felony offense. Respondent rejected the plea offer and the case was continued.
42. McConnell was dissatisfied with the quality of Respondent’s representation, especially in light of his statement to McConnell that the proposed plea would be to a misdemeanor charge. On April 10, 2019, Respondent withdrew as counsel and new counsel was appointed.
43. New counsel was able to secure the plea to a misdemeanor charge after witnesses did not appear at trial on May 1, 2019.

#### NATURE OF MISCONDUCT

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

#### 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.

(c) A lawyer shall inform the client of facts pertinent to the matter and of communications from another party that may significantly affect settlement or resolution of the matter.

RULE 5.5 Unauthorized Practice of Law; Multijurisdictional Practice of Law

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(c) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

ALLEGATIONS OF FACT FOR VSB DOCKET NOS. 19-000-114710 & 19-000-114711

1. By Interim Suspension Order entered May 15, 2018 in VSB Docket No. 18-032-111093, The Virginia State Bar Disciplinary Board suspended Respondent's license to practice law in the Commonwealth of Virginia for his failure to comply with the subpoena *duces tecum* served on March 19, 2018.
2. The Interim Suspension Order required Respondent to comply with the requirements of Paragraph 13-29. Paragraph 13-29 requires, among other things, that Respondent provide notice of his suspension by certified mail to his clients, opposing counsel, and presiding judges within 14 days of the effective date of his suspension. Paragraph 13-29 also requires Respondent to furnish proof to the Virginia State Bar within 60 days of the effective date of his suspension that he has given such timely notices.
3. The Interim Suspension Order was effective May 15, 2018. Accordingly, Respondent was required to notify his clients, opposing counsel, and presiding judges of his suspension by certified mail on or before May 29, 2018. Respondent was also required to provide proof to the Virginia State Bar of his compliance with Paragraph 13-29 on or before July 14, 2018.
4. On October 18, 2018, having received no response or proof of Respondent's compliance with the requirements of Paragraph 13-29, the Clerk sent a reminder letter to Respondent at his address of record.
5. At no time has Respondent filed with the Virginia State Bar proof of compliance with Paragraph 13-29. Accordingly, Respondent has violated and continues to violate the Interim Suspension Order and Paragraph 13-29.
6. Respondent had an active law practice in the Commonwealth of Virginia when the Interim Suspension Order was entered.
7. By Interim Suspension Order entered October 18, 2018 in VSB Docket No. 18-032-111093, The Virginia State Bar Disciplinary Board suspended Respondent's license to practice law in the Commonwealth of Virginia for his failure to comply with the subpoena *duces tecum* served on March 6, 2018.

8. The Interim Suspension Order required Respondent to comply with the requirements of Paragraph 13-29. Paragraph 13-29 requires, among other things, that Respondent provide notice of his suspension by certified mail to his clients, opposing counsel, and presiding judges within 14 days of the effective date of his suspension. Paragraph 13-29 also requires Respondent to furnish proof to the Virginia State Bar within 60 days of the effective date of his suspension that he has given such timely notices.
9. The Interim Suspension Order was effective October 18, 2018. Accordingly, Respondent was required to notify his clients, opposing counsel, and presiding judges of his suspension by certified mail on or before November 1, 2018. Respondent was also required to provide proof to the Virginia State Bar of his compliance with Paragraph 13-29 on or before December 17, 2018.
10. On December 18, 2018, having received no response or proof of Respondent's compliance with the requirements of Paragraph 13-29, the Clerk sent a reminder letter to Respondent at his address of record.
11. On February 8, 2019, Respondent filed with the Virginia State Bar a notarized Affidavit stating in part, "I, Jason M. Breneman, hereby certify that although not within the 14 day time period prescribed by Part Six, Section IV, Paragraph 13-29 of the Rules of Court, I have as of this writing notified all clients for whom I was handling matters, all opposing counsel and presiding judges in pending litigation that my license to practice law has been suspended/revoked." Accordingly, Respondent has violated the Interim Suspension Order and Paragraph 13-29.

#### NATURE OF MISCONDUCT

Respondent is in violation of the Virginia State Bar Disciplinary Board Orders dated May 15, 2018 and October 18, 2018.

#### PROPOSED DISPOSITION

Accordingly, Assistant Bar Counsel and the Respondent tender to the Disciplinary Board for its approval the agreed disposition of a Three (3) Month Suspension with Terms as representing an appropriate sanction if this matter were to be heard through an evidentiary hearing by a panel of the Disciplinary Board. The terms with which the Respondent must comply are as follows:

1. Within Thirty (30) days of the date that the Disciplinary Board enters a final Memorandum Order the Respondent shall further:
  - a. Engage an approved practicing attorney (known as “Mentor”) acceptable to the Virginia State Bar. The Mentor’s engagement shall be for the purposes of reviewing Respondent’s current law practice policies, methods, systems and record-keeping to ensure compliance with all provisions of the Rules of Professional Conduct.
  - b. Beginning on the date that the Three (3) month suspension to practice is lifted, the Mentor shall counsel Respondent with regard to his law office practice policies and procedures and report to the VSB on a quarterly basis regarding Respondent’s compliance with the Mentor’s recommendation.
  - c. In the event the Mentor determines that Respondent has complied with the Mentor’s recommendations, the Mentor shall so certify in writing to the Respondent and the Virginia State Bar. In the event the Mentor determines that Respondent has not complied with the Mentor’s recommendations, the Mentor shall notify the Respondent and the Virginia State Bar, in writing, of the measures that Respondent must take to bring himself into compliance with the Mentor’s recommendations.
  - d. Upon receipt of a report of non-compliance with the Mentor’s recommendations, the Respondent shall have thirty (30) days following the date the Mentor issues his or her written statement of the measures Respondent must take to bring his law office practice and procedures into compliance. The Mentor shall be granted access to Respondent’s office, books, records, and files following the passage of the thirty (30) day period to determine whether Respondent has brought himself into compliance, as required. The Mentor shall thereafter certify in writing to the Virginia State Bar and to the Respondent either that the Respondent has brought his practice and procedures into compliance within the thirty-day (30) period, or that he has failed to do so. Respondent’s failure to bring himself into compliance with the Mentor’s recommendations by the conclusion of the aforesaid thirty (30) day period shall be considered a violation of the Terms set forth herein.
  - e. The Mentor shall periodically examine the Respondent’s law practice consistent with paragraph a, above, for a period of twelve (12) months following the date of the Mentor’s initial certification of compliance pursuant to the terms hereof. The Mentor shall report to the Virginia State Bar on a quarterly basis and in said report either recertify Respondent’s compliance with Mentor’s recommendations or issue a report to the Virginia State Bar and the Respondent stating that the Respondent is not in compliance, and the basis for such a determination. The Respondent shall be deemed to have violated the Terms hereof in the event the Mentor, upon such re-examination of

Respondent's said law practice policies, methods, systems and record-keeping reports any material noncompliance.

- f. Although it is not a requirement that the Mentor charge a fee for his or her services, Respondent shall be obligated to pay when due any reasonable fees and costs charged by the Mentor.
2. That Respondent shall obtain twelve (12) live hours of Continuing Legal Education credits by attending courses approved by the Virginia State Bar in the subject matter of Law Office Management, Civil and Criminal Procedure. Such credits shall not be applied toward Respondent's Mandatory Continuing Legal Education Requirement in Virginia or in any other jurisdiction in which Respondent is licensed to practice law. Respondent shall certify his compliance with the terms set forth in this paragraph by delivering a fully and properly executed Virginia MCLE Board Certification of Attendance Form to Assistant Bar Counsel Laura Ann Booberg, or her designee, promptly following Respondent's attendance of each such CLE program no later than twelve (12) months from the date that the Disciplinary Board enters a final Memorandum Order approving the agreed disposition.
3. Respondent is placed on probation for a period of one (1) year commencing upon the date that the Disciplinary Board enters a final Memorandum Order approving the agreed disposition. During such probationary period, Respondent will not engage in professional misconduct as defined by the Virginia Rules of Professional Conduct or the disciplinary rules of any other jurisdiction in which the Respondent is admitted to practice law. Any final determination that Respondent engaged in professional misconduct during this probationary period made by a District Subcommittee, District Committee, the Disciplinary Board, a Three-Judge Panel or the Supreme Court of Virginia shall conclusively be deemed a violation of this Term.

Upon satisfactory proof that such terms and conditions have been met, this matter shall be closed. If, however, all the terms and conditions are not met by the deadlines imposed above, the Respondent agrees that the Disciplinary Board shall impose a two (2) year suspension of his license to practice law in the Commonwealth of Virginia pursuant to the Rules of Court, Part Six, Section IV, Paragraph 13-18.O.

If the Agreed Disposition is approved, the Clerk of the Disciplinary System shall assess costs pursuant to ¶ 13-9.E of the Rules.

THE VIRGINIA STATE BAR

By:   
\_\_\_\_\_  
Laura Ann Booberg  
Assistant Bar Counsel

By:   
\_\_\_\_\_  
Jason Michael Breneman  
Respondent