VIRGINIA:

BEFORE THE DISCIPLINARY BOARD
OF THE VIRGINIA STATE BAR

IN THE MATTER OF
JERRI LYNN FULLER **VSB Docket Nos. 12-042-089895 & 12-042- 090282**

ORDER

These matters came to be heard on November 15, 2013, pursuant to a Notice of Hearing on the Subcommittee Determination (Certification). The Board impaneled by the Virginia State Bar ("Bar" or "VSB") for these matters consisted of Jody D. Katz, Lay Member, David R. Schultz, Melissa W. Robinson, Jeffrey L. Marks and Pleasant S. Brodnax, III, Chair (Presiding). The Bar was represented by Paul E. Franco, Jr., Assistant Bar Counsel ("Bar Counsel"), the Respondent, Jerri Lynn Fuller, was present and represented by Michael L. Rigsby.

The Chair polled the members of the Board as to whether any of them had any personal or financial interest or bias which would preclude any of them from fairly hearing this matter and serving on the panel, and each member responded that there were no such conflicts. Tracy J. Stroh, a registered professional court reporter, Chandler & Halasz, P.O. Box 9349, Richmond, Virginia 23227 (804) 730-1222, after being duly sworn, reported the hearing and transcribed the proceedings.

The Hearing was convened at 9:15 a.m.

As an initial matter, Counsel for the Respondent, with the consent of Bar Counsel, stipulated and admitted to the Respondent being found in violation of the following Rules of Professional Conduct with respect to matter #12-042-089895: Rule 1.6(a); Rule 1.15(a), (b), (c), and (d); Rule 1.16 (d); Rule 8.1 (a), (b), and (d); and Rule 8.4 (a), (b),

and (c). Bar Counsel, with the consent of Counsel for the Respondent, agreed that the Bar would withdraw its claim that the Respondent violated Rule 1.3 and Rule 1.4.

Counsel for the Respondent, with the consent of Bar Counsel, stipulated and admitted to the Respondent being found in violation of the following Rules of Professional Conduct with respect to matter #12-042-090282: Rule 1.15(a), (b), (c), and (d); Rule 1.16 (d); Rule 8.1 (a), (b), and (d); and Rule 8.4 (a), (b), and (c). Bar Counsel, with the consent of Counsel for the Respondent, agreed that the Bar would withdraw its claim that the Respondent violated Rule 1.3 and Rule 1.4.

At the conclusion of these proffers by Bar Counsel and Counsel for the Respondent, the Panel deliberated and accepted the stipulations as to the violations and as further discussed below. After said deliberation, the Panel entered into the sanction phase.

At the sanction phase, the following individuals testified on behalf of the VSB: David Jackson, VSB Investigator; Theresa G. Lathom; Robert D. Currie, and the Respondent. The following individuals testified on behalf of the Respondent: Patrick Anderson and the Respondent. VSB exhibits #1 through 28 were introduced and admitted. All of the Respondents' exhibits that were introduced were admitted.

Based on the testimony of the witnesses and the admitted exhibits, the Panel makes the following finding of facts:

FINDINGS OF FACT

VSB DOCKET NO. 12-042-089895
Complainant: Mr. Robert Currie

1. At all times relevant, Respondent was licensed to practice law in the Commonwealth.

2. Respondent was admitted to the practice of law in the Commonwealth on October 12, 2006.

3. At all times relevant, Respondent was a solo practitioner operating her practice in the City of Alexandria, Virginia.

4. Robert Currie had filed a Title VII racial discrimination and retaliation case pro se against the office of the Sheriff of the City of Alexandria.

5. After several preliminary telephone conversations, Mr. Currie met in person with Respondent on or about August, 29, 2011 to discuss her qualifications to take over the case as counsel of record.

6. Respondent assured Mr. Currie that she had handled discrimination cases before in the United States District Court for the Eastern District of Virginia ("Eastern District") and that she routinely handled these types of cases that had resulted in settlements.

7. Unbeknownst to Mr. Currie, Respondent was not admitted to practice law before the Eastern District.

8. Based upon Respondent's representations that she was qualified to handle the case, Mr. Currie agreed to retain her services for a fee of $15,000.00.

9. Mr. Currie signed Respondent's retainer agreement and paid an initial fee of $12,000.00 by check followed a few days later by another payment of $500.00. He paid a final installment of $3,000.00 sometime in October of 2011.

10. Respondent did not deposit the unearned retainer fees into a trust or other fiduciary account required by the Virginia Rules of Professional Conduct.

11. Instead, she deposited those funds directly into an operating or personal checking account.

12. Respondent began immediately using Mr. Currie's retainer funds for personal and other expenses despite having not earned the fee.

13. Following the August 29, 2011 in person meeting, Mr. Currie received a response to his lawsuit. He contacted Respondent to ask why he was receiving a copy of the response and not his attorney and when she was going to file a notice of appearance.

14. The reason Mr. Currie received the copy of the response instead of the Respondent was that the Respondent was in the process of being admitted to the Eastern District and until such time as she qualified, she was precluded from entering an appearance. She had to qualify to practice before the Eastern District despite her representations to Mr. Currie that she was already qualified to take his case.

15. On September 16, 2011, Respondent and Mr. Currie met once again to discuss the case and prepare answers to interrogatories.

16. Respondent arrived to the meeting an hour and a half late.

17. Mr. Currie had already prepared draft answers to the interrogatories for Respondent to use.

18. After this meeting, Respondent broke off contact with Mr. Currie.

19. Mr. Currie continued to receive documents from opposing counsel.

20. Mr. Currie attempted to contact Respondent via telephone and sent several emails, all of which went unanswered.

21. During this time period, Respondent never sent Mr. Currie a bill or any kind of accounting for the services she alleged to have performed.

22. Respondent was finally admitted to the Eastern District on October 25, 2011 but she never entered an appearance on Mr. Currie's behalf.

23. On November 7, 2011, Mr. Currie sent Respondent a letter terminating her services and demanding a refund.

24. Mr. Currie sent two emails dated November 14 and 30, 2011 demanding a return of his retainer, which Respondent refused to answer

25. After Respondent did not reply to the letter and emails, Mr. Currie consequently filed a bar complaint.

26. Respondent retained counsel to file an answer to Mr. Currie's complaint.

27. As part of that response, Respondent's counsel attached copies of banking records purporting to show that Respondent had deposited Mr. Currie's retainers into an IOLTA approved account with Wachovia.

28. During the investigation of this case, the office of bar counsel received a package of documents concerning Mr. Currie from a third party which included a copy of the confidential complaint as well as copies of privileged client documents and communications belonging to Mr. Currie.

29. Respondent had gone to a public copying place in preparing an answer to the Complaint and carelessly left Mr. Currie's confidential information where it was picked up and seen by unauthorized third persons.

30. While she was represented by counsel, on January 24, 2012, Respondent issued Mr. Currie a refund of $9,416.68 from the account that she represented to the Bar was her IOLTA Trust Account.

31. During the course of the investigation, David Jackson arranged to meet with Respondent and her counsel.

32. During that interview, and in the presence of counsel, Respondent confirmed that her Wells Fargo account ending in #3987 was her IOLTA account.

33. Respondent advised Mr. Jackson that the IOLTA account was the one into which she deposited Mr. Currie's retainers.

34. Respondent was unable to account to Mr. Jackson why there was a $7,000.00 withdrawal from her IOLTA account.

35. When asked if she was using the IOTLA account as a personal account and she responded, "no".

36. Respondent confirmed that there was a debit card attached to the IOLTA account.

37. Each of the responses that Respondent gave to Mr. Jackson to the above questions about the trust account records was disingenuous.

38. When Mr. Jackson asked Respondent what kind of account #3987 was, she asked her lawyer to leave the room.

39. Respondent advised Mr. Jackson that her attorneys had not been complicit with anything she had done during the course of the investigation.

40. At that point, Mr. Jackson asked Respondent if she wanted her attorney to return to the interview but she declined.

41. Subsequently, Respondent admitted to Mr. Jackson that she had forged the trust account records she provided to her lawyers that were incorporated as part of her answer to Mr. Currie's complaint.

42. She admitted that account #3987 was not an IOLTA account and merely a business checking account.

43. She admitted depositing Mr. Currie's retainers into this account, and admitted taking funds when she needed to pay expenses.

44. At the time that Respondent knowingly chose to deceive the Bar's investigator the Bar had already obtained copies of the Respondents financial records.

45. A review of those financial records showed that Respondent had used funds belonging to Mr. Currie that had not been earned to pay for expenses she incurred in the United States and while vacationing in Europe.

46. In fact, when Mr. Currie paid his initial retainer of $12,000.00 Respondent made a comment to the effect that Mr. Currie's case would help her finance her upcoming vacation to Europe.

47. Additionally, the account that Respondent misrepresented as an IOLTA account had overdraft fees and a negative balance of $51.54 two days after Mr. Currie terminated her services.

48. Respondent provided Mr. Currie a "refund" despite the fact that the account into which his retainer funds were deposited had a negative balance two days after he fired Respondent.

49. Respondent admitted to Mr. Jackson that the funds she used to repay Mr. Currie what she claimed was unearned fee came from sources other than Mr. Currie's actual retainer payments.

50. Respondent also admitted that she did not maintain her trust and accounting records during the times relevant to Mr. Currie's complaint in accordance with the Virginia Rules of Professional Conduct.

VSB DOCKET NO. 12-042-090282
Complainant: Ms. Theresa Lathom

1. At all relevant times, Respondent was licensed to practice law in the Commonwealth.

2. Respondent was admitted to the practice of law in the Commonwealth on October 12, 2006.

3. At all times relevant, Respondent was a solo practitioner operating her practice in the City of Alexandria, Virginia.

4. Theresa Lathom spoke to Respondent over the phone on May 5, 2011 to discuss representing her interests related to custody and support that had been ordered as part of her divorce.

5. Ms. Lathom met with Ms. Fuller on May 9, 2011, signed a retainer agreement, paid her a retainer of $4,500.00 and provided her with the necessary documents to begin work.

6. Ms. Lathom emphasized that she did not have a lot of time and money to spend on these matters.

7. Respondent did not deposit the unearned retainer fees into a trust or other fiduciary account required by the Virginia Rules of Professional Conduct.

8. Instead, she deposited those funds directly into an operating or personal checking account.

9. Respondent began immediately using Ms. Lathom's retainer funds for personal and other expenses despite having not earned the fee.

10. Respondent advised Ms. Lathom that she believed the matter could be resolved by negotiation with opposing counsel and promised to prepare a letter to Ms. Lathom's ex-husband's counsel.

11. When the letter was not produced, Ms. Lathom contacted Respondent numerous times asking about the status of the letter.

12. Respondent only offered excuses for not having done what she had promised to do.

13. Ms. Lathom was able to ascertain by meta data and other means that Respondent was not being truthful in her excuses for not diligently handling the matter.

14. A letter finally went out in June of 2011.

15. Respondent was ultimately tasked with filing a Rule to Show Cause in July.

16. As with the initial letter, Ms. Lathom was able to confirm her suspicions that Respondent was not being truthful about her attempts to diligently handle the matter.

17. A hearing in Ms. Lathom's case was set for August 26, 2011.

18. Respondent and Ms. Lathom met on August 24 to prepare for that hearing. Ms. Lathom was informed for the first time Respondent had changed her mind about the strategy in which to proceed at the hearing, despite being provided with information to the contrary.

19. On the day of the hearing, Respondent showed up for court, unprepared, putting exhibits together at the last minute and did not present the case in a fashion which she had discussed with Ms. Lathom.

20. On September 14, 2011, Ms. Lathom called Respondent but the call was not returned. Ms. Lathom left a message terminating Respondent, requesting a bill and a return of unearned fee.

21. On September 15, 2011, Ms. Lathom sent Respondent an email following up on the message she had left.

22. Later that day, Respondent replied by email that she would mail a check by September 19, 2011.

23. Ms. Lathom emailed Respondent again on September 26, 2011 asking why she had not received her requested bill and refund.

24. Respondent offered only excuses.

25. By another email exchange between October 12 and Respondent's reply of October 24, 2011, Respondent stated that she would mail a refund that day.

26. Respondent failed to do so.

27. Ms. Lathom filed a bar complaint.

28. In response to the complaint, Respondent retained counsel and made financial records relating to an account Respondent represented as her IOLTA account records a part of her answer to the complaint.

29. During the course of the investigation, David Jackson arranged to meet with Respondent and her counsel.

30. During that interview, and in the presence of counsel, Respondent confirmed that her Wells Fargo account ending in #3987 was her IOLTA account.

31. Respondent advised Mr. Jackson that the IOLTA account was the one into which she deposited Ms. Lathom's retainers.

32. Respondent further stated she was the only signatory to that account and handled all deposits and maintained all records.

33. Respondent advised Mr. Jackson that according to her records based on her billing statements, Ms. Lathom owed her $1,835.00 but that she relented and paid Ms. Lathom a refund of $500.00.

34. Mr. Jackson showed Respondent copies of bank records the Bar had obtained from Wells Fargo related to Respondent's account that ended in #3987.

35. Those records showed a deposit of $4,500.00 on May 10, 2011. At the time of the deposit, the account had a balance of $6.29.

36. The next activity was a withdrawal three days later of $1,150.00.

37. The time and billing records Respondent provided did not support that withdrawal.

38. Furthermore, the banking records for account ending in #3987 that Respondent provided in answering the complaint differed from those that were provided by Wells Fargo to the Bar in response to a subpoena.

39. They differed in both their heading and as to the balances and withdrawal amounts.

40. When asked if she was using the IOTLA account as a personal account she responded, "no".

41. Respondent confirmed that there was a debit card attached to the IOLTA account.

42. Each of the responses that Respondent gave to Mr. Jackson to the above questions concerning her trust account records was disingenuous.

43. When Mr. Jackson asked Respondent what kind of account #3987 was, she asked her lawyer to leave the room.

44. Respondent advised Mr. Jackson that her attorneys had not been complicit with anything she had done during the course of the investigation.

45. At that point, Mr. Jackson asked Respondent if she wanted her attorney to return to the interview but she declined.

46. Subsequently, Respondent admitted to Mr. Jackson that she had forged the trust account records she provided to her lawyers that were incorporated as part of her answer to Ms. Lathom's complaint.

47. She admitted that account #3987 was not an IOLTA account and merely a business checking account.

48. She admitted depositing Ms. Lathom's retainers into this account, and admitted taking funds when she needed to pay expenses.

49. Respondent also admitted that she did not maintain her trust and accounting records during the times relevant to Ms. Lathom's complaint in accordance with the Virginia Rules of Professional Conduct.

DISPOSITION

BASED upon these Findings of Fact and the consent by the Respondent and the VSB as to the stipulated **rule violations**, the Panel holds that by clear and convincing evidence that the Respondent committed the following Misconduct:

RULE 1.6 Confidentiality of Information

(a) A lawyer shall not reveal information protected by the attorney-client privilege under applicable law or other information gained in the professional relationship that the client has requested be held inviolate or the disclosure of which would be embarrassing or would be likely to be detrimental to the client unless the client consents after consultation, except for disclosures that are impliedly authorized in order to carry out the representation, and except as stated in paragraphs (b) and (c).

RULE 1.15 Safekeeping Property

(a) All funds received or held by a lawyer or law firm on behalf of a client, other than reimbursement of advances for costs and expenses, shall be deposited in one or more identifiable escrow accounts maintained at a financial institution in the state in which the law office is situated and no funds belonging to the lawyer or law firm shall be deposited therein except as follows:

(1) funds reasonably sufficient to pay service or other charges or fees imposed by the financial institution may be deposited therein; or

(2) funds belonging in part to a client and in part presently or potentially to the lawyer or law firm must be deposited therein, and the portion belonging to the lawyer or law firm must be withdrawn promptly after it is due unless the right of the lawyer or law firm to receive it is disputed by the client, in which event the disputed portion shall not be withdrawn until the dispute is finally resolved.

(b) A lawyer shall:

(1) promptly notify a client of the receipt of the client's funds, securities, or other properties;

(2) identify and label securities and properties of a client promptly upon receipt and place them in a safe deposit box or other place of safekeeping as soon as practicable;

(3) maintain complete records of all funds, securities, and other properties of a client coming into the possession of the lawyer and render appropriate accounts to the client regarding them; and

(4) promptly pay or deliver to the client or another as requested by such person the funds, securities, or other properties in the

possession of the lawyer which such person is entitled to receive.

(c) Record-Keeping Requirements. A lawyer shall, at a minimum, maintain the following books and records demonstrating compliance with this Rule:

(1) Cash receipts and disbursements journals for each trust account, including entries for receipts, disbursements, and transfers, and also including, at a minimum: an identification of the client matter; the date of the transaction; the name of the payor or payee; and the manner in which trust funds were received, disbursed, or transferred from an account.

(2) A subsidiary ledger containing a separate entry for each client, other person, or entity from whom money has been received in trust.
The ledger should clearly identify:

(i) the client or matter, including the date of the transaction and the payor or payee and the means or methods by which trust funds were received, disbursed or transferred; and

(ii) any unexpended balance.

(3) In the case of funds or property held by a lawyer as a fiduciary, the required books and records shall include an annual summary of all receipts and disbursements and changes in assets comparable in detail to an accounting that would be required of a court supervised fiduciary in the same or similar capacity; including all source documents sufficient to substantiate the annual summary.

(4) All records subject to this Rule shall be preserved for at least five calendar years after termination of the representation or fiduciary responsibility.

(d) Required Trust Accounting Procedures. In addition to the requirements set forth in Rule 1.15 (a) through (c), the following minimum trust accounting procedures are applicable to all trust accounts.

(1) Insufficient Fund Reporting. All accounts are subject to the requirements governing insufficient fund check reporting as set forth in the Virginia State Bar Approved Financial Institution Agreement.

(2) Deposits. All trust funds received shall be deposited intact. Mixed trust and non-trust funds shall be deposited intact into the trust

fund and the non-trust portion shall be withdrawn upon the clearing of the mixed fund deposit instrument. All such deposits should include a detailed deposit slip or record that sufficiently identifies each item.

(3) Reconciliations.

(i) At least quarterly a reconciliation shall be made that reflects the trust account balance for each client, person or other entity.

(ii) A monthly reconciliation shall be made 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 balance.

(iii) At least quarterly, a reconciliation shall be made that reconciles the cash balance from (d)(3)(ii) above and the subsidiary ledger balance from (d)(3)(i).

(iv) Reconciliations must be approved by a lawyer in the law firm.

(4) The purpose of all receipts and disbursements of trust funds reported in the trust journals and ledgers shall be fully explained and supported by adequate records.

RULE 1.16 Declining Or Terminating Representation

(d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, refunding any advance payment of fee that has not been earned and handling records as indicated in paragraph (e).

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:

(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;

(d) obstruct a lawful investigation by an admissions or disciplinary authority.

RULE 8.4 Misconduct

It is professional misconduct for a lawyer to:

(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;

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

(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation which reflects adversely on the lawyers fitness to practice law;

VSB DOCKET NO. 12-042-090282
Complainant: Ms. Theresa Lathom

RULE 1.15 Safekeeping 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.

(2) For lawyers or law firms located in Virginia, a lawyer trust account shall be maintained only at a financial institution approved by the Virginia State Bar, unless otherwise expressly directed in writing by the client for whom the funds are being held.

(3) No funds belonging to the lawyer or law firm shall be deposited or maintained therein except as follows:

(i) funds reasonably sufficient to pay service or other charges or fees imposed by the financial institution or to maintain a required minimum balance to avoid the imposition of service fees, provided the funds deposited are no more than necessary to do so; or

(ii) funds in which two or more persons (one of whom may be the lawyer) claim an interest shall be held in the trust account until the dispute is resolved and there is an accounting and severance of their interests. Any portion finally determined to belong to the lawyer or law firm shall be withdrawn promptly from the trust account.

(b) Specific Duties. A lawyer shall:

(1) promptly notify a client of the receipt of the client's funds, securities, or other properties;

(2) identify and label securities and properties of a client, or those held by a lawyer as a fiduciary, promptly upon receipt;

(3) maintain complete records of all funds, securities, and other properties of a client coming into the possession of the lawyer and render appropriate accounts to the client regarding them;

(4) promptly pay or deliver to the client or another as requested by such person the funds, securities, or other properties in the possession of the lawyer which such person is entitled to receive; and

(5) not disburse funds or use property of a client or third party without their consent or convert funds or property of a client or third party, except as directed by a tribunal.

(c) Record-Keeping Requirements. A lawyer shall, at a minimum, maintain the following books and records demonstrating compliance with this Rule:

(1) Cash receipts and disbursements journals for each trust account, including entries for receipts, disbursements, and transfers, and also including, at a minimum: an identification of the client matter; the date of the transaction; the name of the payor or payee; and the manner in which trust funds were received, disbursed, or transferred from an account.

(2) A subsidiary ledger containing a separate entry for each client, other person, or entity from whom money has been received in trust.
The ledger should clearly identify:

(i) the client or matter, including the date of the transaction and the payor or payee and the means or methods by which trust funds were received, disbursed or transferred; and

(ii) any unexpended balance.

(3) In the case of funds or property held by a lawyer as a fiduciary, the required books and records shall include an annual summary of all receipts and disbursements and changes in assets comparable in detail to an accounting that would be required of a court supervised fiduciary in the same or similar capacity; including all source documents sufficient to substantiate the annual summary.

(4) All records subject to this Rule shall be preserved for at least five calendar years after termination of the representation or fiduciary responsibility.

(d) Required Trust Accounting Procedures. In addition to the requirements set forth in Rule 1.15 (a) through (c), the following minimum trust accounting procedures are applicable to all trust accounts.

(1) Insufficient Fund Reporting. All accounts are subject to the requirements governing insufficient fund check reporting as set forth in the Virginia State Bar Approved Financial Institution Agreement.

(2) Deposits. All trust funds received shall be deposited intact. Mixed trust and non-trust funds shall be deposited intact into the trust fund and the non-trust portion shall be withdrawn upon the clearing of the mixed fund deposit instrument. All such deposits should include a detailed deposit slip or record that sufficiently identifies each item.

(3) Reconciliations.

(i) At least quarterly a reconciliation shall be made that reflects the trust account balance for each client, person or other entity.

(ii) A monthly reconciliation shall be made 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 balance.

(iii) At least quarterly, a reconciliation shall be made that reconciles the cash balance from (d)(3)(ii) above and the subsidiary ledger balance from (d)(3)(i).

(iv) Reconciliations must be approved by a lawyer in the law firm.

(4) The purpose of all receipts and disbursements of trust funds reported in the trust journals and ledgers shall be fully explained and supported by adequate records.

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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:

(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;

(d) obstruct a lawful investigation by an admissions or disciplinary authority.

RULE 8.4 Misconduct

It is professional misconduct for a lawyer to:

(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;

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

(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation which reflects adversely on the lawyers fitness to practice law;

SANCTION

After receiving evidence of aggravation and mitigation from the Bar and the Respondent, and after receiving the Respondent's prior Disciplinary Record consisting of no prior record, the Board recessed to deliberate regarding the appropriate sanction. After due deliberation, the Board reconvened to announce the sanction imposed and the Chair announced that the matters warranted imposition of the following sanction with respect to both matters before the Panel:

It is ORDERED that the Respondent's license to practice law in the Commonwealth of Virginia is suspended for a term of five (5) years, effective November 15, 2013.

It is further ORDERED that 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, return receipt requested, of the suspension of her license to practice law in the Commonwealth of Virginia, to all clients for whom she 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 her care in conformity with the wishes of her client. Respondent shall give such notice within 14 days of the effective date of the suspension, and make such arrangements as are required herein within 45 days of the effective date of the 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 her suspension, she shall submit an affidavit to that effect 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, unless the Respondent makes a timely request for hearing before a three-judge court.

It is further ORDERED that pursuant to Part Six, § IV, ¶ 13-9 E. of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess all costs against the Respondent.

It is further ORDERED that the Clerk of the Disciplinary System shall send by certified mail an attested copy of this order to Respondent, Jerri Lynn Fuller, at her address of record with the Virginia State Bar, Patrick Anderson & Associates, P.C., Suite 310, 333 N. Fairfax Street, Alexandria, Virginia 22314, and by regular mail a copy to Respondent's Counsel, Michael L. Rigsby, P.O. Box 29328, Henrico, VA 23242, and a copy hand-delivered to Paulo E. Franco, Jr., Assistant Bar Counsel, Virginia State Bar, 707 East Main Street, Suite 1500, Richmond, Virginia 23219.

ENTERED this 18th day of December, 2013.

VIRGINIA STATE BAR DISCIPLINARY BOARD

By: Pleasant S. Brodnax III
Pleasant S. Brodnax, III, Chair