

VIRGINIA: BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF ANTONIO PIERRE JACKSON
VSB DOCKET NO. 17-000-107834

OPINION AND ORDER

This matter came to be heard on March 24, 2017, before a duly-convened panel of the Virginia State Bar Disciplinary Board (“Board”) at the Virginia Workers’ Compensation Commission, Courtroom A, upon a Rule to Show Cause issued on December 16, 2016 by the Board, requiring Respondent Antonio Pierre Jackson to show cause by clear and convincing evidence why his license to practice law should not be further suspended or revoked for failing to comply with Part Six, Section IV, Paragraph 13-29 of the Rules of the Supreme Court of Virginia (“Paragraph 13-29”) as ordered by the Board on August 29, 2016, *inter alia*.

The Panel consisted of John A. C. Keith, 2nd Vice Chair, Presiding; R. Lucas Hobbs; Jeffrey L. Marks; David R. Schultz; and Stephen A. Wannall, lay member.

The Virginia State Bar (“Bar”) was represented by Edward James Dillon, Jr., Senior Assistant Bar Counsel. Respondent Antonio Pierre Jackson was present, without counsel. Beverly Lukowsky, court reporter, Chandler and Halasz, Inc., P.O. Box 9349, Richmond, Virginia 23227, (804) 730-1222, after having been duly sworn, reported the hearing and transcribed the proceeding.

The Chair polled members of the Panel regarding any personal or financial interest or conflict they might have which would preclude them from fairly hearing the matter before them. Each member, including the Chair, responded in the negative.

The parties presented opening statements. During his opening statement, Respondent Antonio Pierre Jackson indicated that he would stipulate to the Bar’s case.

Respondent then testified under oath, stating that he had suffered some medical problems beginning in late 2015, and was away from his law practice in Virginia for some period of time, although he did later return to the practice of law. He further testified that he is in the process of preparing the notices and certifications required by Paragraph 13-29, and that he would be able to send those notices and certifications later on the day of the hearing.

Composite Exhibit 1 of the Bar, together with all of its sub-exhibits labeled (a) through (g), was admitted into evidence. Cross-examination of Respondent revealed that he had approximately 50 clients when his license was suspended on August 29, 2016, and that he had closed his law office by that date. Much of Respondent's practice consisted of Social Security Disability work, and while he has ceased to represent persons as a lawyer in those matters, he has continued to represent those persons as a non-lawyer representative, which is permitted by the rules governing Social Security Disability matters, and Respondent testified that he had competently represented those persons. Approximately 30 of the matters in which Respondent served as counsel are still open.

Bar Investigator Edward S. Bosak also testified.

FINDINGS OF FACT

1. By Interim Suspension Order entered August 29, 2016 in VSB Docket No. 16-090-103527, the Board suspended Respondent's license to practice law on an interim basis pending Respondent's compliance with a subpoena *duces tecum* served on Respondent on May 20, 2016.
2. The Interim Suspension Order required that Respondent 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 further requires that Respondent 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 August 29, 2016. Accordingly, Respondent was required to notify his clients, opposing counsel, and presiding judges of his suspension by certified mail on or before September 12, 2016. Respondent was also required to provide proof to the Virginia State Bar of his compliance with Paragraph 13-29 on or before October 28, 2016.
4. The Clerk of the Disciplinary System (the "Clerk") sent the Interim Suspension Order to Respondent by certified letter dated August 29, 2016 to Respondent's address of record and an alternate address of record with the Virginia State Bar and, by regular mail, to an address in Chambersburg, Pennsylvania where Respondent resides. In her transmittal letter, the Clerk further reminded Respondent of his duty under Paragraph 13-29 and demanded that Respondent file with the Clerk proof of his compliance with the requirements of Paragraph 13-29 on or before October 28, 2016.
5. Having received no response or proof of Respondent's compliance with the requirements of Paragraph 13-29, the Clerk sent a reminder letter dated November 1, 2016 to Respondent at his address of record, an alternate address of record, and the address in Pennsylvania at which Respondent resides..
6. 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 both the Interim Suspension Order and Paragraph 13-29.

7. Respondent had an active law practice in the Commonwealth of Virginia when the Interim Suspension Order was entered. Respondent was representing Pamela Haines in a matter styled *Haines v. Ramco-Gershenson*, CL 14000277-00 (the "Haines Case"), which was pending before the Circuit Court for the City of Fredericksburg at the time of Respondent's suspension. At the time of Respondent's suspension, the Fredericksburg Circuit Court was scheduled to hold a hearing on September 28, 2016 at 8:30 a.m. to set the Haines Case for trial.
8. On September 20, 2016, Respondent left a voicemail message for Senior Assistant Bar Counsel Edward James Dillon, Jr. in which he referenced his suspension.
9. By letter dated September 21, 2016, Senior Assistant Bar Counsel Edward James Dillon, Jr., having been unable to reach Respondent by telephone, inquired about the status of Respondent's response to the subpoena *duces tecum*.
10. Upon information and belief, despite his knowledge of the September 28, 2016 hearing in the Haines Case, Respondent did not attempt to communicate with Ms. Haines about his suspension until the night of September 27, 2016.
11. At 8:58 p.m. on September 27, 2016, Respondent sent an e-mail to Ms. Haines in which he stated: "I will not be appearing at the Fredericksburg Circuit Judge's Chambers on Wednesday September 28 at 8:30 am for the pre-trial hearing for the above-styled matter. Unfortunately, the State Bar has temporarily suspended my license for a matter in Prince Edward Circuit Court."
12. In an Order entered October 6, 2016, the Fredericksburg Circuit Court stated that Respondent did not appear for the hearing in the Haines Case set for 8:30 a.m. on September 28, 2016. The Court further stated that, "[u]pon information and belief,

[Respondent] called and advised the Court at approximately 8:30 a.m. that he was no longer licensed to practice law in Virginia." The Fredericksburg Circuit Court continued the Haines Case generally.

13. By Order entered October 21, 2016, the Fredericksburg Circuit Court granted Ms. Haines' *pro se* motion to release Respondent as her attorney of record.

DISPOSITION

Respondent bears the burden of showing cause, if any can be, by clear and convincing evidence, why his license should not be further suspended or revoked.

Upon due deliberation, the Board finds that Respondent has not met his burden. After this decision was announced, the parties declined to put on additional evidence, and presented argument on the appropriate sanction to be imposed by the Board. In particular, the Board notes that while Respondent failed to comply with the relatively simple mechanisms of complying with Paragraph 13-29, at the same time he represented other persons, albeit in a non-lawyer capacity. It is hereby **ORDERED** that Respondent's license to practice law in Virginia is revoked, effective March 24, 2017, and

It is further **ORDERED** that an attested copy of this Order be mailed by certified mail, return receipt requested, to Respondent, Antonio Pierre Jackson, at his Virginia State Bar address of record, P.O. Box 849, Hampden-Sydney, VA 23943-0849, and at Route 3, Box HS52, Farmville, VA 23901, and to him via regular mail at 10 Summer Breeze Lane, Chambersburg, PA 17202; and hand-delivered to Edward James Dillon, Jr., Senior Assistant Bar Counsel, Virginia State Bar, 1111 East Main Street, Suite 700, Richmond, VA 23219-0026.

ENTERED THIS 5th DAY OF APRIL, 2017

VIRGINIA STATE BAR DISCIPLINARY BOARD

By: **John A. C. Keith** Digitally signed by John A. C. Keith
DN: cn=John A. C. Keith, c=USers, ou=UN,
email=jkeith@bklawva.com, c=US
Date: 2017.04.05 15:43:56 -0400

John A.C. Keith, 2nd Vice Chair, Presiding