

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

**IN THE MATTER OF
WILLIAM CRAIG MEYER, II**

VS̄B Docket No. 15-090-100492

ORDER

This matter came to be heard on October 2, 2015, before a duly convened panel of the Virginia State Bar Disciplinary Board (the "Board") comprised of Richard J. Colten, (Acting Chair), Thomas O. Bondurant, Jr., Pleasant S. Brodnax, III, Samuel R. Walker, and Stephen A. Wannall, Lay Member, at the State Corporation Commission, Courtroom B, Tyler Building, 1300 East Main Street, Richmond, Virginia 23219.

The Virginia State Bar (the "Bar") was represented by Edward J. Dillon, Jr., Assistant Bar Counsel ("Bar Counsel"). William Craig Meyer, II (the "Respondent") appeared in person pro se. Jennifer L. Hairfield, Registered Professional Reporter of Chandler & Halasz, P. O. Box 9349, Richmond, Virginia 23227, (804-730-1222), having been duly sworn, reported the hearing.

The Chair inquired of the members of the panel whether any had a personal or financial interest, or any bias, which would preclude, or could be perceived to preclude, their hearing the matter fairly and impartially. Each member of the panel answered the inquiry in the negative.

The matter came before the Board upon the Subcommittee Determination of the Ninth District Subcommittee ("Certification"), which found multiple charges of misconduct against the Respondent. The Certification was served upon the Respondent on March 24, 2015, by certified mail. On May 8, 2015, the Clerk duly noticed, by certified mail, the Certification for a hearing, before the Board to take place on October 2, 2015.

I. CERTIFICATION

On September 11, 2015, Respondent and the Bar stipulated to the findings of fact and rules violations set forth in the Certification. The Certification contained findings of fact alleging that Respondent engaged in the following acts of misconduct:

A. FINDINGS OF FACT

1. At all relevant times, Respondent William Craig Meyer, II (“Respondent”), has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. In or about 2009, Respondent was appointed by the Circuit Court for the City of Danville to represent Robert Jermaine Jones in regard to a probation revocation matter, Circuit Court Nos. CR01-1026-03, CR02-573-03, and CR05-1974-01 (collectively, the “Revocation Matter”).
3. In or about November 2009, Mr. Jones pled no contest to violating his probation. The Circuit Court for the City of Danville subsequently found Mr. Jones guilty of violating his probation in the Revocation Matter and imposed sentence.
4. On or about December 10, 2009, at Mr. Jones’ request, Respondent filed a Notice of Appeal with the Circuit Court for the City of Danville in the Revocation Matter.
5. On March 25, 2010, the Court of Appeals of Virginia received the record of the proceedings in the Revocation Matter from the Circuit Court for the City of Danville.
6. Accordingly, the petition for appeal in the Revocation Matter was required to be filed with the Court of Appeals of Virginia no later than 40 days after March 25, 2010.
7. Respondent filed the petition for appeal of the Revocation Matter with the court of Appeals of Virginia on May 7, 2010.
8. By Order entered May 14, 2010, the Court of Appeals dismissed the petition for appeal in the Revocation Matter as not timely filed.
9. Respondent never pursued a delayed appeal on behalf of Mr. Jones; did not advise Mr. Jones of the additional appellate remedies available, including a delayed appeal; and did not advise Mr. Jones that the petition for appeal in the Revocation Matter had been dismissed because it was not timely filed.

10. Accordingly, Mr. Jones' direct appeal was never heard on the merits by any appellate court.

B. NATURE OF MISCONDUCT

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

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 the 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.

The Respondent did not file an Answer to the Certification. On May 21, 2015, the Board entered a Pre-Hearing Order requiring the parties to file their respective exhibit and witness lists by August 19, 2015. The Pre-Hearing Order further directed the parties to engage in discussions regarding stipulations, and to file any agreed stipulations by September 9, 2015. On August 17, 2015, the Bar filed its list of witnesses and exhibits. On September 14, 2015, the Bar filed an attachment, consisting of an email string indicating that the Respondent had stipulated to the findings of fact and rules violations set forth in the Certification.

II. MISCONDUCT HEARING

At the commencement of the misconduct phase, the Chair noted that Respondent had stipulated to the alleged violations. The Bar then moved the admission of Bar Exhibit 1, which was received into evidence without objection. Bar Exhibit 1 contained six subparts: the

Certification; the Notice of Hearing; a Membership Affidavit prepared by the Bar's custodian of membership records; the Report of Investigation; a certified copy of the record in *Robert Jermaine Jones v. Commonwealth of Virginia*, Record No. 0572-10-3; and a Notice to Take *De Bene Esse* Deposition of Robert Jermaine Jones and a partial transcript of the deposition. The letter dated September 14, 2015 enclosing the email string confirming that the Respondent has stipulated to the findings of fact and rules violations was received into evidence without objection as Bar Exhibit 2.

Following opening statements by the Bar and Respondent, in which the Respondent again stipulated to the rules violations, the Board found that the Bar had met its burden by clear and convincing evidence that the Respondent had violated Rules 1.3(a) and 1.4(a) and (b) of the Rules of Professional Conduct.

III. SANCTIONS HEARING

The Board called for evidence in aggravation or in mitigation of the misconduct found. The Bar moved the admission of Bar Exhibit 3, which was received into evidence without objection. Bar Exhibit 3 consisted of Respondent's disciplinary record which showed the following: (a) a Private Reprimand with Terms on September 26, 2005; (b) a Public Admonition with Terms on November 1, 2006; (c) a Public Reprimand without Terms on October 16, 2013; and a Public Reprimand without Terms on July 7, 2014.

The Bar then moved the admission of Bar Exhibit 4, which was received into evidence without objection. Bar Exhibit 4 consisted of page 27 of the *De Bene Esse* Deposition transcript of Robert Jermaine Jones deposition.

The Bar then called Respondent as its first witness. Respondent testified regarding his legal education and work history. He regularly appears in the courts in Southside Virginia, but

recently only appears in Danville and Pittsylvania County courts. Respondent further testified that he specializes in criminal defense and guardian ad litem work. Respondent testified that he tends to be a disorganized person, admitted that he is very poor at criminal appellate practice and that he has filed delayed appeals on three or four occasions.

During his testimony, Respondent moved the admission of Respondent Exhibit A, which was received into evidence without objection. Respondent Exhibit A consisted of a two page criminal appellate checklist, which the Respondent now uses in all criminal cases.

The Bar called Bar investigator Mary Beth Nash as its second witness. Ms. Nash described her meetings with the Respondent in May 2013, September 2013, March 2014 and January 2015. Ms. Nash described how she had advised the Respondent of resources available to lawyers to assist with their practices. Nash further explained her conversation with Robert Jermaine Jones and how he had been unaware that his appeal had been dismissed.

Following Ms. Nash's testimony, Bar Counsel asked the Board to direct the Clerk to determine whether Mr. Jones had appeared to give testimony on behalf of the Bar. Assistant Clerk Louann Weakland, pursuant to Board procedures, called Mr. Jones' name three times in the corridor outside of the courtroom, but Mr. Jones did not appear or respond.

The Bar requested the Board impose a six-month suspension, and then rested its case.

In his case, the Respondent moved the admission of Respondent Exhibit B, which was received into evidence without objection. Respondent Exhibit B consists of nine letters written on Respondent's behalf, attesting to his professionalism, genuine concern for, and commitment to, his clients and specific instances of thoughtful unselfishness. Respondent asked the Board to impose a Public Reprimand with Terms.

IV. BOARD DECISION

The Board recessed to deliberate what sanction to impose upon its finding of misconduct. After due deliberation, the Board reconvened in open session to announce its decision. Based on the evidence and the arguments of Bar Counsel and the Respondent, the Board considered as an aggravating factor the Respondent's prior disciplinary record and a mitigating factor to be Respondent's cooperative attitude toward the proceedings. The Board then imposed on the Respondent a 60 day Suspension with Terms, effective November 1, 2015. The Terms are as follows: (1) Respondent may not accept any new cases, effective immediately, and thereafter until the Suspension period has ended; (2) Respondent must immediately review his client list and, if necessary, update the client list previously provided to Bar Counsel, determine whether there are any issues or defaults and advise Bar Counsel and the client(s) if any such issue or default exists, or advise Bar Counsel if no such issues or defaults exists; and (3) Respondent must obtain calendaring software which must be fully operational within 30 days of November 1, 2015. Respondent must notify Bar Counsel once the software is operational.

Bar Counsel is directed to issue a Show Cause should the Respondent fail to satisfy any of the Terms set forth herein.

V. CONCLUSION

It is therefore ORDERED that the Respondent, William Craig Meyer, II, is hereby suspended from the practice of law for a period of 60 days, with Terms, effective November 1, 2015 for violations of Rules 1.3(a), 1.4(a) and (b) of the Rules of Professional Conduct.

It is further ORDERED that, as directed in the Board's October 2, 2015 Summary Order in this matter, the Respondent, William Craig Meyer, II, 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 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 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 November 1, 2015, he shall submit an affidavit to that effect to the Clerk of the Disciplinary System at the Virginia State Bar within 60 days of the effective day of the suspension. 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.

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

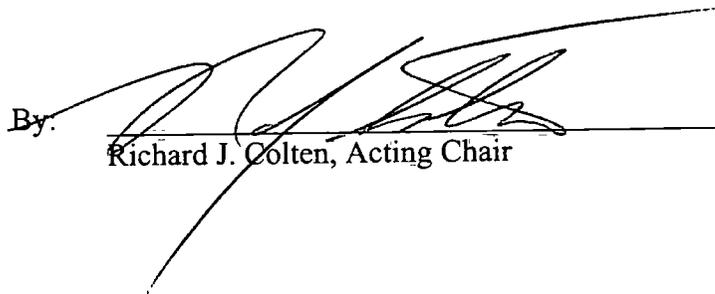
It is further ORDERED that the Clerk of the Disciplinary System shall mail an attested copy of this order to Respondent at his address of record with the Virginia State Bar, P.O. Box 1053, Chatham, Virginia 24531-1053, by certified mail, return receipt requested as well as his alternate address of record with the Virginia State Bar, 1865 Rainbow Circle, Danville, VA

24540, by certified mail, return receipt requested. The Clerk of the Disciplinary System shall also hand deliver a copy of this order to Edward J. Dillon, Jr., Assistant Bar Counsel, 1111 East Main Street, Suite 700, Richmond, Virginia 23219-0026.

Entered this 24 day of October 2015.

VIRGINIA STATE BAR DISCIPLINARY BOARD

By:


Richard J. Colten, Acting Chair