

**VIRGINIA:**

**BEFORE THE FIFTH DISTRICT—SECTION III SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR**

**IN THE MATTER OF PAUL ANDREW MURPHY, ESQUIRE  
VSB Docket No. 09-053-076132**

**SUBCOMMITTEE DETERMINATION  
PUBLIC ADMONITION, WITH TERMS**

On June 9, 2011, a meeting in this matter was held before a duly convened Fifth District--Section III Subcommittee consisting of Michelle Renee Robl, Esq., Daniel H. Aminoff, lay person, and Kathleen Latham Farrell, Esq., presiding, to review an Agreed Disposition reached by the parties.

Pursuant to the provisions of the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-15.B4.a., the Fifth District--Section III Subcommittee of the Virginia State Bar accepts the proposed Agreed Disposition and hereby serves upon the Respondent the following Public Admonition, with Terms, as set forth below:

**I. FINDINGS OF FACT**

1. At all times relevant hereto, Paul Andrew Murphy ("Respondent"), has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. On or around March 24, 2008, Complainant, Tidiane Toure, retained the Respondent to assist him with an immigration matter, paying him \$1,100.00 in cash on that date. Respondent advised Complainant that it would be necessary for him to return to his office with his wife so that the necessary forms could be completed.
3. On March 24, 2008, the Respondent presented Complainant with a written "Agreement for legal service" which Mr. Toure signed at that time. The agreement purports to outline the Respondent's fee structure for the representation, but it was incomprehensible and impossible to understand.
4. On the following day, March 25, 2008, Complainant returned to Respondent's office with his wife, Yasmin. At that time, Complainant and his wife were advised by Respondent that they would be required to pay him additional fees. When they objected to the

additional fees, a dispute ensued, with the Complainant contending that he was entitled to a refund of fees, and the Respondent maintaining that he had earned what had been paid to him.

5. The Complainant terminated the Respondent's representation.

## **II. NATURE OF MISCONDUCT**

The Subcommittee finds that the following provision of the Rules of Professional Conduct has been violated:

### **RULE 1.5 Fees**

- (b) The lawyer's fee shall be adequately explained to the client. When the lawyer has not regularly represented the client, the amount, basis or rate of the fee shall be communicated to the client, preferably in writing, before or within a reasonable time after commencing the representation.

## **III. PUBLIC ADMONITION, WITH TERMS**

Accordingly, it is the decision of the Subcommittee to offer the Respondent an opportunity to comply with certain Terms, compliance with which shall be a predicate for the disposition of this complaint by imposition of a PUBLIC ADMONITION, WITH TERMS. The Terms are as follows:

The Respondent shall conform every written fee agreement which he uses in his practice of law to the requirements of Rules of Professional Conduct 1.5 and 1.15, and Legal Ethics Opinion 1606. Within thirty (30) days following the date of issuance of this Determination, the Respondent must submit for his approval to Seth M. Guggenheim, Senior Assistant Bar Counsel, at 707 East Main Street, Suite 1500, Richmond, Virginia 23219-2800, one sample copy of every such written fee agreement.

Upon Respondent's compliance with the Terms set forth herein, a PUBLIC ADMONITION, WITH TERMS, shall be imposed. If, however, Respondent violates any of the Terms set forth herein, then, and in such event, the Committee shall, as an alternative disposition

to a Public Admonition, with Terms, certify this matter to the Virginia State Bar Disciplinary Board for proceedings to be conducted pursuant to the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-20 (“Board Proceedings Upon Certification for Sanction Determination”).

**IV. COSTS**

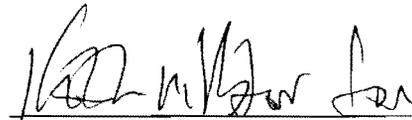
Pursuant to Part Six, Section IV, Paragraph 13-9E. of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess costs against the Respondent.

**FIFTH DISTRICT—SECTION III SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR**

By   
Kathleen Latham Farrell  
Chair

**CERTIFICATE OF SERVICE**

I hereby certify that on June 10, 2011 I caused to be mailed by Certified Mail, a true and complete copy of the Subcommittee Determination (Public Admonition, with Terms) to Paul Andrew Murphy, Esq., Suite 404, 6231 Leesburg Pike, Falls Church, VA 22044, and by first-class, regular mail, to Respondent's counsel, David Ross Rosenfeld, Esq., at 118 South Royal Street, Alexandria, VA 22314-3218.



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SETH M. GUGGENHEIM  
Senior Assistant Bar Counsel