

VIRGINIA:

Before the Virginia State Bar Disciplinary Board

In the Matter of

CLIFFORD JOHN SHOEMAKER  
Attorney at Law

VSB Docket No.. 20-051-117628

CONSENT TO REVOCATION ORDER

On February 7, 2020, came CLIFFORD JOHN SHOEMAKER and presented to the Board an Affidavit Declaring Consent to Revocation (hereinafter "Affidavit") of his license to practice law in the courts of this Commonwealth. By tendering his Consent to Revocation at a time when allegations of Misconduct are pending, the nature of which are specifically set forth in the attached Affidavit, Respondent acknowledges that that the material facts upon which the allegations of Misconduct are pending are true.

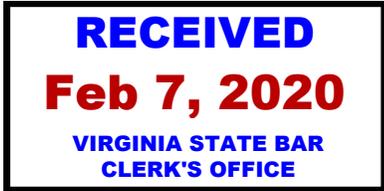
The Board having considered the Affidavit, and Bar Counsel having no objection, the Board accepts his Consent to Revocation.

Upon consideration whereof, it is therefore ordered that Clifford John Shoemaker 's license to practice law in the courts of this Commonwealth be and the same hereby is revoked, and that the name of CLIFFORD JOHN SHOEMAKER be stricken from the Roll of Attorneys of this Commonwealth.

Entered this 7th day of February, 2020  
Virginia State Bar Disciplinary Board

By Yvonne S. Gibney  
Yvonne S. Gibney  
2nd Vice Chair

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Date: 2020.02.07 15:13:59 -05'00'



VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF  
CLIFFORD JOHN SHOEMAKER

VSB Docket No. 20-051-117628

AFFIDAVIT DECLARING CONSENT TO REVOCATION

Clifford John Shoemaker, after being duly sworn, states as follows:

1. That I was licensed to practice law in the Commonwealth of Virginia on 09/23/1977;
2. That I submit this Affidavit Declaring Consent to Revocation pursuant to Rule of Court, Part 6, Section IV, Paragraph 13-28;
3. That my consent to revocation is freely and voluntarily rendered, that I am not being subjected to coercion or duress, and that I am fully aware of the implications of consenting to the revocation of my license to practice law in the Commonwealth of Virginia;
4. I know that there is currently pending a complaint, an investigation into, and a proceeding involving, allegations of misconduct, the docket number for which is set forth above, and the specific nature of which is here set forth:
  - a. In early October of 2017, I was summoned to the bedside of Peter Bermel, who was suffering from cancer and not expected to live much longer. Peter asked me to take care of his wife, Barbara Bermel, when he died. Barbara Bermel was then 86 years old and was suffering from long-standing dementia. Peter Bermel passed away on October 21, 2017.
  - b. As a result, on November 3, 2017, I obtained a power of attorney to act as attorney in fact for Barbara C. Bermel.
  - c. In April 2018 I obtained \$142,506.82 in life insurance proceeds which were to benefit Ms. Bermel and deposited those life insurance proceeds into my trust account.

- d. On April 1, 2018, the beginning balance in my trust account was \$900.61.
- e. On April 20, 2018, after the deposit, the ending daily balance for my trust account was \$143,861.98.
- f. From April 24 through April 27, 2018, there were six transfers out of my trust account totaling \$57,000. These transfers were to my checking accounts and to pay my VISA card.
- g. On April 30, 2018, the ending balance in my trust account was \$86,861.98.
- h. In May 2018, Ms. Bermel fell and broke her back. She was in a rehabilitation facility for six weeks, and thereafter she was moved to an assisted living facility.
- i. In early October 2018, Mr. Bermel's neighbor requested that I provide her a statement of affairs.
- j. I altered bank statements to mislead the neighbor and prevent further inquiry into the finances.
- k. By e-mail dated October 30, 2018, I provided the neighbor with the altered statements in anticipation of a meeting regarding Ms. Bermel's finances.
- l. In early November I met with the neighbor and agreed to step aside as power of attorney.
- m. On November 23, 2018, I met with the neighbor again. During the meeting the neighbor discovered that I had her notes from Mr. Bermel's deathbed.
- n. On November 28, I met again with the neighbor at which time I advised that I had deposited the life insurance proceeds in the amount of \$142,506.82 in my trust account and billed Ms. Bermel for attorneys' fees in the amount of \$30,450. I recognize that my admission regarding the \$30,450 was contrary to a prior statement to the neighbor that I had not billed Ms. Bermel any legal fees. During the meeting, I also admitted that I had previously falsified the bank statements so that they would not see that prior fees had been taken.
- o. It was never my intention to permanently retain the monies taken from Ms. Bermel's insurance proceeds (with the exception of legal fees) but I acknowledge that taking those monies constituted a misappropriation of those monies in violation of my fiduciary duties.
- p. By checks dated November 27 and 28, 2018, I paid the money back. I have not

asked for or been reimbursed for my expenses or time spent.

- q. On May 7, 2019, an arrest warrant was issued for me for felony embezzlement in violation of the Code of Virginia, Section 18.2-111.
  - r. On May 19, 2019, based on contemporaneously kept time records, I created a billing statement which reflects my billing personal errands in the amount of \$30,450 at my legal rate of \$450.
  - s. Over the course of time I expended about 300 hours assisting Ms. Bermel with her many personal needs.
  - t. On May 21, 2019, I turned myself in and was released on personal recognizance.
  - u. In December 2019, through counsel, I voluntarily reported the essence of some of these facts to the Virginia State Bar.
  - v. On January 15, 2020, I pled nolo contendere to a reduced charge of misdemeanor embezzlement of less than \$500. I was sentenced to jail for a period of 12 months, with 12 months suspended.
5. I acknowledge that the material facts upon which the allegations of misconduct are predicated are true; and
6. I submit this Affidavit and consent to the revocation of my license to practice law in the Commonwealth of Virginia because I know that if the disciplinary proceedings based on the said alleged misconduct were brought or prosecuted to a conclusion, I could not successfully defend them.
7. I acknowledge that the material facts upon which the allegations of misconduct are predicated are true.
8. I submit this Affidavit and consent to the revocation of my license to practice law in the Commonwealth of Virginia because I know that if the disciplinary proceedings based on the said alleged misconduct were brought or prosecuted to a conclusion, I could not successfully defend them.

Executed and dated on February 6, 2020.

  
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Clifford John Shoemaker  
Respondent

COMMONWEALTH OF VIRGINIA  
CITY/COUNTY OF Alexandria, to wit:

The foregoing Affidavit Declaring Consent to Revocation was subscribed and sworn to before  
me by Clifford John Shoemaker on February 6, 2020.

  
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Diane M. Nees  
Notary Public

My Commission expires: 6/30/2020.

