

VIRGINIA :

IN THE CIRCUIT COURT FOR LANCASTER COUNTY

VIRGINIA STATE BAR *EX REL.*  
SIXTH DISTRICT COMMITTEE  
VSB DOCKET No. 25-060-134308

Complainant,

v.

Case No. CL25-330

JAMES CALVIN BREEDEN,

Respondent.

**AGREED DISPOSITION MEMORANDUM ORDER  
FOR PUBLIC REPRIMAND WITHOUT TERMS**

This matter came to be heard on May 18, 2026, before a Three-Judge Circuit Court upon the joint request of the parties for the Court to accept the Agreed Disposition endorsed by the parties and offered to the Court as provided by the Rules of the Supreme Court of Virginia.

The panel consisted of the Honorable Helivi L. Holland, Judge of the Fifth Judicial Circuit, Designated Chief Judge, the Honorable Dennis M. Martin, Judge of the Eleventh Judicial Circuit, and the Honorable Robert H. Morrison, Judge of the Tenth Judicial Circuit.

James Calvin Breedon (“Respondent”) was present and was represented by counsel, James M. McCauley and Bruce E. Arkema. The Virginia State Bar appeared through its Assistant Bar Counsel, Joseph M. Caturano, Jr. The Chief Judge polled the members of the panel as to whether any of them were aware of any personal or financial interest or bias which would preclude any of them from fairly hearing the matter to which each judge responded in the negative. A court reporter, Beverly Horne, of Chandler & Halasz, P.O. Box 9349,

Richmond, Virginia 23227, telephone (804) 730-1222, after being duly sworn, reported the hearing and transcribed the proceedings.

**WHEREFORE**, upon consideration of the Agreed Disposition, the Certification, Respondent's Answer, Respondent's Virginia State Bar Disciplinary Record, the arguments of counsel for the parties, and after due deliberation,

It is **ORDERED** that the Three-Judge Circuit Court accepts the Agreed Disposition, and the Respondent shall receive a Public Reprimand without Terms. The Agreed Disposition is attached to and incorporated in this Memorandum Order.

It is further **ORDERED** that the sanction is effective upon the entry of this Order, and the Clerk of the Disciplinary System shall assess costs pursuant to Part 6, § IV, ¶ 13-9.E. of the Rules of the Supreme Court of Virginia.

It is further **ORDERED** that a certified copy of this Order be mailed to the Respondent, James Calvin Breeden, at 265 Steamboat Road, Irvington, Virginia 22480; Joseph M. Caturano, Jr., Assistant Bar Counsel, Virginia State Bar, 1111 East Main Street, Suite 700, Richmond, VA 23219-0026; James M. McCauley, Esquire, Law Office of James M. McCauley, 17 Bridgehampton Place, Richmond, Virginia 23229, Respondent's Co-Counsel; Bruce E. Arkema, Esquire, Durette, Arkema, Gerson & Gill, P.C., 1111 E. Main Street, 16<sup>th</sup> Floor, Richmond, Virginia 23219, Respondent's Co-Counsel; and to Joanne Fronfelter, the Clerk of the Disciplinary System, Virginia State Bar, 1111 East Main Street, Suite 700, Richmond, VA 23219-0026.

ENTERED THIS 22<sup>nd</sup> DAY OF May, 2026

  
\_\_\_\_\_  
The Honorable Helivi L. Holland  
Chief Judge Designate

VIRGINIA

IN THE CIRCUIT COURT FOR LANCASTER COUNTY

VIRGINIA STATE BAR *EX REL.*  
SIXTH DISTRICT COMMITTEE  
VSB DOCKET NO. 25-060-134308

Complainant,

v.

Case No. CL 25-330.

JAMES CALVIN BREEDEN,  
Respondent.

**AGREED DISPOSITION**  
**PUBLIC REPRIMAND WITHOUT TERMS**

Pursuant to Va. Code § 54.1-3935 and Part 6, § IV, ¶ 13-6.H of the Rules of the Supreme Court of Virginia, the Virginia State Bar by Joseph M. Caturano, Jr., Assistant Bar Counsel; James Calvin Breedon ("Respondent"); James M. McCauley, Esquire, counsel for Respondent; and Bruce E. Arkema, Esquire, counsel for Respondent; enter into the following Agreed Disposition arising out of this matter.

**I. STIPULATIONS OF FACT**

1. Respondent was admitted to the Virginia State Bar ("VSB") in 1969. At all times referenced herein, Respondent was a member of the VSB.
2. On May 22, 2024, Danielle Newman ("Ms. Newman") hired Respondent for representation in a custody and visitation case ("custody case") in the Juvenile and Domestic Relations District Court of Northumberland County ("Court").
3. On June 28, 2024, the Court entered a Pretrial Order and an Order for Custody/Parenting Time/Visitation in the custody case, identifying Respondent as counsel for Ms. Newman and permitting the opposing party, Robert Shermer ("Mr. Shermer") supervised visitation with the minor child.
4. The custody case was contested; the Court appointed a guardian *ad litem* to represent the interests of the minor child, and Mr. Shermer was represented by counsel, Dawn South, Esquire ("Ms. South").
5. In August 2024, the Court scheduled a temporary custody hearing for November 8, 2024. Ms. Newman provided information and documents to Respondent to use at the November 8, 2024, custody hearing.

6. Also in August 2024, Respondent and Ms. South endorsed a Temporary Consent Order on behalf of their clients allowing Mr. Shermer visitation with the child on certain days with no overnight visitation, that Mr. Shermer would not drive the minor child until such time that Mr. Shermer's license was reinstated, and Mr. Shermer agreed to take drug tests every other week, among other things.
7. On October 16, 2024, Respondent represented Ms. Newman's son upon a petition for a protective order against Mr. Shermer. The Juvenile and Domestic Relations District Court granted the protective order against Mr. Shermer, but Mr. Shermer appealed to the circuit court. After a hearing in circuit court, the circuit court denied the protective order against Mr. Shermer. At that time, Ms. Newman expressed frustration to Respondent on the representation, and Ms. Newman and Respondent agreed that Ms. Newman would attempt to locate new counsel for the custody case.
8. Respondent did not explain to Ms. Newman the consequences if she was unable to obtain new counsel for the November 8, 2024, custody hearing, or the consequences if the custody hearing on November 8, 2024, could not be continued for substituted counsel to make an appearance and be prepared for the hearing.
9. Respondent did not explain to Ms. Newman that he remained her counsel of record in the custody case until granted leave to withdraw by the Court.
10. Respondent did not file a Motion for Leave to Withdraw as Counsel of Record for Ms. Newman in the custody case.
11. In late October 2024, Ms. Newman located an attorney, Brian Decker, Esquire ("Mr. Decker") willing to substitute into the custody case for Respondent, but Mr. Decker was not available for the custody hearing on November 8, 2024.
12. On October 25, 2024, Mr. Decker requested the Court continue the hearing scheduled for November 8, 2024, for Mr. Decker to substitute into the custody case for Respondent. On November 1, 2024, the Court denied the request based, in part, upon an opposition filed by Ms. South. The opposition by Ms. South stated, in part, "[Ms. Newman] currently has counsel, James Breeden, Esquire, and there is no reason why Mr. Breeden cannot move forward with the case [on November 8, 2024] and continue to take actions on [Ms. Newman's] behalf."
13. Because the Court denied the request for a continuance of the custody hearing on November 8, 2024, Mr. Decker did not appear in the custody case for Ms. Newman. Respondent remained the only counsel of record for Ms. Newman in the custody case.
14. On November 2, 2024, and November 7, 2024, Ms. Newman emailed Respondent about issues with the guardian *ad litem*. Respondent replied that he was not prepared for the November 8 hearing because he would withdraw from the case at the hearing, and he did not know what Ms. Newman's new counsel in the custody case would do. Respondent added that he would make another request to the Court for a continuance to allow Mr. Shermer additional time to demonstrate good behavior before entering an order on temporary custody.

15. After the hearing on November 8, 2024, Ms. Newman filed a bar complaint and the VSB referred it for investigation. Respondent told the VSB Investigator, in part:

Ms. Newman asked me if I would be attending the November 8 hearing; I told her I would attend to make sure she was not prejudiced by Mr. Decker being unable to attend.

16. Ms. Newman believed that Respondent would represent her on November 8, 2024.
17. The Court required mediation immediately prior to the custody hearing on November 8, 2024. During the pre-hearing mediation, Respondent refused to provide any legal assistance to Ms. Newman in the negotiations; as such, Ms. Newman was forced to negotiate with the guardian *ad litem* and Ms. South on issues in the custody case.
18. Respondent told the VSB Investigator that he played no role in the negotiations with the guardian *ad litem* and Ms. South despite being present when those negotiations took place at the courthouse and despite remaining counsel of record for Ms. Newman.
19. Ms. Newman told the VSB Investigator that she felt pressured to negotiate a settlement of the issues at the mediation because she did not know what to do. Ms. Newman does not believe the custody agreement of November 8, 2024, was in her best interest or in the best interest of her child.
20. After Ms. Newman, the guardian *ad litem*, and Ms. South reached an agreement at the mediation on November 8, 2024, without any assistance from Respondent, Respondent appeared in the courtroom on November 8, 2024, and stated to the Court, in part,

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... So I am asking the court today to let me out of the case. Fortunately, it appears that [the matter] has been settled ...

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... and it's my understanding that - that Ms. South is going to prepare the order, subject to the guardian's review ... that is where it stands.

I would ask that the Court relieve me at this point further dealing with this case ....

21. Subsequently, the Court entered an order on the agreement on temporary custody and entered an order on November 20, 2024, granting leave to Respondent to withdraw as counsel for Ms. Newman.

## II. 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.
- b. A lawyer shall not intentionally fail to carry out a contract of employment entered into with a client for professional services, but may withdraw as permitted under Rule 1.16.

*By failing to prepare for the hearing on November 8, 2024, by failing to promptly seek to withdraw as counsel of record for Ms. Newman when he believed that he had been discharged by Ms. Newman, by failing to represent Ms. Newman at the mediation on November 8, 2024, by failing to represent Ms. Newman at the hearing on November 8, 2024, while Respondent remained counsel for Ms. Newman until granted leave to withdraw by the Court, Respondent violated RPC 1.3(a).*

*By failing to prepare for the hearing on November 8, 2024, despite remaining Ms. Newman's only counsel of record, and then by failing to represent Ms. Newman at mediation on November 8, 2024, and the hearing on November 8, 2024, Respondent violated RPC 1.3(b).*

### **Rule 1.4 Communication**

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- b. A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

*By failing to explain to Ms. Newman the issues in seeking a substitution of counsel when a hearing date was rapidly approaching, and by failing to explain to Ms. Newman that he remained her counsel of record and remained responsible for her custody case until granted leave to withdraw as counsel of record by the Court, Respondent violated RPC 1.4(b).*

### **Rule 1.16 Declining Or Terminating Representation**

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- c. In any court proceeding, counsel of record shall not withdraw except by leave of court after compliance with notice requirements pursuant to applicable Rules of Court.

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).

*By constructively withdrawing from the representation of Ms. Newman and the court proceedings without leave of court, Respondent violated RPC 1.16(c).*

*By unilaterally ceasing his representation of Ms. Newman without leave of court, by failing to take steps to the extent reasonably practicable to protect Ms. Newman's interests upon termination of representation, such as representing Ms. Newman through the mediation and hearing on November 8, 2024, by giving reasonable notice to Ms. Newman of his intent to cease work on her case after the hearing on November 8, 2024, and by not allowing Ms. Newman reasonable time to employ new counsel before ceasing work on her behalf, while a hearing on serious custody issues was rapidly approaching, Respondent violated RPC 1.16(d).*

### III. PROPOSED DISPOSITION

Accordingly, Assistant Bar Counsel, Respondent, and counsel for Respondent tender to the three-judge Circuit Court panel for its approval the Agreed Disposition of a Public Reprimand without Terms as representing an appropriate sanction if this matter were to be heard through an evidentiary hearing by the three-judge Circuit Court panel.

Pursuant to Part 6, § IV, ¶ 13-30.B of the Rules of Supreme Court of Virginia, Respondent's prior disciplinary record shall be furnished to the three-judge Circuit Court panel considering this Agreed Disposition for a Public Reprimand.

If the Agreed Disposition is approved, the Clerk of the Disciplinary System shall assess costs pursuant to Part 6, § IV, ¶ 13-9.E of the Rules of the Supreme Court of Virginia.

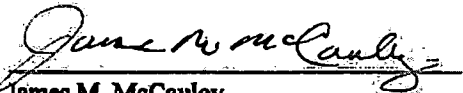
**VIRGINIA STATE BAR**



**Joseph M. Caturano, Jr.  
Assistant Bar Counsel**



**James Calvin Breeden, Respondent**



**James M. McCauley  
Counsel for Respondent**



**Bruce E. Arkema  
Counsel for Respondent**

FIFTH JUDICIAL CIRCUIT  
OF VIRGINIA

**RECEIVED**  
**May 22, 2026**  
VIRGINIA STATE BAR  
CLERK'S OFFICE

JUDGES  
LAWSON WAYNE FARMER  
MATTHEW A. GLASSMAN  
ALFRED W. BATES III  
HELIVI L. HOLLAND



CITY OF SUFFOLK  
CITY OF FRANKLIN  
COUNTY OF ISLE OF WIGHT  
COUNTY OF SOUTHAMPTON

May 22, 2026

POST OFFICE BOX 1814  
SUFFOLK, VIRGINIA 23439-1814  
CIVIL (757) 514-4800  
CRIMINAL (757) 514-4803

The Hon. Diane H. Mumford  
Lancaster Circuit Court  
Post Office Box 99  
Lancaster, Virginia 22503

**Re:** *Virginia State Bar ex el. Sixth District Committee (VSB Docket No.: 25-060-134308) v. James Calvin Breeden*  
**Case No.:** CL25-330

Dear Ms. Mumford:

Pursuant to the hearing on May 18, 2026, before the three-judge panel on the parties' agreed disposition in the above-referenced matter, please find enclosed the Agreed Disposition Memorandum Order, which I have endorsed. I kindly request that the Order be filed with the Court.

If you should need anything further or have any questions, please do not hesitate to contact our Staff Attorney, Amanda Gomez, via telephone at (757) 514-4805 or via email at [agomez@vacourts.gov](mailto:agomez@vacourts.gov).

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "H. Holland".

Helivi L. Holland, Judge

HLH/arg  
Enclosure

cc: Joseph M. Caturano, Jr., Assistant Bar Counsel  
James M. McCauley, Counsel for Respondent  
Bruce E. Arkema, Counsel for Respondent  
James Calvin Breeden, Respondent