

VIRGINIA:

BEFORE THE DISCIPLINARY BOARD  
OF THE VIRGINIA STATE BAR

IN THE MATTER OF  
JAMES PAUL CAMPBELL

VS B Docket No. 09-070-077914

**OPINION AND ORDER**

This matter came on to be heard on September 23, 2011, before a panel of the Virginia State Bar Disciplinary Board (the "Board") comprised of Raighne C. Delaney, Michael S. Mulkey, Tyler E. Williams, III, Robert W. Carter, Lay Member, and Pleasant S. Brodnax, III, Second Vice Chair (presiding); at the State Corporation Commission, Courtroom A, Tyler Building, 1300 East Main Street, Richmond, Virginia 23219.

The Virginia State Bar ("the Bar") was represented by Marian L. Beckett, Assistant Bar Counsel ("Bar Counsel"). James Paul Campbell (the "Respondent") appeared and represented himself. Angela N. Sidener, 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 Seventh District Subcommittee ("Certification"), which found multiple charges of misconduct against the Respondent. The Certification was served upon the Respondent on March 15, 2011, by certified mail. On April 8, 2011, the Clerk duly noticed, by certified mail, the Certification for a hearing, before the Board to take place on September 23, 2011 at 9:00 a.m., at the State Corporation Commission, Courtroom A, 1300 E. Main Street, Richmond, Virginia.

Bar Counsel and Respondent stated that they were prepared to proceed and waived the Chair's explanation of the hearing procedure.

## I. CERTIFICATION

The Certification contained findings of fact and alleged that Respondent engaged in the following acts of misconduct:

### A. FINDINGS OF FACT

1. At all times relevant hereto, James Paul Campbell, (hereinafter "the Respondent"), has been licensed to practice law in the Commonwealth of Virginia.

2. Mohammad M. Motamedi, (hereinafter "the Complainant"), hired the Respondent in September of 2008 to file a bankruptcy on his behalf. He paid \$2800 in advanced fees and costs by check dated October 22, 2008. The check was negotiated by the Respondent on October 27, 2008.

3. The Complainant filed a bar complaint which was received by the Virginia State Bar on December 23, 2008. The complaint alleged lack of diligence and lack of communication on the part of the Respondent.

4. The Respondent filed a Chapter 7 bankruptcy petition on January 22, 2009, following the receipt of the bar complaint.

5. A letter containing the complaint was sent from the Virginia State Bar to the Respondent on January 5, 2009. The letter included the following language:

Pursuant to Rule of Professional Conduct 8.1 (c), you have a duty to comply with the bar's lawful demands for information not protected By Rule 1.6. As part of my preliminary investigation of the complaint, I demand that you submit a written answer to the complaint within 21 days of the date of this letter.

Failure to respond in a timely manner to this and other lawful demands from the bar for information about the complaint may result in the imposition of disciplinary sanctions.

6. The Respondent admits that he failed to provide a response to the bar complaint within the required 21 days. He belatedly filed a response on June 23, 2009.

7. The Respondent's license to practice law in the Commonwealth of Virginia was suspended from March 25, 2009 until March 31, 2010, for failure to comply with mandatory continuing legal education requirements.

8. At least five separate mailings were sent from the Virginia State Bar to the Respondent informing him of the pending suspension and subsequently the suspension of his license to practice law.

9. The Respondent continued to practice law during the period of suspension and, upon information and belief, served as counsel of record in more than 35 cases while his license was suspended.

10. The Complainant's case was not completed until May 6, 2009, when the discharge in bankruptcy was issued. The Respondent's license was suspended at that time.

#### B. NATURE OF MISCONDUCT

The Certification found 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 5.5 Unauthorized Practice Of Law**

- (a) A lawyer shall not:

- (1) practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction[;]

### **RULE 8.1 Bar Admission And Disciplinary Matters**

An applicant for admission to the bar, or a lawyer already admitted to the bar, in connection with a bar admission application, any certification required to be filed as a condition of maintaining or renewing a license to practice law, or in connection with a disciplinary matter, shall not:

- (c) fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this Rule does not require disclosure of information otherwise protected by Rule 1.6[;]

On April 7, 2011, Respondent filed his Answer and Response to the Certification. On April 26, 2011, the Board issued a Pre-Hearing Order requiring the parties to file an exhibit list and a witness list by August 17, 2011, to engage in discussions regarding stipulations, and to file any agreed stipulations by September 7, 2011. On August 16, 2011, the parties filed their respective witness and exhibit lists. On September 7, 2011, the parties filed agreed stipulations of fact. On September 14, 2011, a Pretrial Conference was held, during which time the Chair admitted into evidence Bar Exhibits 1 through 8. Respondent's Exhibits 1 through 5 and agreed Stipulations of Fact.

## **II. MISCONDUCT HEARING**

At the commencement of the trial, the Bar withdrew the alleged violation of Rule 1.3 with respect to the representation of the Complainant. The Bar presented the testimony of the Respondent Campbell and Bar employee Gale Cartwright. The Bar also moved the admission of Bar Exhibits 9 and 10, which were received into evidence without objection. The Bar then rested. A lunch recess was taken. Following the recess, the Board asked Gale Cartwright further questions to amplify her earlier testimony. The Board also identified and admitted a document,

Board Exhibit 1, during the testimony of Gale Cartwright. At the end of Cartwright's testimony, the Board asked whether the Respondent wished to make any motions. The Respondent then moved to strike the Bar's case based on insufficient evidence. The Board denied the motion. The Respondent then presented the testimony of Suzanne Powell, who identified Respondent's Exhibit 6 during her testimony. Respondent's Exhibit 6 was admitted, without objection. The Respondent then rested. The Bar did not present any rebuttal evidence.

The Board recessed to deliberate. After due deliberation, the Board found that the Bar had proved by clear and convincing evidence a violation of Rule 5.5(a)(1) of the Rules of Professional Conduct as charged in the Certification. The Board further determined that the Bar had not proved by clear and convincing evidence a violation of Rule 8.1(c) of the Rules of Professional Conduct as charged in the Certification. The Bar had previously withdrawn the alleged violation of Rule 1.3 charged in the Certification.

### III. SANCTIONS HEARING

The Board called for evidence in aggravation or in mitigation of the misconduct found. The Bar presented Respondent's disciplinary record which showed the following: (a) a Dismissal with terms in April 1990; (b) a Dismissal with terms in May 1994; (c) a Dismissal with terms in April 1999; and (d) a Dismissal de Minimis with terms in July 2004.

Based on the argument of Bar Counsel and the Respondent, the Board considered as aggravating factors the Respondent's prior disciplinary record and substantial experience in the practice of law. The Board considered mitigating factors to be Respondent's cooperative attitude toward the proceedings and the remoteness in time of his prior disciplinary offenses. The Bar recommended a term of a three-month suspension. The Respondent requested a Public Reprimand.

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 and announced its decision to issue a Public Reprimand.

It is therefore ORDERED that the Respondent, James Paul Campbell, is hereby publicly reprimanded for a violation of Rule 5.5(a)(1) of the Rules of Professional Conduct, effective September 23, 2011.

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 James Paul Campbell, at his address of record with the Virginia State Bar, Campbell Flannery, P.C., 19 East Market St., Leesburg, Virginia 20176, by certified mail. The Clerk of the Disciplinary System shall also hand deliver a copy of this order to Marian L. Beckett, Assistant Bar Counsel, 707 East Main Street, Suite 1500, Richmond, Virginia 23219.

Entered this 5<sup>th</sup> day of October 2011.

VIRGINIA STATE BAR DISCIPLINARY BOARD

By: \_\_\_\_\_



Pleasant S. Brodnax, III  
Second Vice Chair, Presiding