

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

**IN THE MATTER OF
JONATHAN DEAN COX**

VSb DOCKET NO. 24-042-131971

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

On Thursday, July 24, 2025 this matter was heard, telephonically, by the Virginia State Bar Disciplinary Board upon the joint request of the parties for the Board to accept the Agreed Disposition signed by the parties and offered to the Board as provided by Part 6, Section IV, Paragraph 13-6.H of the Rules of the Supreme Court of Virginia. The panel consisted of Adam M. Carroll, 2nd Vice Chair, Alan S. Anderson, Mary Beth Nash, Kamala H. Lannetti, and Dr. Theodore Smith, Lay Member. The Virginia State Bar was represented by Jessica C. Beatty, Assistant Bar Counsel. Jonathon Dean Cox was present and was represented by counsel Daniel S. Schumack. The Chair polled the members of the Board 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 member responded in the negative. Court Reporter Jacquelin Gregory-Longmire, Chandler and 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 Disciplinary Record, the arguments of the parties, and after due deliberation,

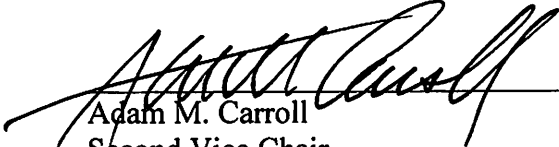
It is **ORDERED** that the Disciplinary Board accepts the Agreed Disposition and the Respondent shall receive Public Reprimand without Terms, as set forth in the Agreed Disposition, which is attached and incorporated in this Memorandum Order.

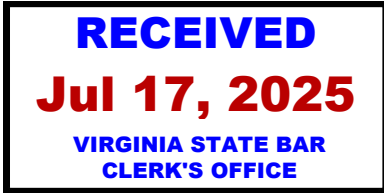
It is further **ORDERED** that the sanction is effective July 24, 2025.

It is further **ORDERED** that an attested copy of this Order be mailed to the Respondent by electronic, regular first-class and certified mail, return receipt requested, at his last address of record with the Virginia State Bar at 4818 24th St. N, Arlington, VA 22207, and a copy by electronic mail to Daniel S. Schumack, Respondent's counsel, and a copy by electronic mail to Jessica C. Beatty, Assistant Bar Counsel.

Enter this Order this 24th day of July, 2025

VIRGINIA STATE BAR DISCIPLINARY BOARD


Adam M. Carroll
Second Vice Chair



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AGREED DISPOSITION
PUBLIC REPRIMAND WITHOUT TERMS

Pursuant to the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-15.B.4, the Virginia State Bar, by Jessica C. Beatty, Assistant Bar Counsel, and Jonathan Dean Cox (“Respondent”), by counsel, Daniel Schumack, 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 2017. At all relevant times, Respondent was a member of the VSB.
2. In 2022, 2023, and 2024, Respondent had three consecutive administrative suspensions due to noncompliance with Mandatory Continuing Legal Education (“MCLE”) requirements. The 2022 administrative suspension ran from March 17 to 21, 2022. The 2024 administrative suspension ran from March 25 to 26, 2024. The 2023 administrative suspension is described in further detail below.
3. On May 2, 2024, the VSB informed Respondent that the VSB would be opening an investigation into whether Respondent had been practicing law during any of the periods of time when his license was administratively suspended. That investigation resulted in a Certification on this docket for the unauthorized practice of law.
4. In 2020, Respondent opened a law practice, NOVA Estate Planning, PLLC (“NOVA”), through which he provides legal estate planning services.

5. Respondent holds a Series 65 license to work as an investment advisor and since 2021, has worked for a financial planning firm (“AFS”) as an investment advisor representative. Throughout 2023, Respondent was listed on the AFS website as “Esq.” Respondent received legal referrals from colleagues at AFS and used a shared office space for his work with NOVA and AFS.

6. For the 2022 MCLE period, the deadline for Respondent to complete MCLE hours was October 31, 2022. Respondent did not timely complete MCLE hours.

7. For the 2022 MCLE period, the deadline for Respondent to report MCLE hours was December 31, 2022. Respondent did not timely report MCLE hours.

8. Respondent received notice from the VSB that he had not reported required MCLE credits for the 2022 MCLE period, which notified him that he had been assessed delinquency fees and that failure to report hours and pay fees would result in administrative suspension of his license.

9. During the investigation, Respondent reported that he had called the VSB to seek guidance on the scope of an administrative suspension. He assumed that call would have been made in March 2023; but he was only able to find a record of calling on February 6, 2023. He believed from the call to the Bar that he could continue doing any work that did not require a law license, such as intake meetings that many law firm handle through non-licensed personnel.

10. Respondent was aware that he was coming up on the noncompliance window. At that time, Respondent maintained a subscription for unlimited MCLE courses through NBI, which was and remains a VSB-accredited sponsor of continuing education courses. Respondent waited to take NBI courses that were germane to his law practice instead of taking the first available courses.

11. From March 17, 2023, to April 26, 2023, Respondent's license to practice law in Virginia was administratively suspended for failure to comply with MCLE requirements. On March 18, 2023, the VSB sent Respondent a Notice of Suspension by first class mail and email, and Respondent opened the email on March 28, 2023. Respondent acknowledged in his Answer to the Certification that the email notification of March 18, 2023, provided adequate notice as of that date even though Respondent did not promptly read the email.

12. Respondent did not immediately seek to rectify the suspension because he was hiring and interviewing job candidates; there had recently been a flood in his office; and he was having difficulty finding live MCLEs from NBI in his practice area.

13. During the investigation, Respondent produced records showing that he completed on April 18, 2023, the 12 hours of required coursework necessary to cure the subject administrative suspension; and a record of calling the Bar to inquire about reinstatement on April 19, 2023. Respondent then operated under the belief that he was reinstated on April 19, 2023. On April 26, 2023, observing that he had received nothing confirming reinstatement, Respondent called the Bar again to clarify his license status; and the Certification states that his suspension was lifted on April 26, 2023.

14. The Certification asserts that Respondent held himself out, between March 17 to April 26, 2023, as authorized to practice law in the Commonwealth of Virginia and did in fact practice law by, inter alia, using "Esq." after his name on emails, drafting, revising, and giving legal advice regarding estate planning documents (including wills, trusts, powers of attorney, and advance medical directives), while his license was administratively suspended. Respondent admits that he engaged in some degree of work but asserted that he believed the referenced work was at a level that did not require a law license. In his Answer to the Certification, Respondent

admitted that he did not disclose his suspension to prospective clients who did not engage his services.

15. Between March 17, 2023, and April 26, 2023, Respondent sent 369 emails from his email address, all of which contained his automated signature block identifying him as “Jonathan D. Cox, Esq.” Respondent cooperated in providing these records during the investigation.

16. Those same emails included correspondence to and from clients who had engaged Respondent while Respondent was actively licensed and from prospects who were seeking to engage the Respondent (some of whom ultimately did). In these emails, Respondent sought decisions such as who would be a beneficiary; and answered questions such as how wills relate to trusts. Respondent (who was a Notary) also held execution meetings during this period to collect client signatures upon estate plans. Respondent’s estate plans were based on templates that he created long before the administrative suspension. He believed at that time that the referenced Q&A with clients and his efforts to complete templates was sufficiently basic so as to be consistent with what he had previously observed non-licensed personnel performing at other law firms.

17. Respondent in his Answer to the Certification admitted receiving payments during the administrative suspension. His Answer also admitted receiving payment for Client DQ between April 19 and 26, 2023, for work performed on April 19 and 20, 2023 – at a time when Respondent believed his license had been reinstated.

18. Based on the above-referenced emails that Respondent provided to the Bar, Respondent communicated during the administrative suspension period with at least twenty clients and/or prospective clients regarding his legal services. For example,

- a. Client CL. On February 21, 2023, Respondent tendered draft estate planning documents to CL. On March 24, 2023, Respondent met with client CL to review those drafts. Respondent revised CL's estate planning documents for execution, including a Joint Revocable Family Trust, two Pour-Over Wills, financial and medical powers of attorney, and advance medical directives, which CL executed at that meeting. Respondent also sent Word versions of the revised documents to CL by email the same day.
- b. Client DA. Respondent substantially completed drafting of DA's estate planning documents on March 13, 2023. On March 20, 2023, Respondent met with client DA to review the estate plan Respondent had previously drafted. Respondent revised the estate planning documents for execution, including Joint Revocable Family Trust, two Pour-Over Wills, financial and medical powers of attorney, advance medical directives, which DA executed at that meeting. Respondent also sent Word versions of the revised documents following the meeting and sent them to DA by email the same day. Respondent recalls informing DA of his administrative suspension.
- c. Client DQ. In his Answer to the Certification, Respondent acknowledged performing services requiring a law license for client DQ, between April 19 to 25, 2023, including the drafting of a Joint Revocable Family Trust, two Pour-Over Wills, financial and medical powers of attorney, advance medical directives, and a deed for the transfer for DQ's home to the Trust; and accepted payment from DQ during that same April 19-25, 2023, time period. On April 8, 2023, DQ sent documents to Respondent for his review. On April 13, 2023, DQ emailed

Respondent, and the same day Respondent emailed DQ stating that he had just gotten back from vacation and had not yet read DQ's emails. On April 20, 2023, Respondent met with DQ for approximately two hours to review and execute DQ's estate planning documents. On multiple occasions between April 13, 2023, and April 17, 2023, Respondent and DQ exchanged emails about content for inclusion in DQ's estate planning documents, which the Bar contends exceeded paralegal-level work and required a law license. On April 21, 2023, Respondent emailed DQ with scanned copies of documents executed at the prior day's meeting and requested that DQ leave him a review on FindLaw and Google Business. Specifically, Respondent's email asked if there was anything else he could do "at this time or in the future to ensure your complete satisfaction with our representation."

- d. Client EB. On March 24, 2023, Respondent emailed client EB to inform him that he had drafted EB's estate planning documents, including a last will and testament, financial and medical powers of attorney, and advance medical directive, and that the same were ready for EB to review. On April 4, 2023, Respondent met with EB to review EB's estate planning documents, which EB executed at that meeting. Following the meeting, Respondent emailed Word versions of those documents to EB.
- e. Client JT. On March 27, 2023, client JT sent Respondent an email with five questions, including *what's the best way to leave small bequests to charities* and *does guardianship include physical custody*. Respondent, believing these to be paralegal-level knowledge, sent an email to JT responding to JT's questions. On

March 30, 2023, Respondent advised JT that the drafts were ready for review and that Respondent would spend two hours reviewing the estate planning documents with JT. On April 14, 2023, Respondent had a meeting with JT to review JT's estate planning documents. On April 20, 2023, Respondent sent an email to JT with revised drafts capturing the main points of the April 14, 2023, meeting, which the Bar contends exceeded paralegal-level work and required a law license. JT met again with Respondent on May 2, 2023, to execute the estate plan.

- f. Client MR. On March 27, 2023, Respondent replied to a March 14, 2023, email from client MR, indicating that MR's "drafts are completed" and proposing a review meeting. On April 7, 2023, Respondent had a telephone call with MR to review the estate planning documents. On April 7, 2023, Respondent sent MR documents by email for a second review call, scheduled for April 11, 2023. On April 11, 2023, and April 12, 2023, Respondent had two telephone calls with MR to review MR's estate planning documents. Final review and in-person execution of the estate documentation was scheduled for April 27, 2025.
- g. Client XL. At some point between March 15 and 30, 2023, Respondent completed estate planning documents based on information client XL provided between January 19 and March 15, 2023. On April 6, 2023, Respondent met with XL to review and execute XL's estate planning documents.
- h. Prospective Client CW. CW was referred to Respondent on or about March 28, 2023. On March 28, 2023, Respondent participated in a conference call with the referring party and CW. On April 25, 2023, Respondent drafted and mailed a trust

document to CW. CW did not execute until May 2023. Respondent believed his license had been reinstated on April 19, 2023.

- i. Prospective Client RM. On April 12, 2023, RM stopped by the AFS office and requested assistance with estate planning. On April 12, 2023, Adam Smith from AFS referred RM to Respondent. On April 19, 2023, Respondent met with RM to advise RM regarding her estate planning objectives. Respondent believed his license had been reinstated on April 19, 2023.

19. Respondent reported during the investigation that he was certain that he informed some of his clients of his administrative suspension, but could not say for sure if he informed all; that he most likely did not inform any prospects who ultimately did not hire him; he was sure he informed Adam Smith of AFS, but was not sure if he informed anyone else at AFS.

20. Respondent received notice from the VSB that he had not reported required MCLE credits for the 2023 MCLE period, which notified him that he had been assessed delinquency fees and that failure to report hours and pay fees would result in administrative suspension of his license. Respondent did not timely comply.

21. From March 25, 2024, to March 26, 2024, Respondent's license to practice law in Virginia was administratively suspended for failure to comply with MCLE requirements.

22. Respondent cooperated with this investigation, including but not limited to production of the above-referenced 366 emails that are the primary evidence in this matter. When interviewed by the Bar's investigator, Respondent described the procedures he has adopted for calendaring deadlines for Bar dues and MCLE requirements. Respondent timely completed the MCLE requirements for the year ended October 31, 2024 (inclusive of carry-over credits for the current MCLE year).

II. NATURE OF MISCONDUCT

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

RULE 5.5 Unauthorized Practice of Law; Multijurisdictional Practice of Law.

...

(c) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction or assist another in doing so.

By engaging in the practice of law during the March 16-April 26, 2023, administrative suspension (such as by drafting, editing, or finalizing estate planning documents or advising clients regarding estate planning matters); and by holding himself out as authorized to practice law in the Commonwealth of Virginia, during the same administrative suspension period (such as by failing to remove the “Esq.” designation from his email signature or by meeting with prospective clients, accepting new clients, or continuing to communicate with existing clients without informing them that his license was suspended); Respondent violated Rule 5.5(c).

RULE 8.4 Misconduct.

It is professional misconduct for a lawyer to:

...

(b) commit a criminal or deliberately wrongful act that reflects adversely on the lawyer’s honesty, trustworthiness or fitness to practice law[.]

By violating Rule 5.5(c) as described above, Respondent has violated Va. Code Ann. § 54.1-3904 (a misdemeanor), and as such Respondent violated Rule 8.4(b).¹

¹ We note that the Bar’s burden under Rule 8.4(b) only requires clear and convincing evidence of commission of a criminal act, without regard to an arrest or conviction for same.

III. PROPOSED DISPOSITION

Accordingly, Assistant Bar Counsel, Respondent's counsel, and Respondent tender to the Disciplinary Board 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 Disciplinary Board.

If the Agreed Disposition is approved, the Clerk of the Disciplinary System shall assess costs.

Pursuant to Part 6, Section IV, Paragraph 13-30.B of the Rules of the Supreme Court of Virginia, Respondent's prior disciplinary record shall be furnished to the Disciplinary Board considering this agreed disposition.

THE VIRGINIA STATE BAR

/s/ Jessica C. Beatty

Jessica C. Beatty
Assistant Bar Counsel

/s/ Daniel Schumack

Daniel Schumack
Counsel for Respondent

Jonathan Cox

Jonathan Dean Cox
Respondent 07 / 17 / 2025