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**Mar 9, 2021**

**VIRGINIA STATE BAR  
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VIRGINIA:

BEFORE THE THIRD DISTRICT, SECTION II SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR

IN THE MATTER OF  
JAMES TODD DUVAL

VSB Docket No. 20-032-117471

SUBCOMMITTEE DETERMINATION  
(PUBLIC REPRIMAND WITH TERMS)

On June 18, 2020 a meeting was held in this matter before a duly convened Third District, Section II Subcommittee consisting of Eric Harrison Feiler, Chair, Guy Cameron Crowgey, Member, and Michelle H. Papierniak Lay Member. During the meeting, the Subcommittee voted to approve an agreed disposition for a Public Reprimand with Terms pursuant to Part 6, § IV, ¶ 13-15.B.4. of the Rules of the Supreme Court of Virginia. The agreed disposition was entered into by the Virginia State Bar, by Laura Ann Booberg, Assistant Bar Counsel, and James Todd DuVal, Respondent, *pro se*.

WHEREFORE, the Third District, Section II Subcommittee of the Virginia State Bar hereby serves upon Respondent the following Public Reprimand with Terms:

I. FINDINGS OF FACT

1. For all times relevant hereto, Respondent has been an attorney licensed to practice law in the Commonwealth of Virginia. Respondent was admitted to practice law in Virginia on September 30, 1991.

Angel Rafael Lopez-Morga

2. Respondent represented Angel Rafael Lopez- Morga ("Morga") on appeal from the New Kent County Circuit Court. Respondent filed a timely Notice of Appeal on January 16, 2013. The Court of Appeals of Virginia ("the COA") received the record from the trial court on March 5, 2013 and notified Respondent.
3. Based on the filing of the record, the Petition for Appeal was due on April 15, 2013. Respondent filed the Petition for Appeal on April 19, 2013.

4. On May 17, 2013, the COA entered an order dismissing the appeal because the petition was not timely filed.
5. Respondent thereafter filed a Motion for a Delayed Appeal (in which Respondent acknowledged the fault to be his own), which was subsequently granted. The COA then remanded the matter to the circuit court, which was directed to appoint new counsel for Morga, who was granted leave to file a Notice of Appeal. New counsel timely filed a Petition for Appeal in the COA and the Supreme Court of Virginia. The Supreme Court ultimately refused Morga's appeal on January 22, 2015.

Michel DeVaughn Gordon

6. Respondent was court appointed to represent Michel DeVaughn Gordon ("Gordon") in the Charles City County Circuit Court for multiple crimes. On April 5, 2019, Gordon was sentenced to 26 years of incarceration.
7. On April 29, 2019, Respondent filed a Notice of Appeal with the Charles City County Circuit Court.
8. On July 8, 2019, the COA received the record from the trial court and notified Respondent by email. Based on the date the record was received, the Petition for Appeal was due August 19, 2019.
9. On September 20, 2019, Gordon wrote to the Court of Appeals and stated that he did not know the status of his appeal because respondent did not communicate with him.
10. On September 24, 2019, the COA entered an order dismissing the appeal since no Petition for Appeal was filed. The order was emailed to Respondent the same day.
11. On October 7, 2019, Gordon again wrote to the COA, asking that the court reconsider the dismissal of his appeal and requesting that the court appoint new counsel to handle the appeal. On October 23, 2019, the COA entered an order denying Gordon's requests.
12. On November 12, 2019, Respondent filed a Motion for a Delayed Appeal. He included an affidavit stating that Gordon authorized him to file the Motion.
13. On December 3, 2019, the COA entered an order granting Gordon leave to file a replacement Notice of Appeal and directing the trial court to appoint new counsel.
14. On December 26, 2019, new counsel was appointed. On January 14, 2020, a Notice of Appeal was filed. The COA ultimately denied the appeal, and the matter was appealed to the Supreme Court of Virginia on December 2, 2020.

Darnell Arnett Green

15. Respondent was court appointed to represent Darnell Arnett Green ("Green") in the King and Queen County Circuit Court for criminal charges. On May 29, 2019, Green was sentenced to incarceration of 20 years with 17 years suspended.
16. On June 13, 2019, Respondent filed a Notice of Appeal in the King and Queen County Circuit Court. The COA received the record from the trial court on August 7, 2019 and notified Respondent by email.
17. Based on the receipt of the trial court record, the Petition for Appeal was due on September 16, 2019.
18. On October 29, 2019, the COA dismissed the appeal because no Petition for Appeal was filed. The order was emailed to Respondent the same day.
19. On December 9, 2019, Respondent filed a Motion for Delayed Appeal. Included with the Motion was an affidavit that stated, "I have thoroughly discussed the matter with the Appellant and he has given me the authorization to move forward on his delayed appeal."
20. On December 18, 2019, The COA emailed Respondent, acknowledging receipt of the Motion, but informing him that the COA did not receive the proper representation that the defendant concurred in the filing.
21. On January 10, 2020, Respondent filed an affidavit with the COA stating that the defendant concurred with the filing of the Motion.
22. On January 29, 2020, the COA entered an order granting a replacement Notice of Appeal be filed by Green and directing the trial court to appoint new counsel.
23. On February 14, 2020, new counsel was appointed. The replacement Notice of Appeal was filed on February 24, 2020. The COA ultimately denied the appeal, and the matter was appealed to the Supreme Court of Virginia on October 29, 2020.

## 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.

## III. PUBLIC REPRIMAND WITH TERMS

Accordingly, having approved the agreed disposition, it is the decision of the Subcommittee to impose a Public Reprimand with Terms. The terms are:

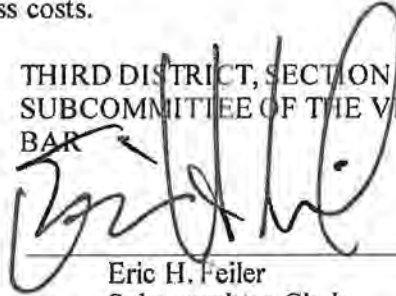
1. Respondent is placed on probation for a period of one (1) year commencing upon the date that the subcommittee enters a disposition approving the agreed disposition. During such probationary period, Respondent will not engage in professional misconduct as defined by the Virginia Rules of Professional Conduct or the disciplinary rules of any other jurisdiction in which the Respondent is admitted to practice law. Any final determination that Respondent engaged in professional misconduct during this probationary period made by a District Subcommittee, District Committee, the Disciplinary Board, a Three-Judge Panel or the Supreme Court of Virginia shall conclusively be deemed to be a violation of this Term.
2. Respondent shall create and implement a docket control system which will ensure the Respondent periodically reviews the status of all pending matters as an advance reminder of key deadlines and other obligations so as to avoid missed deadlines.
3. Respondent shall submit to periodic, random reviews of his docket control system by a Virginia State Bar Investigator or other agent of the bar during the course of the next twelve (12) months. Respondent shall reasonably cooperate with the Investigator or Bar agent in scheduling and submitting to such periodic, random reviews.

If any of the terms are not met by the time specified in the Agreed Disposition, pursuant to Part 6, § IV, ¶ 13-15.F of the Rules of the Supreme Court of Virginia, the District Committee

shall hold a hearing and Respondent shall be required to show cause why a Certification to the Virginia State Bar Disciplinary Board should not be imposed. Any proceeding initiated due to failure to comply with terms will be considered a new matter, and an administrative fee and costs will be assessed.

Pursuant to Part 6, § IV, ¶ 13-9.E. of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess costs.

THIRD DISTRICT, SECTION II  
SUBCOMMITTEE OF THE VIRGINIA STATE  
BAR

A handwritten signature in black ink, appearing to read "Eric H. Feiler", is written over a horizontal line. The signature is stylized and cursive.

Eric H. Feiler  
Subcommittee Chair

CERTIFICATE OF MAILING

I certify that on March 9, 2021, a true and complete copy of the Subcommittee Determination Public Reprimand With Terms was sent by email to [jtduval@mcdonaldsutton.com](mailto:jtduval@mcdonaldsutton.com) and certified mail to James Todd DuVal, Respondent, at McDonald, Sutton & DuVal, P.L.C., 5516 Falmouth St Ste 108, Richmond, VA 23230, Respondent's last address of record with the Virginia State Bar.



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Laura Ann Booberg  
Assistant Bar Counsel

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BEFORE THE THIRD DISTRICT, SECTION II SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR

IN THE MATTER OF  
JAMES TODD DUVAL

VSB Docket No. 20-032-117471

AGREED DISPOSITION  
PUBLIC REPRIMAND WITH TERMS

Pursuant to the Rules of the Supreme Court of Virginia, Part 6, § IV, ¶ 13-15.B.4, the Virginia State Bar, by Laura Ann Booberg, Assistant Bar Counsel, and James Todd DuVal, Respondent, *pro se*, hereby enter into the following agreed disposition arising out of the referenced matter.

I. STIPULATIONS OF FACT

1. For all times relevant hereto, Respondent has been an attorney licensed to practice law in the Commonwealth of Virginia. Respondent was admitted to practice law in Virginia on September 30, 1991.

Angel Rafael Lopez-Morga

2. Respondent represented Angel Rafael Lopez- Morga ("Morga") on appeal from the New Kent County Circuit Court. Respondent filed a timely Notice of Appeal on January 16, 2013. The Court of Appeals of Virginia ("the COA") received the record from the trial court on March 5, 2013 and notified Respondent.
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## 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.

## III. PROPOSED DISPOSITION

Accordingly, Assistant Bar Counsel and Respondent tender to a subcommittee of the Third District, Section II Committee for its approval the agreed disposition of a Public Reprimand with Terms as representing an appropriate sanction if this matter were to be heard through an evidentiary hearing by the Third District, Section II Committee. The terms shall be

met by one year from the date that the subcommittee enters a disposition approving the Agreed Disposition and are as follows:

1. Respondent is placed on probation for a period of one (1) year commencing upon the date that the subcommittee enters a disposition approving the agreed disposition. During such probationary period, Respondent will not engage in professional misconduct as defined by the Virginia Rules of Professional Conduct or the disciplinary rules of any other jurisdiction in which the Respondent is admitted to practice law. Any final determination that Respondent engaged in professional misconduct during this probationary period made by a District Subcommittee, District Committee, the Disciplinary Board, a Three-Judge Panel or the Supreme Court of Virginia shall conclusively be deemed to be a violation of this Term.
2. Respondent shall create and implement a docket control system which will ensure the Respondent periodically reviews the status of all pending matters as an advance reminder of key deadlines and other obligations so as to avoid missed deadlines.
3. Respondent shall submit to periodic, random reviews of his docket control system by a Virginia State Bar Investigator or other agent of the bar during the course of the next twelve (12) months. Respondent shall reasonably cooperate with the Investigator or Bar agent in scheduling and submitting to such periodic, random reviews.

If any of the terms are not met by one year from the date the subcommittee enters a disposition approving the Agreed Disposition, Respondent agrees that the District Committee shall impose a Certification to the Virginia State Bar Disciplinary Board for Sanction Determination pursuant to Part 6, § IV, ¶ 13-15.F of the Rules of the Supreme Court of Virginia. Any proceeding initiated due to failure to comply with terms will be considered a new matter, and an administrative fee and costs will be assessed pursuant to ¶ 13-9.E of the Rules of the Supreme Court of Virginia.

If the agreed disposition is approved, the Clerk of the Disciplinary System shall assess costs.

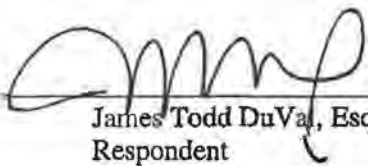
Pursuant to Part 6, § IV, ¶ 13-30.B of the Rules of the Supreme Court of Virginia, Respondent's prior disciplinary record shall be furnished to the subcommittee considering this agreed disposition.

THE VIRGINIA STATE BAR



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Laura Ann Booberg  
Assistant Bar Counsel



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James Todd DuVal, Esquire  
Respondent