

VIRGINIA:

BEFORE THE TENTH DISTRICT, SECTION I, SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR

IN THE MATTER OF  
JONATHAN PRESTON FISHER

VSJ Docket No. 20-101-118913

SUBCOMMITTEE DETERMINATION  
(PUBLIC REPRIMAND WITH TERMS)

On December 4, 2020 a meeting was held in this matter before a duly convened Tenth District, Section I, Subcommittee consisting of Scot Stewart Farthing, Esq.; James N. Lloyd; and Karen Ousley Boyer, Esq., chair presiding and, on February 19, 2021 a meeting was held in this matter before a duly convened Tenth District, Section I, Subcommittee consisting of Scot Stewart Farthing, Esq.; David Michael Barber; and Karen Ousley Boyer, Esq., chair presiding. During the February 19, 2021 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 Edward James Dillon, Jr., Senior Assistant Bar Counsel, and Jonathan Preston Fisher, Respondent, and Paul Dimitri Georgiadis, Esq., counsel for Respondent.

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

I. FINDINGS OF FACT

1. At all relevant times, Jonathan Preston Fisher (“Respondent”) has been an attorney licensed to practice law in the Commonwealth of Virginia. Respondent was licensed to practice law in the Commonwealth of Virginia in October 2001.
2. Respondent represented both Chloe Talley and Weldon Wood on appeals of convictions to the Court of Appeals of Virginia.

3. By Order entered October 15, 2019 in Talley v. Commonwealth of Virginia, the Court of Appeals of Virginia dismissed Ms. Talley's appeal because Respondent did not timely file a petition for appeal.
4. Respondent admitted that he did not send Ms. Talley a copy of the Order entered by the Court of Appeals dismissing the appeal and did not advise her of any remedial option, including the possibility of pursuing a delayed appeal.
5. Respondent nevertheless considered pursuing a delayed appeal on Ms. Talley's behalf but did not take any action within the requisite six-month time period. Respondent stated that he mistakenly believed that orders entered by the Supreme Court of Virginia in regard to COVID-19 had tolled the six-month time period for filing a delayed appeal, but later learned they had not.
6. By Order entered February 18, 2020 in Wood v. Commonwealth of Virginia, the Court of Appeals of Virginia dismissed Mr. Wood's appeal because Respondent did not timely file a petition for appeal.
7. Respondent later refunded to Mr. Wood, in two increments, the \$5,000 fee that he had charged Mr. Wood for the appeal. Respondent stated that the \$5,000 payment he received from Mr. Wood was deposited in his trust account at BB&T.
8. However, the \$3,000 refund check Respondent provided to Mr. Wood in July 2020 was not drawn on an identifiable trust account but rather on an account for "The Fisher Law Firm, P.C." at Wells Fargo.
9. Respondent also acknowledged that he did not have a subsidiary ledger or cash receipts and disbursements journals for the funds received from or on behalf of Mr. Wood. Respondent stated that he believed he could recreate such records and that he was now maintaining such records.

## 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.

RULE 1.4 Communication

- (a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.
- (b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

RULE 1.15 Safekeeping Property

(a) Depositing Funds.

(1) All funds received or held by a lawyer or law firm on behalf of a client or a third party, or held by a lawyer as a fiduciary, other than reimbursement of advances for costs and expenses shall be deposited in one or more identifiable trust accounts; all other property held on behalf of a client should be placed in a safe deposit box or other place of safekeeping as soon as practicable.

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(c) Record-Keeping Requirements. A lawyer shall, at a minimum, maintain the following books and records demonstrating compliance with this Rule:

(1) Cash receipts and disbursements journals for each trust account, including entries for receipts, disbursements, and transfers, and also including, at a minimum: an identification of the client matter; the date of the transaction; the name of the payor or payee; and the manner in which trust funds were received, disbursed, or transferred from an account.

(2) A subsidiary ledger containing a separate entry for each client, other person, or entity from whom money has been received in trust.

The ledger should clearly identify:

- (i) the client or matter, including the date of the transaction and the payor or payee and the means or methods by which trust funds were received, disbursed or transferred; and
- (ii) any unexpended balance.

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. For a period of one (1) year following the service of the Public Reprimand with Terms in this matter, Respondent authorizes the Virginia State Bar to conduct unannounced personal inspections of his trust account books, records, and bank records to ensure his compliance with all of the provisions of the Rules of Professional Conduct. Respondent shall fully cooperate with the Virginia State Bar and its investigators during any such inspection.

If any of the terms are not met by the time specified, 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 for Sanction Determination pursuant to Part 6, § IV, ¶ 13-15.G of the Rules of the Supreme Court of Virginia 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.

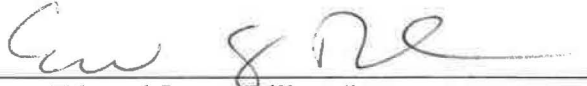
TENTH DISTRICT, SECTION I,  
SUBCOMMITTEE OF THE  
VIRGINIA STATE BAR



Karen Ousley Boyer  
Subcommittee Chair

CERTIFICATE OF MAILING

I certify that on March 5, 2021, a true and complete copy of the Subcommittee Determination (Public Reprimand With Terms) was sent by certified mail to Jonathan Preston Fisher, Respondent, at The Fisher Law Firm, P.C., P.O. Box 11118, Blacksburg, VA 24062, Respondent's last address of record with the Virginia State Bar, and by first class mail, postage prepaid to Paul Dimitri Georgiadis, counsel for Respondent, at Law Office of Paul D. Georgiadis, PLC, 2060 Buford Road, Richmond, VA 23235-3409.



Edward James Dillon, Jr.  
Senior Assistant Bar Counsel