

VIRGINIA:

BEFORE THE SIXTH DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

IN THE MATTER OF
JAMES W. HILLDRUP

VS. Docket No. 24-060-131082

SUBCOMMITTEE DETERMINATION
(PUBLIC REPRIMAND WITH TERMS)

On August 13, 2024, a meeting was held in this matter before a duly convened Sixth District Subcommittee consisting of Jane S. Chambers, Esquire, Subcommittee Chair; Adam R. Kinsman, Esquire; and David Fagiano, Lay Member. During the meeting, the Subcommittee voted to approve an Agreed Disposition 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 Joseph M. Caturano, Jr., Assistant Bar Counsel and James W. Hilldrup (“Respondent”).

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

I. FINDINGS OF FACT

1. Respondent was licensed to practice law in the Commonwealth of Virginia in 1980. At all times referenced herein, Respondent has been licensed.
2. On November 15, 2023, Tina Cantrell (“Ms. Cantrell”) hired Respondent for representation in a proposed purchase of real estate and interest in a business. Ms. Cantrell paid \$1,400 to Respondent as an advanced legal fee.
3. Respondent deposited the \$1,400 provided by Ms. Cantrell into his law firm’s operating account.
4. On January 18, 2024, Ms. Cantrell terminated the representation by Respondent and demanded a full refund of her advanced legal fee.
5. Respondent did not respond to Ms. Cantrell’s communication of January 18, 2024; Ms. Cantrell filed a complaint against Respondent with the Virginia State Bar.

6. On January 24, 2024, Respondent refunded the entirety of the advanced legal fee to Ms. Cantrell from his law firm's operating account.

7. Respondent did not file a response with the Virginia State Bar to the complaint filed by Ms. Cantrell.¹

II. NATURE OF MISCONDUCT

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

By failing to deposit the advanced legal fee of Ms. Cantrell into his trust account, Respondent violated RPC 1.15(a)(1)2.

Rule 1.15 Safekeeping Property

(a). Depositing Funds

1. All funds received ... by a lawyer or law firm on behalf of a client ... shall be deposited in one or more identifiable trust accounts[.]

By failing to file a response with the Virginia State Bar to Ms. Cantrell's bar complaint, the Respondent violated RPC 8.1(c).

Rule 8.1 Disciplinary Matters

[A] lawyer already admitted to the bar ... in connection with a disciplinary matter, shall not:

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

¹ Respondent did participate in the investigation by the Virginia State Bar.

² Italicized language is for explanatory purposes only.

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. NO FURTHER MISCONDUCT

For a period of one (1) year following the entry of the Subcommittee Determination, Respondent will not engage in any conduct that violates the Virginia Rules of Professional Conduct, including any amendments thereto, and/or which violates any analogous provisions, and any amendments thereto, of the disciplinary rules of another jurisdiction in which Respondent may be admitted to practice law. The terms contained in this paragraph will be deemed to have been violated when any ruling, determination, judgment, order, or decree has been issued against Respondent by a disciplinary tribunal in Virginia or elsewhere, containing a finding that Respondent has violated one or more provisions of the Rules of Professional Conduct referred to above, *provided, however*, that the conduct upon which such finding was based occurred within the period referred to above, and provided, further, that such ruling has become final.

2. MCLE

Within six (6) months of the service of the Subcommittee Determination in this matter, Respondent will complete six (6) hours of continuing legal education credits by attending courses approved by the Virginia State Bar in the subject matter of legal ethics. Respondent's Continuing Legal Education attendance obligation set forth in this paragraph will not be applied toward his Mandatory Continuing Legal Education requirement in Virginia or any other jurisdictions in which Respondent may be licensed to practice law. Respondent will certify his compliance with the terms set forth in this paragraph by delivering a fully and properly executed Virginia MCLE Board Certification of Attendance form (Form 2) to Assistant Bar Counsel, promptly following his attendance of each such CLE program(s).

If any of the terms are not met, Respondent agrees that the District Committee shall impose an alternative sanction pursuant to Part 6, § IV, ¶ 13-15.F-G 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 Part 6, § IV, ¶ 13-9.E. of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess costs.

SIXTH DISTRICT SUBCOMMITTEE OF THE
VIRGINIA STATE BAR

Jane Sherman Chambers

Jane S. Chambers
Subcommittee Chair

CERTIFICATE OF MAILING

I certify that on September 10, 2024, a true and complete copy of the Subcommittee Determination (Public Reprimand with Terms) was sent by certified mail to James W. Hilldrup, Respondent, at 4343 Plank Road, Suite 220, Fredericksburg, Virginia 22407, Respondent's last address of record with the Virginia State Bar, and by email to jimmv@closefred.com.

Joseph M. Caturano, Jr.

Joseph M. Caturano, Jr.
Assistant Bar Counsel

VIRGINIA:

BEFORE THE SIXTH DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

IN THE MATTER OF
JAMES W. HILLDRUP

VS B Docket No. 24-060-131082

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 Joseph M. Caturano, Jr., Esquire, Assistant Bar Counsel, and James W. Hilldrup (“Respondent”), hereby enter into the following Agreed Disposition arising out of the referenced matter.

I. STIPULATIONS OF FACT

1. Respondent was licensed to practice law in the Commonwealth of Virginia in 1980. At all times referenced herein, Respondent has been licensed.
2. On November 15, 2023, Tina Cantrell (“Ms. Cantrell”) hired Respondent for representation in a proposed purchase of real estate and a business. Ms. Cantrell paid \$1,400 to Respondent as an advanced legal fee.
3. Respondent deposited the \$1,400 provided by Ms. Cantrell into his law firm’s operating account.
4. On January 18, 2024, Ms. Cantrell terminated the representation by Respondent, and demanded a full refund of her advanced legal fee.
5. Respondent did not respond to Ms. Cantrell’s communication of January 18, 2024, so Ms. Cantrell filed a complaint against Respondent with the Virginia State Bar.
6. On January 24, 2024, Respondent refunded the advanced legal fee to Ms. Cantrell from his law firm’s operating account.
7. Respondent did not respond to the Virginia State Bar upon the complaint filed by Ms. Cantrell against him.

II. NATURE OF MISCONDUCT

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

By failing to deposit the advanced legal fee of Ms. Cantrell into his trust account, Respondent violated RPC 1.15(a).

Rule 1.15 Safekeeping Property

(a). Depositing Funds

1. All funds received ... by a lawyer or law firm on behalf of a client ... shall be deposited in one or more identifiable trust accounts ...

By failing to respond to a lawful demand for information from a disciplinary authority, the Virginia State Bar, specifically, by failing to file a response to the complaint in this disciplinary matter, the Respondent violated RPC 8.1(c).

Rule 8.1 Disciplinary Matters

[A] lawyer already admitted to the bar ... in connection with a disciplinary matter, shall not:

* * *

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

III. PROPOSED DISPOSITION

Accordingly, Assistant Bar Counsel and Respondent tender to a Subcommittee of the Sixth District 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 Sixth District Committee.

1. NO FURTHER MISCONDUCT

For a period of one (1) year following the entry of the Subcommittee Determination, Respondent will not engage in any conduct that violates the Virginia Rules of Professional Conduct, including any amendments thereto, and/or which violates any analogous provisions, and any amendments thereto, of the disciplinary rules of another jurisdiction in which Respondent may be admitted to practice law. The terms contained in this paragraph will be deemed to have been violated when any ruling, determination, judgment, order, or decree has been issued against Respondent by a disciplinary tribunal in Virginia or elsewhere, containing a finding that Respondent has violated one or more provisions of the Rules of Professional Conduct referred to above, *provided, however*, that the conduct upon which such finding was based occurred within the period referred to above, and provided, further, that such ruling has become final.

2. MCLE

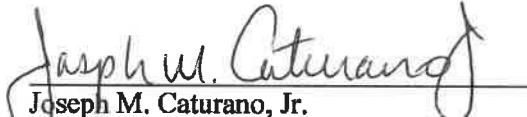
Within six (6) months of the service of the Subcommittee Determination in this matter, Respondent will complete six (6) hours of continuing legal education credits by attending courses approved by the Virginia State Bar in the subject matter of legal ethics. Respondent's Continuing Legal Education attendance obligation set forth in this paragraph will not be applied toward his Mandatory Continuing Legal Education requirement in Virginia or any other jurisdictions in which Respondent may be licensed to practice law. Respondent will certify his compliance with the terms set forth in this paragraph by delivering a fully and properly executed Virginia MCLE Board Certification of Attendance form (Form 2) to Assistant Bar Counsel, promptly following his attendance of each such CLE program(s).

If any of the terms are not met, Respondent agrees that the District Committee shall impose alternative sanction 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.

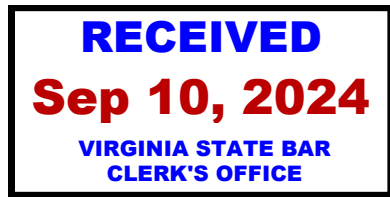
If the agreed disposition is approved, the Clerk of the Disciplinary System shall assess costs.

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


Joseph M. Caturano, Jr.
Assistant Bar Counsel, Virginia State Bar


James W. Hilldrup
Respondent



Virginia State Bar

SIXTH DISTRICT COMMITTEE

PLEASE REPLY TO:
Joanne Fronfelter, Clerk
1111 East Main Street, Suite 700
Richmond, Virginia 23219-0026

September 10, 2024

PERSONAL AND CONFIDENTIAL

VIA CERTIFIED MAIL & EMAIL: jimmy@closefred.com

James Willis Hilldrup
4343 Plank Rd Ste 220
Fredericksburg, VA 22407-4807

Re: In the Matter of James Willis Hilldrup
VSB Docket No. 24-060-131082

Dear Mr. Hilldrup:

Enclosed is a Subcommittee Determination (Public Reprimand with Terms) hereby served on you by the Sixth District Subcommittee of the Virginia State Bar.

Please be aware that this disposition will become a part of your disciplinary record.

Pursuant to Part 6, Section IV, Paragraph 13-15.F. and 13-15.G. of the Rules of the Virginia Supreme Court, if you fail to comply with the terms by the dates indicated in the Subcommittee Determination, the alternative disposition may be imposed. Imposition of the alternative sanction may involve a public show cause notice and a public hearing pursuant to Part Six, Section IV, Paragraph 13-15.F and 13-16.BB of the Rules of Court.

Sincerely,

Jane Sherman Chambers
Subcommittee Chair

Enclosure

cc: Tina Cantrell, Complainant
Joanne Fronfelter, Clerk of the Disciplinary System
Joseph M. Caturano Jr., Assistant Bar Counsel
Mike Powell, Investigator