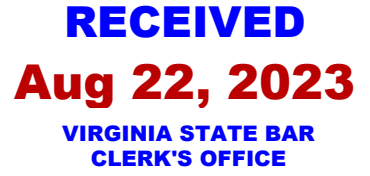


VIRGINIA:

BEFORE THE SIXTH DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR



IN THE MATTER OF
JAMES W. HILLDRUP

VSB Docket No. 23-060-128458

SUBCOMMITTEE DETERMINATION
(PUBLIC REPRIMAND WITH TERMS)

On July 11, 2023, and August 21, 2023, meetings were held in this matter before a duly convened Sixth District Subcommittee consisting of John Tarley, Jr., Esquire, Subcommittee Chair; Adam Kinsman, Esquire; and Donald C. Hill, Lay Member. During the meeting on August 21, 2023, 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 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 was an attorney licensed to practice law in the Commonwealth of Virginia.
2. On September 22, 2021, James W. Childs ("Complainant") retained Respondent to address title issues with real property located in Caroline County, Virginia; specifically, "to research, establish boundaries, and clear title ... " ("the legal matter").
3. As the legal matter was document intensive, Complainant sent numerous documents to Respondent to proceed with the legal matter, and Respondent's legal assistant initially communicated with Complainant several times concerning the additional documents required; specifically, on November 6, 2021; November 30, 2021; December 4, 2021; and on January 4, 2022.

4. However, from January 5, 2022, through July of 2022, for a period of six (6) months, Respondent performed no work on the legal matter and did not communicate with Complainant, despite request.

5. In July of 2022, Respondent finally discussed the legal matter with Complainant, and it was agreed that the legal matter would proceed forthwith.

6. Despite the discussion in July of 2022, four (4) months later in November of 2022, there was still no activity in the legal matter; and Respondent stated to Complainant at that time that he would try to have "some papers" completed and meet with Complainant in Caroline County to sign and file the documents. However, Respondent did not do so.

7. Having received no communication from Respondent for several more months, on February 8, 2023, Complainant sent a written message to Respondent that he "no longer needed ... services and would like a full refund of all money paid." Respondent did not respond to Complainant's message of February 8, 2023.

8. In May of 2023, approximately three (3) months after the written demand by Complainant, and after the filing of the bar complaint by Complainant, Respondent refunded the advanced fee deposit to Complainant.

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.

Rule 1.16 Declining or Terminating Representation

* * *

(d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, refunding any advance payment of fee that has not been earned and handling records as indicated in paragraph (e).

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.

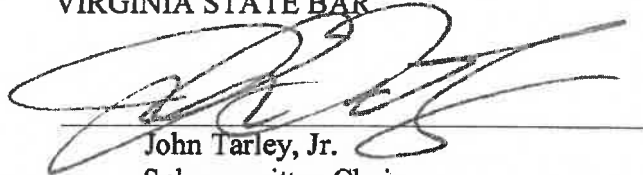
2. MCLE

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 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 impose a Certification for Sanction Determination 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.

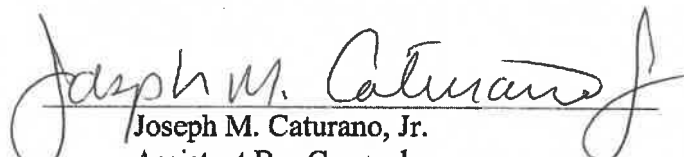
SIXTH DISTRICT SUBCOMMITTEE OF THE
VIRGINIA STATE BAR



John Tarley, Jr.
Subcommittee Chair

CERTIFICATE OF MAILING

I certify that on August 22, 2023, a true and complete copy of the Subcommittee Determination (Public Reprimand With Terms) was sent by certified mail to James W. Hilldrup, Respondent, at James W. Hilldrup, PLC., 4343 Plank Road, Suite 220, Fredericksburg, Virginia 22407, Respondent's last address of record with the Virginia State Bar and email at jimmv@closefred.com.



Joseph M. Caturano, Jr.
Assistant Bar Counsel