

VIRGINIA:

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

IN THE MATTER OF  
John Dillard Hooker, Jr.

VSB Docket No. 23-021-126580

SUBCOMMITTEE DETERMINATION  
(PUBLIC REPRIMAND WITH TERMS)

On May 22, 2023 a meeting was held in this matter before a duly convened Second District, Section I Subcommittee, consisting of Jeffrey Hugh Gray, Esquire, presiding chair, Regis Nicole Rice, Esquire, member; and Lonnie Dixon Leatherbury, lay member. During the meeting, the Subcommittee unanimously voted to approve an agreed disposition of 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 (“VSB”), by Shelley L. Spalding, Assistant Bar Counsel, and John Dillard Hooker, Jr., Respondent, *pro se*.

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

I. FINDINGS OF FACT

1. John Dillard Hooker (“Respondent”) was licensed to practice law in the Commonwealth of Virginia in 1973. At all times relevant to the conduct set forth herein, Respondent was an attorney licensed to practice law in the Commonwealth of Virginia.
2. Richard Spreder retained Respondent in June 2021 to defend his son, Paul W. Spreder (“Complainant”), on criminal charges in York County. Respondent noted his

appearance as counsel on June 10, 2021. Respondent was paid by Complainant's father. There was no written engagement agreement.

3. According to Respondent, Complainant's father paid \$5,000.00 at the outset, and they agreed to "see how it goes." According to Respondent's records, Complainant's father paid \$2,500.00 on May 29, 2021, and \$2,500.00 on May 30, 2021. This first \$5,000.00 was deposited into Respondent's operating account on June 1, 2021. Complainant's father also paid Respondent \$2,500.00 on September 17, 2021, and \$2,500.00 on September 20, 2021, which were deposited into Respondent's operating account on September 20 and 21, 2021, respectively. Finally, Complainant's father paid Respondent \$5,000.00 on December 23, 2021, which was deposited into Respondent's operating account on December 23, 2021.
4. Both Complainant and his mother stated that they believed that the final \$5,000.00 payment was for sentencing, although both admitted they did not hear Respondent state that.
5. By letter dated May 16, 2022, Complainant's father wrote to Respondent stating that he was disappointed in Respondent's representation and requesting a refund of \$5,000.00. On May 19, 2022, Respondent withdrew as counsel of record for Complainant, and substitute counsel appeared on behalf of Complainant.
6. On May 26, 2022, Complainant's father passed away.
7. Respondent did not provide any accounting that explains whether, and if so when, Complainant's fees were earned.
8. Respondent stated that all \$15,000.00 was earned and declined to refund Richard Spreder's estate. Respondent did not finish Complainant's case.

9. Respondent did not appear at Complainant's sentencing hearing. Complainant was sentenced to four years and nine months of incarceration.
10. Respondent was not performing the reconciliations required by Rule 1.15(d)(3) during the time he represented Complainant.

## II. NATURE OF MISCONDUCT

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

### **RULE 1.5 Fees**

(b) The lawyer's fee shall be adequately explained to the client. When the lawyer has not regularly represented the client, the amount, basis or rate of the fee shall be communicated to the client, preferably in writing, before or within a reasonable time after commencing 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.

#### (b) Specific Duties. A lawyer shall:

(5) not disburse funds or use property of a client or of a third party with a valid lien or assignment without their consent or convert funds or property of a client or third party, except as directed by a tribunal.

(d) Required Trust Accounting Procedures. In addition to the requirements set forth in Rule 1.15 (a) through (c), the following minimum trust accounting procedures are applicable to all trust accounts.

(3) The following reconciliations must be made monthly and approved by a lawyer in the law firm:

(i) reconciliation of the client ledger balance for each client, other person, or entity on whose behalf money is held in trust;

(ii) reconciliation of the trust account balance, adjusting the ending bank statement balance by adding any deposits not shown on the statement and subtracting any checks or disbursements not shown on the statement. This adjusted balance must equal the balance in the checkbook or transaction register; and

(iii) reconciliation of the trust account balance ((d)(3)(ii)) and the client ledger balance ((d)(3)(i)). The trust account balance must equal the client ledger 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. On or before July 31, 2023, Respondent shall enroll in and attend two (2.0) hours of continuing legal education credits by attending courses approved by the Virginia State Bar in the subject matter of trust accounting. Respondent's Continuing Legal Education attendance obligation set forth in this paragraph shall 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 shall 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 Bar Counsel, promptly following his attendance of each such CLE program(s).

2. On or before July 31, 2023, Respondent shall read in its entirety Lawyers and Other People's Money, Rule 1.15 of the Virginia Rules of Professional Conduct, and Legal Ethics Opinion 1606 and shall certify compliance in writing to Bar Counsel not later August 15, 2023.

3. For a period of two (2) years following entry of this Order, Respondent hereby authorizes a Virginia State Bar Investigator to conduct unannounced personal inspections of his trust account books, records, and bank records to ensure his compliance with all of the provisions of Rule 1.15 of the Rules of Professional Conduct, and shall fully cooperate with the Virginia State Bar investigator.

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 certify this matter for a sanction determination by the Disciplinary Board. 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.

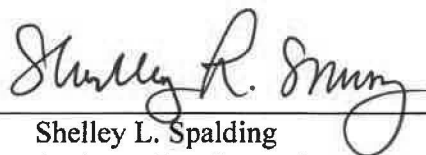
SECOND DISTRICT, SECTION I  
SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR



Jeffrey Hugh Gray  
Subcommittee Chair

CERTIFICATE OF MAILING

I certify that on May 26, 2023, a true and complete copy of the Subcommittee Determination (Public Reprimand With Terms) was sent by certified mail to John Dillard Hooker, Jr., Respondent, at John D. Hooker, Jr. & Associates, P.C., P.O. Box 968, Virginia Beach, VA 23451-0968, Respondent's last address of record with the Virginia State Bar.



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Shelley L. Spalding  
Assistant Bar Counsel

VIRGINIA:

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

IN THE MATTER OF  
JOHN DILLARD HOOKER

VS B Docket No. 23-021-126580

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 (“VSB”), by Shelley L. Spalding, Assistant Bar Counsel, and John Dillard Hooker, Esq., Respondent, hereby enter into the following agreed disposition arising out of the above-referenced matter.

I. STIPULATIONS OF FACT

1. John Dillard Hooker (“Respondent”) was licensed to practice law in the Commonwealth of Virginia in 1973. At all times relevant to the conduct set forth herein, Respondent was an attorney licensed to practice law in the Commonwealth of Virginia.
2. Richard Spreder retained Respondent in June 2021 to defend his son, Paul W. Spreder (“Complainant”), on criminal charges in York County. Respondent noted his appearance as counsel on June 10, 2021. Respondent was paid by Complainant’s father. There was no written engagement agreement.
3. According to Respondent, Complainant’s father paid \$5,000.00 at the outset, and they agreed to “see how it goes.” According to Respondent’s records, Complainant’s father paid \$2,500.00 on May 29, 2021, and \$2,500.00 on May 30, 2021. This first \$5,000.00 was deposited into Respondent’s operating account on June 1, 2021.

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6. On May 26, 2022, Complainant's father passed away.
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8. Respondent stated that all \$15,000.00 was earned and declined to refund Richard Spreder's estate. Respondent did not finish Complainant's case.
9. Respondent did not appear at Complainant's sentencing hearing. Complainant was sentenced to four years and nine months of incarceration.
10. Respondent was not performing the reconciliations required by Rule 1.15(d)(3) during the time he represented Complainant.



## II. NATURE OF MISCONDUCT

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

### **RULE 1.5 Fees**

(b) The lawyer's fee shall be adequately explained to the client. When the lawyer has not regularly represented the client, the amount, basis or rate of the fee shall be communicated to the client, preferably in writing, before or within a reasonable time after commencing 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.

#### (b) Specific Duties. A lawyer shall:

(5) not disburse funds or use property of a client or of a third party with a valid lien or assignment without their consent or convert funds or property of a client or third party, except as directed by a tribunal.

(d) Required Trust Accounting Procedures. In addition to the requirements set forth in Rule 1.15 (a) through (c), the following minimum trust accounting procedures are applicable to all trust accounts.

(3) The following reconciliations must be made monthly and approved by a lawyer in the law firm:

(i) reconciliation of the client ledger balance for each client, other person, or entity on whose behalf money is held in trust;

(ii) reconciliation of the trust account balance, adjusting the ending bank statement balance by adding any deposits not shown on the statement and subtracting any checks or disbursements not shown on the statement. This adjusted balance must equal the balance in the checkbook or transaction register; and

(iii) reconciliation of the trust account balance ((d)(3)(ii)) and the client ledger balance ((d)(3)(i)). The trust account balance must equal the client ledger balance.

### III. PROPOSED DISPOSITION

Accordingly, Assistant Bar Counsel and Respondent tender to a subcommittee of the Second District, Section I 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 Second District, Section I Committee. The terms are as follows:

1. On or before July 31, 2023, Respondent shall enroll in and attend two (2.0) hours of continuing legal education credits by attending courses approved by the Virginia State Bar in the subject matter of trust accounting. Respondent's Continuing Legal Education attendance obligation set forth in this paragraph shall 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 shall 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 Bar Counsel, promptly following his attendance of each such CLE program(s).

2. On or before July 31, 2023, Respondent shall read in its entirety Lawyers and Other People's Money, Rule 1.15 of the Virginia Rules of Professional Conduct, and Legal Ethics Opinion 1606 and shall certify compliance in writing to Bar Counsel not later August 15, 2023.

3. For a period of two (2) years following entry of this Order, Respondent hereby authorizes a Virginia State Bar Investigator to conduct unannounced personal inspections of his trust account books, records, and bank records to ensure his compliance with all of the provisions of Rule 1.15 of the Rules of Professional Conduct, and shall fully cooperate with the Virginia State Bar investigator.

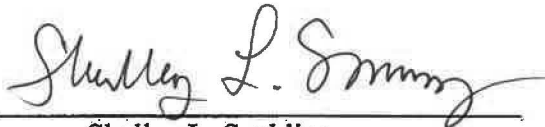
If any of the terms are not met by the deadlines set forth above, Respondent agrees that the District Committee shall certify this matter for a sanction determination by the Disciplinary Board pursuant to Part 6, § IV, ¶ 13-15.F of the Rules of the Supreme Court of Virginia. Any proceeding initiated 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.

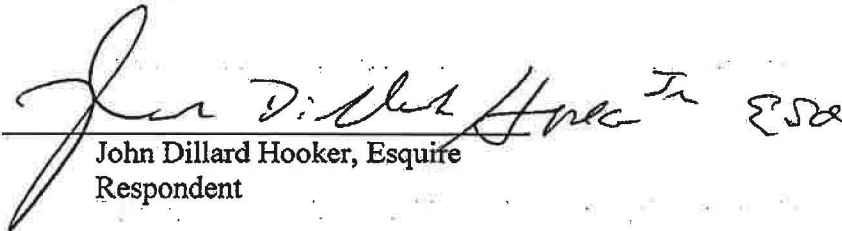
If the agreed disposition is approved, the Clerk of the Disciplinary System shall assess costs.

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



Shelley L. Spalding  
Assistant Bar Counsel



John Dillard Hooker, Esquire  
Respondent