

VIRGINIA:

**BEFORE THE FOURTH DISTRICT, SECTION II SUBCOMMITTEE
OF THE VIRGINIA STATE BAR**

**IN THE MATTER OF
ROBERT LEE JENKINS, JR.**

VSb DOCKET NO. 24-042-130443

SUBCOMMITTEE DETERMINATION
(PUBLIC ADMONITION WITHOUT TERMS)

On February 8, 2024, a meeting in this matter was held before a duly convened Fourth District, Section II Subcommittee consisting of Sean A. O. Sherlock, Subcommittee Chair; Michele Bartoli Cain, member; and William E. Campbell, lay member.

Pursuant to Part 6, § IV, ¶ 13-15.B.4 of the Rules of the Supreme Court of Virginia, the Fourth District, Section II Subcommittee of the Virginia State Bar hereby serves upon the respondent Robert Lee Jenkins, Jr. (“Respondent”), the following Admonition Without Terms:

I. FINDINGS OF FACT

1. In 1995 Respondent was licensed to practice law in the Commonwealth of Virginia. At all times relevant, Respondent has been licensed and in good standing with the Virginia State Bar (“VSB”). Respondent is a criminal defense attorney.
2. On December 30, 2020, Respondent qualified his law firm, Bynum & Jenkins Law, as Executor for the Estate of RS, deceased (“Estate of RS”) with the Clerk of Fairfax County Circuit Court. RS was a client of Respondent. Respondent had not previously served as an Executor.
3. Respondent posted the necessary bond. The sole beneficiary was RS’s son, PJ.
4. Respondent identified himself as attorney for the Executor, not the Executor, on the Probate Information Form.
5. From January to April 2021, PJ did the work of Executor and had to follow up with Respondent to ensure that essential tasks were completed.
6. By Durable General Power of Attorney dated April 20, 2021, Respondent, incorrectly identified individually as Executor of the Estate of RS, appointed PJ as

attorney-in-fact for the Estate of RS. By the Durable General Power of Attorney Respondent purported to transfer/delegate to PJ all of Respondent's court-appointed fiduciary powers. There is no authority that permits Respondent to delegate Bynum & Jenkins fiduciary powers as Executor to PJ.

7. Respondent received \$17,141.87 for his services as Executor.
8. Respondent did not timely file the Inventory due April 30, 2021.
9. Respondent also failed to file an Affidavit of Notice with the Circuit Court of Fairfax by April 30, 2021, as required by Va. Code § 64.2-508(F)¹. The Affidavit of Notice Respondent later filed reflects that Respondent provided the necessary notice to PJ and decedent's daughter within one month of Bynum & Jenkins' appointment as Executor.
10. By letter dated May 17, 2021, the Office of the Commissioner of Accounts of Fairfax County ("COA") reminded Bynum & Jenkins Law that the Inventory was due April 30, 2021 and requested that the firm submit the Inventory by May 30, 2021 to avoid issuance of a summons.
11. Respondent did not file the Inventory until June 21, 2021.
12. The Inventory Respondent submitted was deficient in several material respects. Respondent failed to include the necessary supporting documentation including complete bank statements, itemized lists of disbursements and distributions, a final bank statement, and a tax certificate. Respondent also failed to submit the necessary

¹ Va. Code Section 64.2-508 Written notice of probate, qualification, and entitlement to copies of inventories, accountings, and reports to be provided to certain parties.

F. The personal representative or proponent of the will shall record within four months in the clerk's office where the will is recorded an affidavit stating (i) the names and addresses of the persons to whom he has mailed or delivered notice and when the notice was mailed or delivered to each or (ii) that no notice was required to be given to any person. The commissioner of accounts shall not approve any settlement filed by a personal representative until the affidavit described in this subsection has been recorded. If the personal representative of an estate or the proponent of a will is unable to determine the name and address of any person to whom notice is required after the exercise of reasonable diligence, a statement to that effect in the required affidavit shall be sufficient for purposes of this subsection. Notwithstanding the foregoing provisions, any person having an interest in an estate may give the notice required by this section and record the affidavit described in this subsection. If this subsection has not been complied with within four months after qualification, the commissioner of accounts shall issue, through the sheriff or other proper officer, a summons to such fiduciary requiring him to comply, and if the fiduciary does not comply, the commissioner shall enforce the filing of the affidavit in the manner set forth in § 64.2-1215.

filing and delinquent fees. The Inventory did not initially report the house number for the real estate that was the largest asset.

13. By letter dated September 14, 2021, the COA notified Bynum & Jenkins Law that the Inventory was not ready to be submitted for approval and identified the deficiencies. The letter also requested that the firm file the Affidavit of Notice.
14. Respondent did not respond to the COA's letter of September 14, 2021 nor did he correct the identified deficiencies.
15. By letter dated November 18, 2021, titled "FINAL NOTICE," the COA notified Bynum & Jenkins Law that the issues previously outlined two months earlier remained unresolved and requested a response within 30 days to avoid a summons. This letter again requested that firm file the Affidavit of Notice, first providing notice to PJ and one other party, and the COA enclosed a form Affidavit of Notice.
16. By letter dated January 5, 2022, Respondent provided the COA information regarding certain property and bank accountings and provided payment of fees.
17. On January 6, 2022, Respondent filed the Affidavit of Notice (due April 30, 2021) with the Fairfax Circuit Court.
18. The COA approved the Inventory on January 12, 2022.
19. Respondent did not timely file the first accounting due May 2, 2022.
20. By letter dated May 18, 2022, the COA advised Bynum & Jenkins Law that the first accounting was late and requested the same, signed by all qualified fiduciaries, by June 18, 2022.
21. Respondent did not submit a first accounting by June 18, 2022.
22. The COA issued a summons to Bynum & Jenkins Law for the failure to make proper filings and demanded a proper filing with the required fee and vouchers within thirty (30) days.
23. On August 8, 2022, Respondent filed the first and final accounting.
24. By letter dated December 13, 2022, the COA advised Bynum & Jenkins Law that the final accounting was not ready for submission because of a number of issues including the failure to submit complete bank statements, itemized lists of disbursements and distributions, originally signed receipts for distributions, complete bank statements, and a final bank statement, and a failure to submit a tax certificate, as well as other issues. The COA requested a response within 30 days.

25. By letter dated February 2, 2023, the COA delivered a “Final Notice” similar to the COA’s letter sent over a year prior in November 2021. This letter again requested the items listed in the December 13, 2022 letter within 30 days to avoid a summons.
26. By emails exchanged between February 28 and March 15, 2023, Respondent requested an extension to file an amended final accounting and then advised of newly discovered assets. The COA advised that the amended accounting should be a first interim accounting.
27. Respondent filed a first interim accounting on March 15, 2023.
28. Respondent did not then timely file the final accounting.
29. On June 9, 2023, the COA issued a Summons to Bynum & Jenkins. This Summons was served on Respondent on July 12. Respondent does not recall receiving the Summons.
30. By letter dated June 12, 2023 to Bynum & Jenkins Law, the COA identified the deficiencies, which were numerous including the failure to include fees, provide complete bank statements, itemized lists of disbursements and distributions, receipts for distributions, a final bank statement, and a tax certificate. The COA requested the information as soon as possible and stated that the letter did not extend the time to address matters under summons.
31. On August 22, 2023, the COA filed a Report of Noncompliance with the Fairfax Circuit Court for Bynum & Jenkins Law’s failure to provide a proper accounting, fees, and vouchers.
32. By order entered August 28, 2023, the Fairfax Circuit Court ordered Bynum & Jenkins Law, Executor to appear November 3, 2023 to show cause why the Executor’s bond should not be forfeited and other relief.
33. By letter dated October 27, 2023, as required by Va. Code Section 64.2-1216,² the COA reported the matter to the VSB.
34. By email dated October 31, 2023, the COA and Respondent agreed that the November 3 show cause hearing would be continued to February 23, 2024.
35. By letter dated November 1, 2023, the COA advised Bynum & Jenkins Law that the final accounting was not ready for approval.

² Va. Code § 64.2-1216 provides that “[w]henver the commissioner reports to the court that a fiduciary, who is an attorney-at-law licensed to practice in the Commonwealth, has failed to make the required settlement within thirty days after the date of a service of summons, the commissioner shall also mail a copy of his report to the Virginia State Bar.”

36. On November 3, 2023, the COA filed a Petition to Remove Fiduciary and Forfeit Bond.
37. On November 3, 2023, an order was entered continuing the case to February 23, 2024 and directing the COA to hold a hearing to determine whether the Fairfax Circuit Court should remove Bynum & Jenkins as Executor and in what amount the bond should be forfeited. Hearing was set for December 4, 2023.
38. On November 16 and 28, Respondent provided additional records to the COA.
39. On December 4, the COA held the hearing regarding removal of Bynum & Jenkins as Executor and forfeit of the bond. The COA did not remove Bynum & Jenkins or forfeit the bond.
40. On December 6, Respondent submitted amended first and second accountings and bank statements and checks for delinquent fees.
41. By letters dated December 21, 2023, the COA advised Bynum & Jenkins Law that the first and second accountings require a wet signature. Respondent stated he has closed the accountings and will forward the bank statements showing a zero balance to the COA upon receipt. The COA stated that upon receipt of the wet signatures she will dismiss the show cause.

II. NATURE OF MISCONDUCT

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

By

(1) accepting an appointment as Executor and payment for such work, and failing to do the necessary work, instead leaving the work to the beneficiary, and

(2) by then delegating or attempting to delegate court appointed fiduciary power to the beneficiary through a power of attorney, and

(3) by repeatedly failing to make the necessary filings with supporting documentation with the Commissioner of Accounts, and

(4) by repeatedly failing to submit the required fees to the Commissioner of Accounts, and

(5) by repeatedly failing to respond for periods of time to the Commissioner of Accounts, requiring the Commissioner of Accounts to issue and serve multiple summons and hold a hearing and schedule a show cause, before finally submitting the proper accounts,

Respondent violated Rules 1.1 and 1.3(a).

1.1 Competence

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

1.3 Diligence

- a. A lawyer shall act with reasonable diligence and promptness in representing a client.

III. PUBLIC ADMONITION WITHOUT TERMS

Accordingly, it is the decision of the subcommittee to impose a Public Admonition Without Terms and Respondent is hereby so admonished. 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.

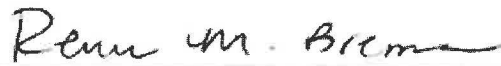
All District Committee hearings are public pursuant to Part 6, § IV, ¶ 13-16.G. of the Rules of the Supreme Court of Virginia.

FOURTH DISTRICT, SECTION II
SUBCOMMITTEE OF THE
VIRGINIA STATE BAR

By: 
Sean Albert Orville Sherlock
Subcommittee Chair

CERTIFICATE OF MAILING

I certify that on February 9, 2024, a true and complete copy of the Subcommittee Determination (Public Admonition Without Terms) was sent by certified mail to Robert Lee Jenkins, Jr., Respondent, at Bynum & Jenkins, PLLC, 1010 Cameron St., Alexandria, Virginia 22314, Respondent's last address of record with the Virginia State Bar, and by email to: rjenkins@bynumandjenkinslaw.com



Renu M. Brennan
Bar Counsel

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**AGREED DISPOSITION
PUBLIC ADMONITION WITHOUT TERMS**

Pursuant to the Rules of Supreme Court of Virginia, Part 6, § IV, ¶ 13-15.B.4, the Virginia State Bar, by Renu Brennan, Bar Counsel, and Robert Lee Jenkins, Jr., Respondent, pro se, hereby enter into the following agreed disposition arising out of this matter.

I. STIPULATIONS OF FACT

1. In 1995 Respondent was licensed to practice law in the Commonwealth of Virginia. At all times relevant, Respondent has been licensed and in good standing with the Virginia State Bar (“VSB”). Respondent is a criminal defense attorney.
2. On December 30, 2020, Respondent qualified his law firm, Bynum & Jenkins Law, as Executor for the Estate of RS, deceased (“Estate of RS”) with the Clerk of Fairfax County Circuit Court. RS was a client of Respondent. Respondent had not previously served as an Executor.
3. Respondent posted the necessary bond. The sole beneficiary was RS’s son, PJ.
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5. From January to April 2021, PJ did the work of Executor and had to follow up with Respondent to ensure that essential tasks were completed.
6. By Durable General Power of Attorney dated April 20, 2021, Respondent, incorrectly identified individually as Executor of the Estate of RS, appointed PJ as attorney-in-fact for the Estate of RS. By the Durable General Power of Attorney Respondent purported to transfer/delegate to PJ all of Respondent’s court-appointed fiduciary powers. There is no authority that permits Respondent to delegate Bynum & Jenkins fiduciary powers as Executor to PJ.
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F. The personal representative or proponent of the will shall record within four months in the clerk's office where the will is recorded an affidavit stating (i) the names and addresses of the persons to whom he has mailed or delivered notice and when the notice was mailed or delivered to each or (ii) that no notice was required to be given to any person. The commissioner of accounts shall not approve any settlement filed by a personal representative until the affidavit described in this subsection has been recorded. If the personal representative of an estate or the proponent of a will is unable to determine the name and address of any person to whom notice is required after the exercise of reasonable diligence, a statement to that effect in the required affidavit shall be sufficient for purposes of this subsection. Notwithstanding the foregoing provisions, any person having an interest in an estate may give the notice required by this section and record the affidavit described in this subsection. If this subsection has not been complied with within four months after qualification, the commissioner of accounts shall issue, through the sheriff or other proper officer, a summons to such fiduciary requiring him to comply, and if the fiduciary does not comply, the commissioner shall enforce the filing of the affidavit in the manner set forth in § 64.2-1215.

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Court should remove Bynum & Jenkins as Executor and in what amount the bond should be forfeited. Hearing was set for December 4, 2023.

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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:

By

(1) accepting an appointment as Executor and payment for such work, and failing to do the necessary work, instead leaving the work to the beneficiary, and

(2) by then delegating or attempting to delegate court appointed fiduciary power to the beneficiary through a power of attorney, and

(3) by repeatedly failing to make the necessary filings with supporting documentation with the Commissioner of Accounts, and

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Respondent violated Rules 1.1 and 1.3(a).

1.1 Competence

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

1.3 Diligence

- a. A lawyer shall act with reasonable diligence and promptness in representing a client.

III. PROPOSED DISPOSITION

Accordingly, Bar Counsel and Respondent tender to a subcommittee of the Fourth District, Section II Committee for its approval the agreed disposition of a Public Admonition without Terms as representing an appropriate sanction if this matter were to be heard through an evidentiary hearing by the Fourth District, Section II Committee.

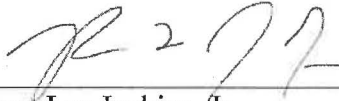
If the agreed disposition is approved, the Clerk of the Disciplinary System shall assess costs.

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

THE VIRGINIA STATE BAR

Renu Brennan

Renu Brennan
Bar Counsel


Robert Lee Jenkins, Jr.
Respondent