



VIRGINIA:

BEFORE THE THIRD DISTRICT SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR

IN THE MATTER OF  
A. James Kauffman

VSB Docket No. 23-033-126698

SUBCOMMITTEE DETERMINATION  
(PUBLIC REPRIMAND WITH TERMS)

On April 17, 2023 a meeting was held in this matter before a duly convened Third District Subcommittee, Section III consisting of Brewster Rawls, Esquire, Subcommittee Chair, Melanie Friend, Esquire, Member; and Barbara S. Lanier, Lay Member. During the meeting, the Subcommittee unanimously 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 (“VSB”), by Shelley L. Spalding, Assistant Bar Counsel, and A. James Kauffman, Respondent, and Irving M. Blank, Esquire, counsel for Respondent.

WHEREFORE, the Third District Subcommittee, Section III of the VSB hereby serves upon Respondent the following Public Reprimand with Terms:

**I. FINDINGS OF FACT**

1. A. James Kauffman (“Respondent”) was licensed to practice law in the Commonwealth of Virginia in 1962. At all times relevant to the conduct set forth herein, Respondent was an attorney licensed to practice law in the Commonwealth of Virginia.
2. On August 23, 2022, the VSB received notice from Truist Bank that an item in the amount of \$167.84 was presented against insufficient funds for Respondent’s trust

account. On August 23, 2022, the funds in the trust account were exclusively Respondent's earned fees.

3. Respondent initially explained that he wrote the check at issue payable to himself on August 11, 2022, in the amount of \$167.84 as earned fees. He further explained that when he wrote himself this check he misread the balance of the account. The check was not honored by Truist.
4. On December 20, 2022, the VSB issued a subpoena duces tecum to Respondent for his trust accounting records, including client ledgers and his receipts and disbursements journal. In response, Respondent did not provide any client ledgers, and produced two pages of an illegible check book register, which did not otherwise comply with Rule 1.15(c)(1) because it did not include client or matter indicia. No reconciliations were produced.
5. The records produced by Respondent in response to the VSB's subpoena reflect payments of multiple bills not associated with clients from the trust account, for example, payments to Willow Oaks Country Club, Costco, Cash, and the Virginia State Bar.
6. Respondent stated that the Truist trust account in question was used only for the funds of clients from Respondent's association with a prior law firm, which association ended in 2012. The Truist trust account at issue was closed in September 2022. Client funds for Respondent's current clients are now maintained in the trust account of his new law firm, which is not managed by Respondent.
7. Respondent admitted that he violated Rule 1.15 by failing to properly handle his trust account.

## II. NATURE OF MISCONDUCT

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

### **RULE 1.15 Safekeeping Property**

#### **(a) Depositing Funds.**

(3) No funds belonging to the lawyer or law firm shall be deposited or maintained therein except as follows:

(i) funds reasonably sufficient to pay service or other charges or fees imposed by the financial institution or to maintain a required minimum balance to avoid the imposition of service fees, provided the funds deposited are no more than necessary to do so; or

(ii) funds in which two or more persons (one of whom may be the lawyer) claim an interest shall be held in the trust account until the dispute is resolved and there is an accounting and severance of their interests. Any portion finally determined to belong to the lawyer or law firm shall be withdrawn promptly from the trust account.

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

(1) Receipts and disbursements journals for each trust account. These journals shall include, at a minimum: identification of the client or matter; date and amount of the transaction; name of the payor or payee; manner in which the funds were received, disbursed, or transferred; and current balance. A checkbook or transaction register may be used in lieu of separate receipts and disbursements journals as long as the above information is included.

(2) A client ledger with a separate record for each client, other person, or entity from whom money has been received in trust. Each entry shall include, at a minimum: identification of the client or matter; date and amount of the transaction; name of the payor or payee; source of funds received or purpose of the disbursement; and current balance.

(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.

(4) The purpose of all receipts and disbursements of trust funds reported in the trust journals and ledgers shall be fully explained and supported by adequate records.

### 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 June 30, 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 June 30, 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 July 15, 2023.

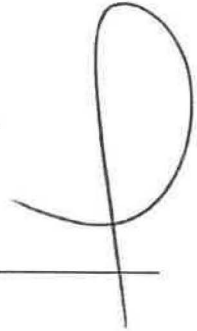
3. For a period of three (3) years following entry of this Order, if Respondent opens a trust account, or assumes any role in managing a trust account, Respondent will so notify Bar Counsel and Respondent hereby authorizes a Virginia State Bar Investigator to conduct unannounced personal inspections of those 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 hold a hearing and

Respondent shall be required to show cause why a certification for a sanction determination by the Disciplinary Board shall not issue. 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.

THIRD DISTRICT, SECTION III  
SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR

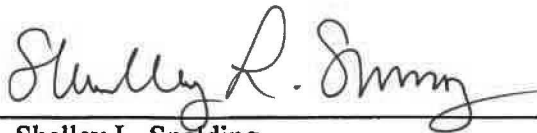


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Brewster Rawls  
Subcommittee Chair

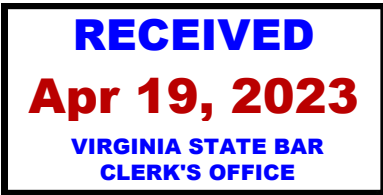
CERTIFICATE OF MAILING

I certify that on 4/19/2023, a true and complete copy of the Subcommittee Determination (Public Reprimand With Terms) was sent by certified mail to A. James Kauffman, Respondent, at 6161 River Rd Unit 12, Richmond, VA 23226, Respondent's last address of record with the Virginia State Bar, and by first class mail, postage prepaid to Irving M. Blank, counsel for Respondent, at Blank & Marcus LLC, 1st Floor, 1804 Staples Mill Road, Richmond, VA 23230.



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Shelley L. Spalding  
Assistant Bar Counsel



VIRGINIA:

BEFORE THE THIRD DISTRICT, SECTION III SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR

IN THE MATTER OF  
A. JAMES KAUFFMAN

VSB Docket No. 22-033-126698

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 A. James Kauffman, Respondent, and Irving M. Blank, Esquire, counsel for Respondent, hereby enter into the following agreed disposition arising out of the above-referenced matter.

I. STIPULATIONS OF FACT

1. A. James Kauffman (“Respondent”) was licensed to practice law in the Commonwealth of Virginia in 1962. At all times relevant to the conduct set forth herein, Respondent was an attorney licensed to practice law in the Commonwealth of Virginia.
2. On August 23, 2022, the VSB received notice from Truist Bank that an item in the amount of \$167.84 was presented against insufficient funds for Respondent’s trust account. On August 23, 2022, the funds in the trust account were exclusively Respondent’s earned fees.
3. Respondent initially explained that he wrote the check at issue payable to himself on August 11, 2022, in the amount of \$167.84 as earned fees. He further explained that when he wrote himself this check he misread the balance of the account. The check was not honored by Truist.

4. On December 20, 2022, the VSB issued a subpoena duces tecum to Respondent for his trust accounting records, including client ledgers and his receipts and disbursements journal. In response, Respondent did not provide any client ledgers, and produced two pages of an illegible check book register, which did not otherwise comply with Rule 1.15(c)(1) because it did not include client or matter indicia. No reconciliations were produced.
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6. Respondent stated that the Truist trust account in question was used only for the funds of clients from Respondent's association with a prior law firm, which association ended in 2012. The Truist trust account at issue was closed in September 2022. Client funds for Respondent's current clients are now maintained in the trust account of his new law firm, which is not managed by Respondent.
7. Respondent admitted that he violated Rule 1.15 by failing to properly handle his trust account.

## II. NATURE OF MISCONDUCT

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

### **RULE 1.15 Safekeeping Property**

#### **(a) Depositing Funds.**



(3) No funds belonging to the lawyer or law firm shall be deposited or maintained therein except as follows:

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(ii) funds in which two or more persons (one of whom may be the lawyer) claim an interest shall be held in the trust account until the dispute is resolved and there is an accounting and severance of their interests. Any portion finally determined to belong to the lawyer or law firm shall be withdrawn promptly from the trust account.

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

(1) Receipts and disbursements journals for each trust account. These journals shall include, at a minimum: identification of the client or matter; date and amount of the transaction; name of the payor or payee; manner in which the funds were received, disbursed, or transferred; and current balance. A checkbook or transaction register may be used in lieu of separate receipts and disbursements journals as long as the above information is included.

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(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:

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(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.

(4) The purpose of all receipts and disbursements of trust funds reported in the trust journals and ledgers shall be fully explained and supported by adequate records.

### III. PROPOSED DISPOSITION

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

1. On or before June 30, 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 June 30, 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 July 15, 2023.

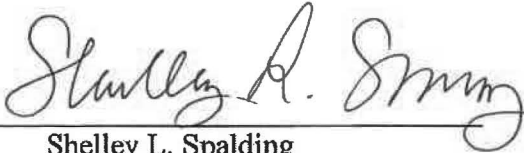
3. For a period of three (3) years following entry of this Order, if Respondent opens a trust account, or assumes any role in managing a trust account, Respondent will so notify Bar Counsel and Respondent hereby authorizes a Virginia State Bar Investigator to conduct unannounced personal inspections of those 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



A. James Kauffman, Esquire  
Respondent



Irving M. Blank, Esquire  
Counsel for Respondent