

**VIRGINIA:**

**BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD**

**IN THE MATTERS OF  
SCOTT ALLEN LEHMAN**

**VS** **DOCKET NOS.:** 20-022-116682  
20-022-117305  
20-022-118271  
20-022-118278

**AGREED DISPOSITION MEMORANDUM ORDER  
TWO-YEAR SUSPENSION WITH TERMS**

On Friday, March 12, 2021 this matter was heard, telephonically, by the Virginia State Bar Disciplinary Board upon the joint request of the parties for the Board to accept the Agreed Disposition signed by the parties and offered to the Board as provided by Part 6, Section IV, Paragraph 13-6.H of the Rules of the Supreme Court of Virginia. The panel consisted of Carolyn Grady, First Vice Chair, Reba Davis, Lay Member, Tony Pham, Sandra Rohrstaff and Jennifer Royer. The Virginia State Bar was represented by Christine Corey, Assistant Bar Counsel. Scott Allen Lehman was present and was not represented by counsel. The Chair polled the members of the Board as to whether any of them were aware of any personal or financial interest or bias which would preclude any of them from fairly hearing the matter to which each member responded in the negative. Court Reporter Lisa Wright, Chandler and Halasz, P.O. Box 9349, Richmond, Virginia 23227, telephone (804) 730-1222, after being duly sworn, reported the hearing and transcribed the proceedings.

**WHEREFORE**, upon consideration of the Agreed Disposition, the Certification, the Respondent's Disciplinary Record, the arguments of the parties, and after due deliberation,

It is **ORDERED** that the Disciplinary Board accepts the Agreed Disposition and the Respondent shall receive a Two-year Suspension with Terms, as set forth in the Agreed Disposition, which is attached and incorporated in this Memorandum Order.

It is further **ORDERED** that the sanction is effective March 12, 2021.

It is further **ORDERED** that:

The Respondent must comply with the requirements of Part 6, Section IV, Paragraph 13-29 of the Rules of the Supreme Court of Virginia. The Respondent shall forthwith give notice by

certified mail of the Suspension of his license to practice law in the Commonwealth of Virginia, to all clients for whom he is currently handling matters and to all opposing attorneys and presiding Judges in pending litigation. The Respondent shall also make appropriate arrangements for the disposition of matters then in his care in conformity with the wishes of his clients. The Respondent shall give such notice within 14 days of the effective date of the Suspension, and make such arrangements as are required herein within 45 days of the effective date of the Suspension. The Respondent shall also furnish proof to the Bar within 60 days of the effective day of the Suspension that such notices have been timely given and such arrangements made for the disposition of matters.

It is further ORDERED that if the Respondent is not handling any client matters on the effective date of the Suspension, he shall submit an affidavit to that effect within 60 days of the effective date of the Suspension to the Clerk of the Disciplinary System at the Virginia State Bar. All issues concerning the adequacy of the notice and arrangements required by Paragraph 13-29 shall be determined by the Virginia State Bar Disciplinary Board, which may impose a sanction of Revocation or additional Suspension for failure to comply with the requirements of this subparagraph.

The Clerk of the Disciplinary System shall assess costs pursuant to Part 6, Section IV, Paragraph 13-9.E. of the Rules.

It is further ORDERED that an attested copy of this Order be mailed to the Respondent by certified mail, return receipt requested, at his last address of record with the Virginia State Bar at Lehman Law, 300 25<sup>th</sup> Street, Suite 131, Virginia Beach, VA 23322-2345, and a copy by electronic mail to Christine Corey, Assistant Bar Counsel.

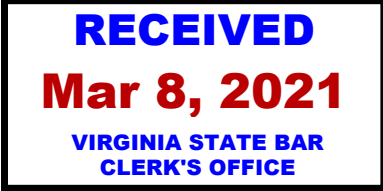
ENTER THIS ORDER THIS 12th DAY OF MARCH, 2021  
VIRGINIA STATE BAR DISCIPLINARY BOARD

**Carolyn V.  
Grady**

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Grady  
Date: 2021.03.12 11:00:47  
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Carolyn V. Grady  
1st Vice Chair



VIRGINIA:

BEFORE THE DISCIPLINARY BOARD  
OF THE VIRGINIA STATE BAR

IN THE MATTER OF  
SCOTT ALLEN LEHMAN

VSB Docket Nos. 20-022-116682;  
20-022-117305; 20-022-118271;  
20-022-118278

AGREED DISPOSITION  
TWO-YEAR SUSPENSION WITH TERMS

Pursuant to the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-6.H., the Virginia State Bar, by Christine Corey, Assistant Bar Counsel and Scott Allen Lehman, Respondent, hereby enter into the following Agreed Disposition arising out of the referenced matter.

I. STIPULATIONS OF FACT

- 1. Respondent was admitted to the Virginia State Bar (“VSB”) in 2009. At all relevant times, Respondent was a member of the VSB.

**Allegations regarding VSB Docket No. 20-022-116682**

- 2. On September 5, 2019, the VSB received a bar complaint from the Commonwealth’s Attorney for the City of Virginia Beach, Colin D. Stolle (“Mr. Stolle”).
- 3. Mr. Stolle’s complaint alleged that Respondent had engaged in inappropriate relationships with two of his clients. Both of those clients had criminal charges against them and were represented by Respondent.
- 4. One of the criminal defendants was a woman with the initials “T.H.” who was incarcerated in the Virginia Beach City Jail beginning in June 2019 on probation violation charges. T.H. was initially represented on the charges by another attorney, and Respondent substituted in as counsel. Respondent began visiting T.H. at the jail in early July but did not circulate a substitution order until July 30, 2019. T.H.’s trial was scheduled for November 13, 2019.
- 5. The second criminal defendant was a woman with the initials “B.I.” B.I. was charged with DUI, resisting arrest, and open container. B.I.’s trial was scheduled for October 2, 2019.

6. T.H. told the VSB investigator that she became familiar with Respondent on the “Seeking Arrangements” website prior to Respondent representing T.H. Respondent denies that the two became familiar with each other on the “Seeking Arrangements” website, and asserts that they met on a personal dating website.
7. After meeting through the social media platform, Respondent and T.H. only spoke on the phone prior to T.H.’s arrest. When T.H. was arrested, she called Respondent for help.
8. T.H. told the VSB investigator that there was no written fee agreement for the representation.
9. On August 27, 2019, T.H. approached officers at the jail and told them that Respondent was representing her *pro bono*, but with the understanding that T.H. would engage in a sexual relationship with Respondent once she was out of jail.
10. T.H. also told the officers that she and Respondent discussed conversations of a sexual nature by video conference on the jail’s video visitation system. The video visitation system is not a protected mode of communicating privileged and/or confidential information with an attorney as the video tablet is in open view in a room housing several inmates and the video tablet used for the video visitation can be seen and heard by the inmates housed in the room.
11. On August 30, 2019, T.H. met with officers again and told them that she did not want to be represented by Respondent any longer because she felt like he was lying to her and she almost felt like he did not want her to get a bond.
12. These interviews between the officers and T.H. were videotaped by the officers.
13. After the interviews with T.H., officers viewed the visitation system videos and saw “a pattern of [Respondent] cultivating a three-person romantic relationship between himself, [T.H.], and [B.I.]” The videos extended from the end of June 2019 through the end of August 2019.
14. B.I. was not incarcerated at the time and was present in many of the videos with Respondent in his residence. Respondent spoke of T.H. “hanging out with him and his girl”. Many of the visitation system videos included sexual innuendo and, on some occasions, there were direct references made to sexual activity having occurred between Respondent and B.I. and the hope of future sexual activity involving Respondent and both T.H. and B.I.
15. One officer reviewing the visitation system videos noted that 1) Respondent showed T.H. a photo of B.I.’s breasts on his phone; 2) Respondent fondled B.I.’s breast over her night shirt on one occasion and over her bathing suit on another occasion; 3) Respondent disclosed a dream in which he was with both women in bed; 4) Respondent told T.H. her “spankings” were stacking up; 5) Respondent told T.H. she was “beautiful,” “hot,” and “a hot little girl”; 6) Respondent called T.H. “baby,” “honey,” “jail kitty,” and “wet

- kitty”; 7) Respondent said to T.H., “you know who you belong to,” and 8) Respondent exchanged “I love you” with T.H. on video numerous times.
16. Another officer reviewing the visitation system videos noted that 1) Respondent told T.H. “you’re looking good and putting a few ideas in my head” and “you need to get more experienced”; 2) Respondent told T.H. he looked forward to her “being a problem child” and he was attracted to her; 3) Respondent told T.H., “you don’t have to be an extra with us, just get in the middle” and “I can’t wait to have my hands full of you”; 4) Respondent told T.H. he will show her “things that come up that I can’t control” and “get ready for the love train”; and 5) Respondent told T.H. “we are having a race with my finger and her toy” and “we are holding a place for you.”
  17. While T.H. was incarcerated and represented by Respondent, Respondent provided her with money to spend in the jail on items such as cigarettes and breakfast food.
  18. After speaking with officers at the jail, T.H. told Respondent that she did not want him to represent her any longer and the court assigned new counsel to T.H.
  19. During the VSB investigation, T.H. denied that she told the officers that Respondent agreed to represent her *pro bono* in exchange for a sexual relationship with him. T.H. told the VSB investigator that she would have sex with Respondent on her own terms and not in exchange for his legal services.
  20. Respondent told the VSB investigator that he told T.H. he would represent her *pro bono* at her bond hearing and then, after the bond hearing, they would discuss her situation and work something out regarding the fee.
  21. Respondent also told the VSB investigator that he asked T.H.’s mother, father, and friend for funds for T.H.’s legal fees, but none of them agreed to provide funds. However, Respondent continued representing T.H. until T.H. told Respondent she no longer wanted his representation.
  22. The VSB investigator asked T.H. what legal service Respondent provided during the representation and T.H. said that Respondent was present when she met with police investigators and was present at her bond hearing. Her bond was denied, and T.H. told the VSB investigator that she did not think Respondent supported her during the bond hearing.
  23. Respondent represented B.I. on civil matters as well as the criminal matters. B.I. signed retainer agreements with Respondent regarding these matters in July 2019. For the criminal matters set in the Virginia Beach General District Court, the fee agreement provided for a flat fee of \$2,200 to be paid in full before the conclusion of the case. For the visitation and CPS matters, the agreement provided for a flat fee of \$1,500 to be paid in full before the conclusion of the case.

24. On September 18, 2019, the VSB sent a subpoena *duces tecum* to Respondent for records regarding T.H. and B.I.
25. Respondent provided some of the requested documents but did not provide the required trust accounting or billing records for B.I. and did not provide trust or operating account statements.
26. The records did include two receipts that indicated two payments were made by B.I. to Respondent. One receipt indicated a payment of \$1,000 on September 24, 2019 for the CPS complaint and a balance due of \$500. The second receipt indicated a payment of \$400 on October 2, 2019 for the CPS complaint with a balance due of \$100.
27. On December 2, 2019, Respondent's license to practice law in the Commonwealth of Virginia was suspended for noncompliance with the subpoena *duces tecum*.

**Allegations regarding VSB Docket No. 20-022-117305**

28. On November 13, 2019, the VSB received two overdraft notices from SunTrust Bank regarding Respondent's trust account.
29. The VSB sent a subpoena *duces tecum* to SunTrust Bank for Respondent's trust account records.
30. Respondent's trust account records from SunTrust Bank evidenced that Respondent was using his trust account as a personal checking account.
31. Respondent paid his rent, dining, groceries, ABC purchases, and drugstore purchases directly from his trust account.
32. Respondent told the VSB investigator that his practice is low volume and he places his personal funds in the trust account to avoid service fees that might result from a low trust account balance.
33. During the investigation, the VSB investigator asked Respondent to provide his client trust ledgers for a period of time. The ledgers provided by Respondent indicated that Respondent did not deposit the payments made by B.I. into his trust account.
34. The VSB Investigator also asked Respondent to provide reconciliations for a certain time period. Respondent's reconciliations simply indicated that the funds he spent from the trust account during the month equaled the funds he earned. For instance, if Respondent spent \$2,848.29 out of the trust account, that sum of his purchases and expenditures equaled the amount earned from trust during the month, with no corresponding client funds transferred from the trust account.

**Allegations regarding VSB Docket Nos. 20-022-118271 and 20-022-118278**

35. On March 3, 2020, the VSB received a bar complaint from attorney Adrienne V. Goodman advising that Respondent appeared in a case in the Isle of Wight Juvenile and Domestic Relations Court representing the mother, Dana Wacks, (“Ms. Wacks”) in a custody case on January 28, 2020. Ms. Goodman represented the paternal grandfather in the case. Ms. Goodman advised that she later learned that Respondent’s license was suspended at the time of the hearing and she was filing the complaint pursuant to her Rule 8.3 duty.
36. On March 4, 2020, the VSB received a bar complaint from attorney Hannah E. Carter advising that Respondent appeared in the same custody case in the Isle of Wight Juvenile and Domestic Relations Court as reported by Ms. Goodman. Ms. Carter was the guardian *ad litem* for the father in that case because the father is incarcerated.
37. Respondent did not respond to the bar complaint filed by Ms. Goodman or the bar complaint filed by Ms. Carter.
38. On April 21, 2020, during an interview with the VSB investigator, Respondent had no direct answer when asked why he failed to respond to the bar complaints filed by Ms. Goodman or Ms. Carter.
39. Despite Respondent appearing as counsel on behalf of Ms. Wacks at the custody hearing on January 28, 2020 in Isle of Wight J&DR Court, Respondent told the investigator 1) that he was never formally retained in the matter; 2) that he never filed anything in the case; 3) that he never sent a letter of representation to the court; and 4) that he attended the hearing with Ms. Wacks on January 28, 2020 for moral support.
40. Respondent is listed as counsel of record on the January 28, 2020 order entered by the court after the hearing.
41. Ms. Goodman told the VSB investigator that she negotiated with Respondent on several occasions and ended up billing her client for 1.6 hours of work for nothing because Respondent was not licensed. Respondent did not dispute that he had conversations with Ms. Goodman on January 17, January 27, and February 28 on behalf of Ms. Wacks.
42. Respondent told the investigator that he immediately withdrew from all his cases because of the December 2, 2019 Interim Suspension Order and that he had no open cases at the time of his interview with the VSB investigator on April 21, 2020.
43. Respondent told the VSB investigator that he did appear on behalf of several other clients after December 2, 2019, but he did so just to go “on record” with the judge, his client, and opposing counsel to advise them that his license was suspended and to withdraw from the case.

44. Myron D. McClees at the Supreme Court of Virginia provided the VSB a list of several cases with no disposition or with a disposition occurring after December 2, 2019, in which Respondent was still listed as counsel of record.
45. When asked about those particular cases, Respondent told the VSB investigator that he appeared in those cases after he was suspended, but that he did so to withdraw from those cases.
46. The VSB investigator subsequently contacted the individual courts about each case and learned that Respondent was still the attorney of record and had not withdrawn from the cases at the time the investigator contacted the clerks' offices.
47. During the interview, the VSB investigator asked Respondent why he did not send notice of his suspension to his clients, opposing counsel, and the judges, by certified mail, return receipt requested. Respondent told the investigator he gave verbal notification.

## II. NATURE OF MISCONDUCT

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

### **VSB DOCKET NO. 20-022-116682 Rule Violations**

#### RULE 1.5 Fees

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(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 1.7 Conflict of Interest: General Rule.

(a) Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if:

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(2) there is significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a *personal interest of the lawyer*.

(b) Notwithstanding the existence of a concurrent conflict of interest under paragraph(a), a lawyer may represent a client if each affected client consents after consultation, and:



- (1) the lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client;
- (2) the representation is not prohibited by law;
- (3) the representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal; and
- (4) the consent from the client is memorialized in writing.

#### RULE 1.8 Conflict of Interest: Prohibited Transactions

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(e) A lawyer shall not provide financial assistance to a client in connection with pending or contemplated litigation, except that:

(1) a lawyer may advance court costs and expenses of litigation, the repayment of which may be contingent on the outcome of the matter; and

(2) a lawyer representing an indigent client may pay court costs and expenses of litigation on behalf of the client.

#### RULE 1.15 Safekeeping Property

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(b) Specific Duties. A lawyer shall:

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(3) maintain complete records of all funds, securities, and other properties of a client coming into the possession of the lawyer and render appropriate accountings to the client regarding them;

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(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.

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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.

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(2) Deposits. All trust funds received shall be deposited intact. Mixed trust and non-trust funds shall be deposited intact into the trust fund and the non-trust portion shall be withdrawn upon the clearing of the mixed fund deposit instrument. All such deposits should include a detailed deposit slip or record that sufficiently identifies each item.

(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;

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(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.

#### RULE 8.4 Misconduct

It is professional misconduct for a lawyer to:

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(b) commit a criminal or deliberately wrongful act that reflects adversely on the lawyer's honesty, trustworthiness or fitness to practice law;

### **VSB DOCKET NO. 20-022-117305 Rule Violations**

#### 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.

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(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.

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(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.

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(d) Required Trust Accounting Procedures. In addition to the requirements set forth in Rule 1.15

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(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.

### **VSB DOCKET NOS. 20-022-118271 and 20-022-118278 Rule Violations**

#### **RULE 5.5 Unauthorized Practice Of Law; Multijurisdictional Practice of Law**

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(c) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

#### **RULE 8.4 Misconduct**

It is professional misconduct for a lawyer to:

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- (b) commit a criminal or deliberately wrongful act that reflects adversely on the lawyer's honesty, trustworthiness or fitness to practice law;
- (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation which reflects adversely on the lawyer's fitness to practice law;

### III. PROPOSED DISPOSITION

Accordingly, Assistant Bar Counsel and the Respondent tender to the Disciplinary Board for its approval the Agreed Disposition of a TWO-YEAR SUSPENSION WITH TERMS as representing an appropriate sanction if this matter were to be heard through an evidentiary hearing by a panel of the Disciplinary Board. Assistant Bar Counsel and the Respondent agree that the effective date for the sanction shall be the date of entry of the Disciplinary Board Order approving this Agreed Disposition. The terms with which the Respondent must comply are as follows:

1. Respondent shall be in compliance with all the requirements of Part 6, § IV, Para. 13-25.D of the Rules of the Supreme Court of Virginia prior to his reinstatement to the practice of law;
2. During the TWO (2) year suspension period, and for a period of THREE (3) years following his reinstatement to the practice of law, the Respondent shall 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 the Respondent may be admitted to practice law. The terms contained in this paragraph shall be deemed to have been violated when any ruling, determination, judgment, order, or decree has been issued against the 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 and that such conduct occurred and was initially reported following the execution of this agreed disposition; and
3. The Respondent shall read in its entirety *Lawyers and Other People's Money* and Legal Ethics Opinion 1606 and shall certify compliance in writing to Bar Counsel not later than THIRTY (30) days following the date of entry of the final order in this matter.

Upon satisfactory proof that such terms and conditions have been met, this matter shall be closed. If, however, all the terms and conditions are not met by the deadlines imposed above, the

Respondent agrees that the Disciplinary Board shall impose a revocation of Respondent's license to practice law pursuant to Rules of Court, Part Six, Section IV, Paragraph 13-18.O.

If the Agreed Disposition is approved, the Clerk of the Disciplinary System shall assess costs pursuant to ¶ 13-9.E of the Rules. If the Agreed Disposition is approved, it is not appealable.

THE VIRGINIA STATE BAR

By: Christine M. Corey  
Christine M. Corey, Assistant Bar Counsel

SA  
Scott Allen Lehman, Respondent

3/8/21