

**VIRGINIA:**

**BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD**

**IN THE MATTER OF  
JAMES MICHAEL MANSFIELD**

**VS. DOCKET NO. 24-053-130776**

**MEMORANDUM ORDER OF SUSPENSION**

A panel of the Virginia State Bar Disciplinary Board (the “Board”) heard this matter on February 28, 2025. Panel members included Jennifer D. Royer, First Vice Chair (“Chair”); Yvonne S. Gibney; Michael C. Moore; Joseph D. Platania; and Elisabeth Martingayle, Lay Member. The Chair polled members of the Panel as to whether any of them had any personal or financial interest that may affect, or may be reasonably perceived to affect, their ability to be impartial, to which inquiry each member responded in the negative.

Jessica C. Beatty, Assistant Bar Counsel, represented the Virginia State Bar (the “Bar”). The Respondent was unrepresented and appeared at the hearing virtually via the Zoom platform.

Beverly S. Horne, court reporter, Chandler & Halasz Court Reporters, PO Box 9349, Richmond VA 23227, (804) 730-1222, after having been duly sworn, reported the hearing and transcribed the proceeding.

The Clerk of the Disciplinary System (“Clerk”) timely sent all legal notices of the date and place in the manner prescribed by Part Six, Section IV, Paragraph 13-18 of the *Rules of the Supreme Court of Virginia* (“Rules” or “Rule”).

The matter came before the Board on the Subcommittee Determination (Certification) of the Fifth District, Section III Subcommittee, pursuant to Part 6, Section IV, Paragraph 13-18 of the *Rules*, involving misconduct charges against the Respondent. Prior to the proceeding, during a Prehearing Conference Call held on February 19, 2025, the Chair found that Respondent had not

filed any objections to the Bar's exhibits and that they would be admitted into evidence at the hearing. The Respondent had not filed a timely answer to the Certification, and the parties did not reach any stipulations as to the facts despite Respondent's multiple representations that he did not disagree with the facts.

To narrow the issues before the Board, before the presentation of evidence, the Chair requested the Respondent to review each allegation contained in the Certification by paragraph and to identify on the record those to which he was able to stipulate. This request was made by the Chair, on behalf of the Board, because of Respondent's persistent failure to enter into stipulations with the Bar before February 12, 2024, Compliance with the Chair's request consumed approximately an hour of the hearing.

Thereafter, Bar Exhibits 1-37 identified at the pre-hearing conference call were admitted into evidence. The Board then heard testimony from the following witnesses, who were sworn under oath: Sounjay Gairola, Indira Gairola, Ronald Henry McCall, and James Michael Mansfield. The Board considered the exhibits introduced by the Bar, heard argument of Assistant Bar Counsel, heard arguments of Respondent, and met in private to consider its decision.

### **I. FINDINGS OF FACT**

The Board made the following findings of fact based on clear and convincing evidence and based upon stipulations agreed to on the record at the beginning of the hearing:

1. Respondent was admitted to the Virginia State Bar in 1987. At all relevant times, Respondent was a member of the VSB.
2. Respondent represented Indira Gairola ("Ms. Gairola") in litigation regarding her rental property. Ms. Gairola asserted that she was owed unpaid rent and damages totaling \$7,465 from former tenants Muhammad Qureshi and Tayyable Samina.
3. Respondent agreed to represent Ms. Gairola through trial for a \$1,500 flat fee. Respondent did not prepare a written fee agreement.

4. On July 8, 2020, Ms. Gairola wrote a check to Respondent for \$1,500. The memo line reflected that it was for “Fees Trial General District Court.”
5. Respondent deposited Ms. Gairola’s check on or about July 17, 2020.
6. On August 24, 2020, Respondent filed suit on behalf of Ms. Gairola and against Qureshi and Samina for \$10,000 plus costs and fees.
7. Although Ms. Gairola paid Respondent and was the named plaintiff in the lawsuit, Respondent primarily communicated with Sounjay Gairola (“Mr. Gairola”), who was Ms. Gairola’s son and acted as a property manager for the rental property.
8. On September 16, 2020, Respondent appeared in court for the return date.
9. On October 13, 2020, Respondent filed a Bill of Particulars on behalf of Ms. Gairola. The Bill of Particulars sought \$8,285.55, plus court costs and attorney’s fees. The \$8,285.55 amount included unpaid rent, unpaid utility bills, and damage to the home.
10. On November 20, 2020, defendants Qureshi and Samina filed a counterclaim against Ms. Gairola for \$15,000.
11. On or about June 3, 2021, Respondent filed an answer and motion for summary judgment to the counterclaim. He argued that because the defendants had failed to file a Bill of Particulars, summary judgment should be granted.
12. On September 3, 2021, the parties reached an agreement to settle the matter for \$2,500, and for the security deposit to be released to the plaintiff. No written settlement agreement was prepared or signed. Defendant Qureshi asked to make \$500/month payments until the entire settlement was paid, and Respondent agreed. Respondent directed Qureshi to send the payments via Zelle to Respondent’s operating account – rather than directly to Ms. Gairola.
13. The court entered an order stating that the matter had been settled and dismissed the case on September 9, 2021. Ms. Gairola’s claim was dismissed without prejudice so that she could re-file the case if the settlement payments were not made. The defendants’ counterclaim was dismissed with prejudice.
14. On September 15, 2021, Defendant Qureshi paid Respondent \$500 via Zelle. The bank account to which Respondent directed Qureshi to send the payments was not Respondent’s trust account but was instead Respondent’s operating account with an account number ending in 7094.
15. On October 8, 2021, Mr. Gairola asked Respondent to call Ms. Gairola and provided her phone number. He specified that Ms. Gairola wanted to speak with Respondent since he was her attorney.

16. On October 11, 2021, Respondent sent an email to Mr. Gairola acknowledging that Ms. Gairola was disappointed with the settlement, but that Respondent felt her “disappointment is unwarranted” because he achieved a good result. Respondent also stated that “given the time demanded to resolve the matter favorably, any more time spent on the case at your request will have to be billed hourly.”
17. Mr. Gairola responded the same day. He reminded Respondent that Ms. Gairola was his client and that speaking with her was part of the service for which he was paid.
18. On October 18, 2021, Defendant Qureshi paid Respondent \$500 via Zelle, via a deposit into Respondent’s operating account.
19. On November 3, 2021, Respondent e-mailed Mr. Gairola that he had tried to contact Ms. Gairola several times but she had not responded. He asked for Ms. Gairola’s address so he could mail her a partial settlement payment.
20. On November 8, 2021, Respondent issued a \$500 check to Ms. Gairola.
21. On November 18, 2021, December 15, 2021, and January 24, 2021, respectively, Defendant Qureshi paid Respondent \$500 via Zelle. Each payment was deposited into Respondent’s operating account.
22. On February 15, 2022, Respondent mailed Ms. Gairola a check for \$500. Respondent also included an invoice reflecting that he charged plaintiff an additional \$1,500 for “Defense of Counterclaim/Flat Fee.”
23. Respondent had not previously advised Ms. Gairola or Mr. Gairola that he intended to charge an additional fee to defend the defendants’ counterclaim and there are no documents in Ms. Gairola’s client file that reflects such an intention. Neither Ms. Gairola nor Mr. Gairola ever agreed to pay Respondent an additional \$1,500 fee to defend the counterclaim.
24. On March 15, 2022, Respondent e-mailed Ms. Gairola with a copy to Mr. Gairola. Respondent said the settlement “was an extremely positive outcome...I am disappointed that you are not happy with the results obtained but I assure you I spent an inordinate amount of time on your case and I believe the outcome more than justifies any legal fees that have been charged...I hope you find this explanation satisfactory as I wish to conclude this matter.”
25. On March 25, 2024, Respondent responded to a subpoena *duces tecum* issued by the Bar on February 1, 2024. The subpoena requested copies of Ms. Gairola’s client file and his trust account records. Although Respondent produced documents from the client file, he did not produce any trust account records with his response.

26. During Bar Investigator Ron McCall's interview of Respondent on June 19, 2024, Respondent falsely claimed that he had deposited all of defendant Qureshi's settlement payments into Respondent's trust account.
27. Respondent also agreed to send his trust account and operating account records to McCall, as requested in the subpoena.
28. Investigator McCall sent follow-up emails to Respondent on June 21, June 27, and July 16, 2024, repeating the request for Respondent's trust account and operating account records. Respondent produced no records in response to these requests.
29. On July 31, 2024, Bar Counsel wrote to Respondent, reminding him that the subpoena required production of trust account records, and asking him to either produce the records or to send a letter stating that he did not have them. Respondent did not respond to Bar Counsel's letter.
30. On August 15, 2024, Bar Counsel filed a Notice of Noncompliance and Request for Interim Suspension based on Respondent's failure to respond completely to the subpoena. Respondent was advised that if he did not demand a hearing within 10 days, his license to practice law would be suspended until he complied with the subpoena.
31. Respondent neither demanded a hearing within 10 days nor produced the requested records.
32. On August 29, 2024, the Board entered an interim order suspending Respondent's license until he complied with the subpoena.
33. On September 25, 2024, Respondent produced bank statements from his operating account ending in 7094 reflecting the five Zelle payments made by defendant Qureshi.
34. Respondent admitted that he made no effort at any time to obtain the trust account records requested in the subpoena. He conceded during his testimony during the hearing that "with further digging, I could probably find more stuff."
35. To date, Respondent has not produced any records reflecting how he handled Ms. Gairola's \$1,500 advance fee payment.

## II. NATURE OF MISCONDUCT

Based upon the findings of fact above, the Board finds by clear and convincing evidence the conduct of Respondent constitutes misconduct in violation of the provisions of the Rules of Professional Conduct stated below.

By unilaterally charging Ms. Gairola an additional \$1,500 flat fee for representation on the counterclaim without disclosing and obtaining Ms. Gairola's consent to the additional fee within a reasonable time after commencing representation on the counterclaim, Respondent violated:

### **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.

By depositing each of Mr. Qureshi's \$500 settlement payments into Respondent's operating account, Respondent violated:

### **RULE 1.15 Safekeeping Property**

(a) Depositing Funds.

(1) All funds received or held by a lawyer on behalf of a client or 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.

By disbursing \$1,500 of the settlement funds to himself as payment for his defense of the counterclaim, without previously disclosing his intention to charge this fee to his client and his client's consent to pay the fee, Respondent violated:

### **RULE 1.15 Safekeeping Property**

(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.

By failing to provide a timely, complete response to the Bar's subpoena duces tecum, despite multiple follow-up requests from Investigator McCall and a letter and Notice of Noncompliance from Bar Counsel, Respondent violated:

**RULE 8.1 Bar Admission and Disciplinary Matters**

An applicant for admission to the bar, or a lawyer already admitted to the bar, in connection with a bar admission application, any certification required to be filed as a condition of maintaining or renewing a license to practice law, or in connection with a disciplinary matter, shall not: ...

(c) fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this Rule does not require disclosure of information otherwise protected by Rule 1.6[.]

By failing to take any action to provide the Bar with his trust account records, despite Respondent's acknowledgment that he had such records, a subpoena duces tecum requiring production of such records, the issuance of a Notice of Noncompliance, and the Board's interim suspension of Respondent's law license because of his noncompliance, Respondent violated:

**RULE 8.1 Bar Admission and Disciplinary Matters**

An applicant for admission to the bar, or a lawyer already admitted to the bar, in connection with a bar admission application, any certification required to be filed as a condition of maintaining or renewing a license to practice law, or in connection with a disciplinary matter, shall not: ...

(d) obstruct a lawful investigation by an admissions or disciplinary authority.

### **III. SANCTION**

After the Board announced its finding by clear and convincing evidence that the Respondent had violated the foregoing Rules of Professional Conduct, the Board received further evidence and argument as to the appropriate sanction to be imposed, including relevant ABA Standards, oral citations to relevant caselaw, and aggravating and mitigating factors.

A certification of Respondent's disciplinary record in Virginia, admitted as VSB Exhibit 38, reported that Respondent had received one prior Private Reprimand with Terms in 2017.

The Board heard testimony from Respondent concerning his physical health and his perception of a relative lack of a disciplinary record, save the one Private Reprimand. Absent from Respondent's testimony was any acknowledgement of his wrongdoing. In addition, since disbursing the unauthorized fee to himself from Ms. Gairola's funds more than a year ago, Respondent has refused to reimburse Ms. Gairola.

### **IV. DISPOSITION**

The Board considered all exhibits, testimony, arguments, and the relevant ABA Standards, including Standard 4.11 and 7.1. The Board also considered the evidence in mitigation and in aggravation.

The Board considered Respondent's physical health to be a mitigating factor with respect to violations of Rule 8.1(d).

The Board considered as aggravating factors (1) Respondent's prior disciplinary offense; (2) Respondent's dishonest and selfish motive in disbursing an unauthorized fee to himself from his client's funds; (3) Respondent's bad faith obstruction of the disciplinary proceeding by intentionally and repeatedly failing to comply with the Bar's subpoena and with the Board's orders; (4) Respondent's refusal to acknowledge the wrongful nature of his conduct; (5)

Respondent's substantial experience in the practice of law; and (6) Respondent's refusal to make restitution.

After due deliberation, the Board reconvened and announced its decision as follows:

It is **ORDERED** that Respondent's license to practice law is suspended for five (5) years, effective immediately.

It is further **ORDERED** that 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 must 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 must also make appropriate arrangements for the disposition of matters then in his care in conformity with the wishes of his clients. The Respondent must give such notice immediately and in no event later than 14 days of the effective date of the Suspension, and make such arrangements as are required herein as soon as is practicable and in no event later than 45 days of the effective date of the Suspension. The Respondent must also furnish proof to the Clerk of the Disciplinary System of the Virginia State Bar within 60 days of the effective date of the Suspension that such notices have been timely given and such arrangements have been 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. The Board must decide all issues concerning the adequacy of the notice and arrangements required herein. The burden of proof shall be on the Respondent to show compliance. If the Respondent

fails to show compliance, the Board may impose a sanction of Revocation or additional Suspension for failure to comply with the requirements of subparagraph 13-29.

It is further **ORDERED** that pursuant to Part Six, Section IV, Paragraph 13-9 E. of the *Rules*, the Clerk shall assess all costs against the Respondent.

It is further **ORDERED** that the Clerk shall mail an attested copy of this Memorandum Order of Suspension to Respondent, James Michael Mansfield, by certified mail, return receipt requested to his Virginia State Bar address of record, at 1718 Starlight Drive, Clearwater FL., 33755, and a copy by regular and electronic mail to Jessica C. Beatty, Assistant Bar Counsel.

ENTERED this 13<sup>th</sup> day of March, 2025.

VIRGINIA STATE BAR DISCIPLINARY BOARD

  
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Jennifer D. Royer, First Vice Chair