

VIRGINIA:

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

IN THE MATTER OF
THOMAS CHARLES MASON, III

VSB Docket No. 23-032-128934

SUBCOMMITTEE DETERMINATION
(PUBLIC REPRIMAND WITHOUT TERMS)

On December 21, 2023, a meeting was held in this matter before a duly convened Third District, Section II Subcommittee consisting of Eric H. Feiler, Esq., Chair Presiding; Matthew Howell, Esq., Member; and Vanessa Griggs, Lay Member. During the meeting, the Subcommittee voted to approve an agreed disposition for a Public Reprimand without 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, by Renu M. Brennan, Bar Counsel, and Thomas Charles Mason, III, Respondent, pro se.

WHEREFORE, the Third District, Section II Subcommittee of the Virginia State Bar serves upon Respondent the following Public Reprimand without Terms:

I. FINDINGS OF FACT

1. Respondent was licensed to practice law in the Commonwealth of Virginia in April 2013. At all times relevant, his license has been in good standing.
2. In September 2018 Complainant Ronnie Artis ("Artis") hired Respondent and his then law firm to represent Artis in personal injury lawsuits arising out of two car accidents which occurred in November 4, 2015 and December 21, 2015. Respondent and his firm replaced a prior attorney who filed lawsuits in Spotsylvania Circuit Court on October 27, 2017 and December 19, 2017, to toll the respective statutes of limitations. The facts discussed herein relate to the December 21, 2015 accident.
3. In November 2018 Respondent substituted in as Artis's counsel. As of the date Respondent substituted in as counsel, prior counsel had not effectuated service on the defendant in the case arising out of the December 21, 2015 lawsuit.

4. In February 2019 Respondent took a nonsuit of the case arising out of the December 21, 2015 accident because service was not effected by December 19, 2018 as required by Va. Code Section 8.01-275.1.
5. On September 26, 2019, Respondent refiled the suit for damages arising from the December 21, 2015 accident.
6. On December 19, 2019, defense counsel propounded the first sets of discovery on Respondent.
7. Respondent failed to respond or object to discovery by the January 13, 2020 deadline.
8. By letter dated January 17, 2020, defense counsel followed up with Respondent regarding the overdue discovery responses and requested responses by January 24 to avoid a motion to compel.
9. Respondent did not respond to defense counsel's letter.
10. On February 5, 2020, defense counsel filed a motion to compel discovery responses.
11. On March 12, 2020, defense counsel sent Respondent a praecipe noticing the hearing on the motion to compel on April 6, 2020.
12. Respondent did not oppose the motion to compel.
13. By praecipe served on Respondent April 23 and filed April 27, defense counsel continued the hearing from April 6 to June 15, 2020. The hearing was continued due to COVID-19.
14. Respondent did not appear at the June 15, 2020 hearing on the motion to compel.
15. By order entered June 15, 2020, the court compelled Respondent's client to respond to discovery within 14 days.
16. Respondent did not comply with the court's order compelling discovery by June 29, 2020.
17. On July 8, 2020, defense counsel filed a motion to dismiss the lawsuit based on Respondent's failure to comply with the order compelling responses.
18. By praecipe served on Respondent on July 9, 2020, defense counsel set the hearing on the motion to dismiss for August 17.
19. Finally, by July 10, 2020, Respondent responded to the discovery.

20. By order entered October 5, 2020, the court denied the motion to dismiss.
21. On September 25, 2020, defense counsel's office provided Respondent a release for medical information from one of the providers identified in the discovery responses provided in July 2020. Respondent did not provide a signed release to defense counsel.
22. On June 4 and June 9, 2021, defense counsel followed up with Respondent regarding the release.
23. On June 16, 2021, defense counsel filed a second motion to compel because Respondent did not provide the release.
24. By praecipe issued to Respondent June 25, 2021, defense counsel notified Respondent of the July 6, 2021 hearing on this second motion to compel.
25. Respondent did not appear at the July 6 hearing on the second motion to compel.
26. By order entered July 6, 2021, the court granted the second motion to compel and ordered Artis to immediately execute the release. Respondent provided the release one week later, on July 13, 2021.
27. Prior to the second motion to compel, the court entered a Pretrial Scheduling Order on April 19, 2021. By this Pretrial Scheduling Order entered April 19, 2021, the court set all discovery and expert designation dates, including September 7, 2021 as Artis's deadline to designate an expert. The discovery deadline was November 3, 2021.
28. Respondent did not submit Artis's expert disclosures by the September 7, 2021 deadline.
29. On September 8, 2021, defense counsel filed a second motion to dismiss Artis's lawsuit, this time for Respondent's failure to timely designate an expert. The motion also alleged a failure to supplement discovery to address an alleged increase in medical damages.
30. By Order entered October 18, 2021, the court ordered Respondent to disclose any experts by October 11, 2021.
31. On October 11, 2021, Respondent disclosed Artis's expert in a discovery supplement.
32. On October 15, 2021, defense counsel filed a third motion to dismiss the suit or to exclude the expert based on an insufficient witness disclosure.

33. On October 22, 2021, Respondent had to remove motions to permit *de bene esse* depositions and video testimony because Respondent noticed the motions without providing sufficient advance notice to opposing counsel.
34. By order dated November 1, 2021, the court sustained the motion to exclude Artis's expert.
35. On November 3, 2021, the defense designated their expert.
36. On November 12, 2021, Respondent sought to withdraw as counsel because of a breakdown in the attorney-client relationship.
37. On November 15, 2021, 18 days before the December 3 trial, Respondent filed medical and billing records to be introduced by medical record affidavit. Defense counsel objected to Respondent's filings as untimely pursuant to Va. Code Section 8.01-413.01(A) providing a presumption of the authenticity of bills and reasonableness of charges if provided to opposing counsel at least 30 days before trial.
38. On November 22, 2021, defense counsel objected on untimeliness to Respondent's attempt to introduce records by affidavit and moved for sanctions.
39. On November 22, 2021, the court denied Respondent's motion to withdraw and took plaintiff's motion under advisement.
40. The next day, November 23, 2021, the case settled. Respondent waived his attorney's fee and requested only reimbursement for the expert fees Respondent had paid.
41. On December 30, 2021, defense counsel had to move to enforce the settlement agreement because it was not properly notarized.

II. NATURE OF MISCONDUCT

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

By failing to answer discovery for almost seven months, and only after a motion to compel, an order to compel, and then a motion to dismiss for failure to comply with the court's order compelling responses;

By subsequently failing to provide a medical release absent a motion to compel and to dismiss;

By not designating an expert sufficiently or timely in accordance with the Pretrial Scheduling Order; and

By not properly and timely filing medical and billing records to be introduced by affidavit, Respondent violated Rule 1.3(a).

RULE 1.3 Diligence

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

By failing to comply with the court order compelling discovery responses by June 29, 2020, Respondent violated Rule 3.4(d).

RULE 3.4 Fairness To Opposing Party And Counsel

A lawyer shall not:

(d) Knowingly disobey or advise a client to disregard a standing rule or a ruling of a tribunal made in the course of a proceeding, but the lawyer may take steps, in good faith, to test the validity of such rule or ruling.

By failing to answer discovery for almost seven months, and only after a motion to compel, an order to compel, and then a motion to dismiss for failure to comply with the court's order compelling responses;

By subsequently failing to provide a medical release absent a motion to compel and to dismiss; and

By not designating an expert sufficiently or timely in accordance with the Pretrial Scheduling Order,

Respondent violated Rule 3.4(e).

RULE 3.4 Fairness To Opposing Party And Counsel

A lawyer shall not:

(e) Make a frivolous discovery request or fail to make reasonably diligent effort to comply with a legally proper discovery request by an opposing party.

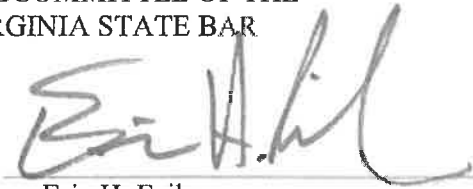
III. PUBLIC REPRIMAND WITHOUT TERMS

Accordingly, having approved the agreed disposition, it is the decision of the Subcommittee to impose a Public Reprimand Without Terms and Thomas Charles

Mason, III is hereby so reprimanded. Pursuant to Part 6, § IV, ¶ 13-9.E of the Rules of Supreme Court of Virginia, the Clerk of the Disciplinary System will assess costs.

THIRD DISTRICT, SECTION II
SUBCOMMITTEE OF THE
VIRGINIA STATE BAR

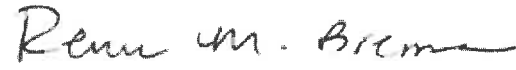
By:



Eric H. Feiler
Subcommittee Chair

CERTIFICATE OF MAILING

I certify that on January 10, 2024, a true and complete copy of the Subcommittee Determination (Public Reprimand Without Terms) was sent by certified mail to Thomas Charles Mason, III, Respondent, at Mason Law, PLLC, P. O. Box 18310, Richmond, Virginia 23226-8310, Respondent's last address of record with the Virginia State Bar, and by email to thomas@masonlawrva.com



Renu M. Brennan
Bar Counsel

VIRGINIA:

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

IN THE MATTER OF
Thomas Charles Mason, III

VS
VS B Docket No. 23-032-128934

AGREED DISPOSITION
PUBLIC REPRIMAND

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 Thomas Charles Mason, III, Respondent, *pro se*, hereby enter into the following agreed disposition for a Public Reprimand arising out of this matter.

I. STIPULATIONS OF FACT

1. 1. Respondent was licensed to practice law in the Commonwealth of Virginia in April 2013. At all times relevant, his license has been in good standing.
2. In September 2018 Complainant Ronnie Artis (“Artis”) hired Respondent and his then law firm to represent Artis in personal injury lawsuits arising out of two car accidents which occurred in November 4, 2015 and December 21, 2015. Respondent and his firm replaced a prior attorney who filed lawsuits in Spotsylvania Circuit Court on October 27, 2017 and December 19, 2017, to toll the respective statutes of limitations. The facts discussed herein relate to the December 21, 2015 accident.
3. In November 2018 Respondent substituted in as Artis’s counsel. As of the date Respondent substituted in as counsel, prior counsel had not effectuated service on the defendant in the case arising out of the December 21, 2015 lawsuit.
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30. At the hearing October 4, 2021, the court ordered Respondent to disclose any experts by October 11, 2021.
31. On October 11, 2021, Respondent disclosed Artis's expert in a discovery supplement.
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By failing to comply with the court order compelling discovery responses by June 29, 2020, Respondent violated Rule 3.4(d).

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A lawyer shall not:

(d) Knowingly disobey or advise a client to disregard a standing rule or a ruling of a tribunal made in the course of a proceeding, but the lawyer may take steps, in good faith, to test the validity of such rule or ruling.

By failing to answer discovery for almost seven months, and only after a motion to compel, an order to compel, and then a motion to dismiss for failure to comply with the court's order compelling responses;

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Respondent violated Rule 3.4(e).

RULE 3.4 Fairness To Opposing Party And Counsel

A lawyer shall not:

(e) Make a frivolous discovery request or fail to make reasonably diligent effort to comply with a legally proper discovery request by an opposing party.

III. PROPOSED DISPOSITION

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

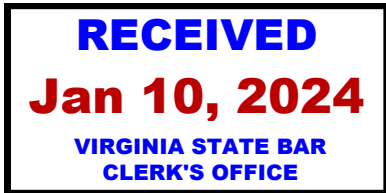
THE VIRGINIA STATE BAR

Renu Brennan

Renu Brennan
Bar Counsel

Thomas C. Mason III

Thomas Charles Mason, III
Respondent



Virginia State Bar

THIRD DISTRICT, SECTION II COMMITTEE

January 10, 2024

PERSONAL AND CONFIDENTIAL

PLEASE REPLY TO:
Joanne Fronfelter, Clerk
1111 East Main Street
Suite 700
Richmond, VA 23219-0026

VIA CERTIFIED MAIL
VIA EMAIL: thomas@masonlawrva.com

Thomas Charles Mason, III
Mason Law, PLLC
P. O. Box 18310
Richmond, Virginia 23226-8310



Re: In the Matter of Thomas Charles Mason, III
VSB Docket No. 23-032-128934

Dear Mr. Mason:

Enclosed is a Subcommittee Determination (Public Reprimand Without Terms) hereby served on you by the Third District, Section II Subcommittee of the Virginia State Bar.

Please be aware that this disposition will become a part of your disciplinary record.

Very truly yours,

Eric H. Feiler
Subcommittee Chair
Third District, Section II

Enclosure

cc: Renu M. Brennan, Bar Counsel
Joanne Fronfelter, Clerk of the Disciplinary System
Joshua Wysor, Investigator