



3. After Respondent met with Ms. Roberts, he assigned the divorce case to an associate attorney in his office (C.S.). C.S. worked on the case until September 2016, when he left the firm.
4. Thereafter, Respondent assigned the divorce case to a second associate attorney, K.F. K.F. worked on the case until it was finalized on March 30, 2018, and K.F. left the firm in June 2019 and started at another firm in July 2019.
5. Ms. Roberts' ex-husband was in the military and Ms. Roberts was awarded a percentage of her ex-husband's military retirement. After the entry of the final decree of divorce in March 2018, Ms. Roberts sent the divorce decree to the Defense Finance and Accounting Service (DFAS) so that she would receive her share of her ex-husband's retirement when he retired. In April 2019, Ms. Roberts received a letter from DFAS regarding her decree. The letter stated that her decree did not comply with the military's retirement division requirements effective in December 2016 because the decree did not provide the required information for her ex-husband's service and pay information at the time of the parties' divorce. As such, DFAS rejected the decree for purposes of retirement division and requested an amended decree with the correct service and pay information as of the time of the parties' divorce.
6. Ms. Roberts called Respondent's office several times and asked to speak to Respondent. Every time Ms. Roberts called Respondent's office, she spoke with Respondent's assistant, who is also his wife. Ms. Roberts was never permitted to speak to Respondent regarding the final decree. Ms. Roberts read the letter from DFAS to Respondent's wife in an effort to speak to Respondent, but Respondent's wife told Ms. Roberts that she needed to pay an additional \$2,500 to have the decree fixed.
7. Ms. Roberts filed a bar complaint in April 2020, after being unable to speak to Respondent and get help with her divorce decree for almost a year.
8. During the bar investigation, Respondent denied that his office prepared the decree incorrectly. The bar investigator showed Respondent the letter from DFAS.
9. Respondent told the bar investigator that he reviews the file and assigns them to the attorney that he feels is best suited to work the case, that he is the owner of the firm and he hires the attorneys who work for him, and that he is "ultimately responsible, the buck stops here".
10. K.F., the second associate, told the bar investigator that he consulted with Respondent about the case, and specifically about the military retirement provision in the final decree. The bar investigator asked K.F. if he was aware of the change in how a military member's retirement is calculated for a former spouse, and he said there have been a lot of changes in the past 10 years, and he tries to keep up with them, but it can be difficult to stay on top of all the changes.

11. During the course of the bar investigation, the bar investigator reviewed Respondent's trust account documentation regarding Ms. Roberts' case and discovered that Respondent transferred the funds paid by Ms. Roberts from his trust account to his operating account prior to the entry of the final decree of divorce.

Stipulations regarding Docket No. 21-022-120601

12. In October 2018, J.B. Martin (Dr. Martin) retained Respondent for a divorce case.
13. Respondent's retainer agreement provided for a fixed fee of \$15,000. There were no benchmarks for the transfer of funds in the fee agreement.
14. The divorce was initially contested, but the parties signed a property settlement agreement on April 9, 2019. The parties had been living separate and apart since April 4, 2018.
15. When Dr. Martin came to the firm, his case was assigned to K.F. K.F. filed a complaint for divorce on April 5, 2019 and sent discovery to Dr. Martin's wife. K.F. also filed a motion to compel when Dr. Martin's wife did not respond to the discovery, and he drafted the property settlement agreement that the parties signed.
16. K.F. left the firm in June 2019 and started at a new firm in July. When K.F. left Respondent's firm, a new associate attorney had not been hired. When a new associate attorney was hired, that attorney (P.H.) began working on the case.
17. During the bar investigation, Dr. Martin told the bar investigator that he was never told about attorneys leaving the firm when they actually left the firm and that he only learned about the departure of attorneys when he called the office.
18. Dr. Martin also told the bar investigator that whenever an associate attorney left the firm, his case was stalled for 3 to 5 months. Dr. Martin told the investigator that he kept getting excuses from the associate attorneys about why his case was not being finalized.
19. Dr. Martin wrote a letter to P.H. on November 18, 2019, stating that his uncontested divorce should not be taking so long and requesting copies of all documents sent to the court and all responses from the court.
20. Dr. Martin received a response dated November 21, 2019 from P.H. apologizing for the delay and explaining that a final decree of divorce had been submitted to the court in September 2019 but had been rejected. P.H. did not provide Dr. Martin with the documents he requested in his letter.
21. P.H. submitted an amended decree in February 2020, which was also rejected. In his November letter to Dr. Martin, P.H. had advised Dr. Martin that he expected to have a final hearing in the second week of January 2020. Dr. Martin began calling P.H. every two weeks to determine why his case was not finalized.

22. Dr. Martin wrote another letter to P.H. on March 27, 2020 stating that he was tired of the excuses and delays.
23. In August 2020, Dr. Martin received a letter dated August 3, 2020 from Respondent's firm stating that a third associate would be finalizing his case.
24. Dr. Martin filed a bar complaint dated August 20, 2020, stating that he became a client of the firm in October 2018 for a divorce, his case had been transferred to three different attorneys in the process, and his case had not been dealt with in a timely manner.
25. Respondent took over Dr. Martin's case in September 2020 and finalized it in about two months. The final decree was signed on November 18, 2020.
26. During the bar investigation, K.F. told the bar investigator that there were no regularly scheduled meetings regarding the cases he handled for Respondent.
27. During the bar investigation, P.H. told the bar investigator that Respondent provided no supervision for the associates, that he was only notified if there were problems, and that Respondent was difficult to meet with to discuss cases. P.H. told the bar investigator that there was no active review of the files handled by associates.
28. Dr. Martin told the bar investigator that M.F. and P.H. were inexperienced; they were very busy because Respondent's office is a high-volume environment; they had too much on their plate; and Respondent just "turned them loose."
29. During the bar investigation, the bar investigator discovered that Respondent transferred funds that were deposited in trust from Mr. Martin's flat fee payment to his operating account prior to the entry of the final decree. In fact, all but \$2,273.50 of the \$15,000.00 was transferred from Respondent's trust account by April 2, 2020.

## II. NATURE OF MISCONDUCT

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

**Docket No. 20-022-118646**

### **RULE 1.15 Safekeeping Property**

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(b) Specific Duties. A lawyer shall:

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(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.

**RULE 5.1 Responsibilities Of Partners And Supervisory Lawyers**

(a) A partner in a law firm, or a lawyer who individually or together with other lawyers possesses managerial authority, shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that all lawyers in the firm conform to the Rules of Professional Conduct.

(b) A lawyer having direct supervisory authority over another lawyer shall make reasonable efforts to ensure that the other lawyer conforms to the Rules of Professional Conduct.

**Docket No. 21-022-120601**

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**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. By January 4, 2022, the Respondent shall complete EIGHT (8) hours of continuing legal education credits by attending courses approved by the Virginia State Bar in the subject matter of family law, with at least TWO (2) of those hours in the subject of military specific family law matters. The 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 the Respondent may be licensed to practice law. The 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 at each such CLE program.**
  
- 2. Not later than July 16, 2021, the Respondent shall engage the services of a law office management consultant to review and make written recommendations concerning the Respondent's law practice policies, methods, systems, trust account, and procedures. The Respondent shall institute and thereafter follow with consistency any and all recommendations made to him by the law office management consultant following the law office management consultant's evaluation of the practice. The Respondent shall grant the law office management consultant access to his law practice from time to time, at the consultant's request, for purposes of ensuring that the Respondent has instituted and is complying with the law office management consultant's recommendations. Bar Counsel shall have access to the law office management consultant's findings and recommendations, as well as the consultant's assessment of the Respondent's level of compliance with said recommendations. The Respondent shall be obligated to pay when due the consultant's fees and costs, including, but not limited to, the provision to Bar Counsel of information concerning this matter.**

**Not later than January 4, 2022, Respondent shall be responsible for ensuring that the law office management consultant has reported to Bar Counsel his or her findings and recommendations regarding Respondent's law practice and his or her findings regarding whether Respondent complied with the law office management consultant's recommendations.**

**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 Sanction Determination should not be imposed.**



**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.**

**SECOND DISTRICT, SECTION II SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR**



**Adam Michael Carroll**  
**Subcommittee Chair**

**CERTIFICATE OF MAILING**

I certify that on July 15, 2021, a true and complete copy of the Subcommittee Determination (Public Reprimand With Terms) was sent by certified mail to Walter Ware Morrison, Respondent, at 2628 Barrett St Ste 100, Virginia Beach, VA 23452, Respondent's last address of record with the Virginia State Bar.



Christine M. Corey  
Assistant Bar Counsel