



VIRGINIA:

BEFORE THE SEVENTH DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

IN THE MATTER OF
KEITH HAMNER WALDROP

VSB Docket No. 22-070-123459

SUBCOMMITTEE DETERMINATION
PUBLIC REPRIMAND WITH TERMS

On December 1, 2021, a meeting was held in this matter before a duly convened Seventh District Subcommittee consisting of Ryan D. Ruzic, Chair; Dillina W. Stickley, Member; and Kimberly Gregg, Lay Member. During the meeting, the Subcommittee 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 (“Rules”). The agreed disposition was subsequently entered into by the Virginia State Bar, by M. Brent Saunders, Senior Assistant Bar Counsel, and Keith Hamner Waldrop (“Respondent” or “Mr. Waldrop”), pro se.

WHEREFORE, the Seventh District Subcommittee of the Virginia State Bar hereby serves upon Respondent the following Public Reprimand With Terms:

I. FINDINGS OF FACT

1. Mr. Waldrop was licensed to practice law in the Commonwealth of Virginia on April 28, 1982, and remained so licensed at all times relevant hereto.
2. The complainant, Dohna Denise Bland (formerly Dohna D. Felton) (“Ms. Bland”), hired Mr. Waldrop in December 2014 to represent her in collecting approximately \$30,000 in monies she claimed were owed to her for providing in-home care services to an elderly individual named Fannie Mealy Beale (“Ms. Beale”) in Goochland County, Virginia, between April 1, 2010, until the death of Ms. Beale on October 18, 2011. Mr. Waldrop agreed to handle the matter for a 1/3 contingency fee.
3. Mr. Waldrop initially undertook efforts to help Ms. Bland collect the monies she claimed were owed to her by doing the following during the late 2014 through early 2015 timeframe:

- Sending a letter on her behalf to attorney John M. Williamson¹ dated December 18, 2014, in which he set out her claims and demanded payment of \$30,375.00 in settlement of those claims;
- Sending a follow-up letter to Mr. Williamson dated January 30, 2015, in which he noted he had not received a response to his December 18, 2014, letter and informed him of his intent to file suit if Ms. Bland's claims were not settled by February 9, 2015;
- Conducting legal research and a title examination² and compiling documents related to Ms. Beale's estate; and
- Preparing draft complaints for filing in the Goochland County Circuit Court.

4. Following the completion of those tasks in approximately early 2015, Mr. Waldrop never pursued a claim against Ms. Beale's estate or initiated any type of legal action nor took any action to pursue a resolution of Ms. Bland's claims through settlement or litigation or performed any other work on the matter.

5. Mr. Waldrop's explanations for not pursuing Ms. Bland's claims are that: A) it was "a complicated situation" due to ambiguities in the April 1, 2010, agreement and uncertainty on his part as to the necessary and proper parties defendant to a claim or lawsuit such that he never became "comfortable" with initiating litigation; and B) he developed health problems during the 2016 through 2018 time period which impacted his ability to handle the representation.

6. Neither Mr. Waldrop nor Ms. Bland ever terminated the representation such that Mr. Waldrop remained Ms. Bland's counsel in the matter at all times from December 2014 through at least the filing of this complaint by Ms. Bland in August 2021. Mr. Waldrop never explained to Ms. Bland at any time during the course of the representation of: A) the challenges and difficulties he had identified to pursuing her claims; B) the health problems he was experiencing; or C) the fact he was not working on her matter.

7. Between approximately mid-2015 through the filing of this complaint by Ms. Bland in August 2021, Mr. Waldrop did not respond to Ms. Bland's numerous inquiries about her claims or provide her with any status updates.

8. A copy of this complaint was mailed to Mr. Waldrop at his address of record with the bar by cover letter dated August 13, 2021, demanding he file an answer within 21 days. Despite receiving the complaint and letter, he did not file an answer by the September 3, 2021 deadline. After a bar investigator made inquiry, he did file an answer on September 22, 2021, almost three weeks past the deadline.

¹ Who represented Ms. Beale's estate and/or heirs and had written a letter to Ms. Bland in December 2012 addressing the issue of the amount of monies she was owed for providing in-home care services to Ms. Beale.

² Under the terms of a written agreement dated April 1, 2010, Ms. Bland was to be compensated at the rate of \$375.00 per week with payment deferred until Ms. Beale's residence was sold.

II. NATURE OF MISCONDUCT

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

RULE 1.1 Competence

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

RULE 1.3 Diligence

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

(b) A lawyer shall not intentionally fail to carry out a contract of employment entered into with a client for professional services, but may withdraw as permitted under Rule 1.16.

RULE 1.4 Communication

(a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

(c) A lawyer shall inform the client of facts pertinent to the matter and of communications from another party that may significantly affect settlement or resolution of the matter.

RULE 1.16 Declining Or Terminating Representation

(a) Except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:

(1) the representation will result in violation of the Rules of Professional Conduct or other law;

(2) the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client;

(d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, refunding any advance payment of fee that has not been earned and handling records as indicated in paragraph (e).

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;

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. Within 30 days of the issuance of this determination, Respondent shall certify in writing to M. Brent Saunders, Senior Assistant Bar Counsel, that he has created and implemented a written office policy mandating regular and informative communications to clients of information affecting their cases, including but not limited to: (a) the mailing to clients of copies of all pleadings and court orders to clients upon receipt (if the document is generated by another) or upon mailing (if the document is generated by Respondent); and (b) meeting with clients in person or by telephone to discuss progress on the matter being handled for the client and to respond to status inquiries. Respondent shall obtain written acknowledgment from all his staff indicating receipt and understanding of this written office policy.
2. Within 30 days of the issuance of this determination, Respondent shall certify in writing to M. Brent Saunders, Senior Assistant Bar Counsel, that he has created and implemented a docket control system which will insure Respondent periodically reviews the status of all pending matters as an advance reminder of deadlines and other obligations.
3. Respondent is placed on probation for a period of three (3) years commencing upon the issuance of this determination. During such probationary period, Respondent will not engage in Misconduct as defined by Part 6, Section IV, Paragraph 13-1 of the Rules. Any final determination that Respondent engaged in Misconduct during this probationary period made by a District Subcommittee, District Committee, the Disciplinary Board, a Three-Judge Panel, or the Supreme Court of Virginia, shall conclusively be deemed a violation of this term.

If any of the terms are not met, the alternative disposition shall be the suspension of Respondent's license to practice law in the Commonwealth of Virginia for a period of ninety

(90) days, pursuant to Part 6, § IV, ¶ 13-15.G of the Rules. 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, the Clerk of the Disciplinary System shall assess costs.

SEVENTH DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR



Ryan D. Ruzic
Subcommittee Chair

CERTIFICATE OF MAILING

I certify that on the 8th day of December, 2021, a true and complete copy of this Subcommittee Determination (Public Reprimand With Terms) was sent by certified mail to Keith Hamner Waldrop, Respondent, at Keith H. Waldrop & Associates, P. O. Box 268, Goochland, VA 23063-0268, Respondent's last address of record with the Virginia State Bar.



M. Brent Saunders
Senior Assistant Bar Counsel