

VIRGINIA:

BEFORE THE SIXTH DISTRICT SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR

IN THE MATTER OF  
ROBERT E. WALKER, JR.

VSB Docket No. 23-060-127352

**SUBCOMMITTEE DETERMINATION  
(PUBLIC REPRIMAND WITH TERMS)**

On June 13, 2023, and August 1, 2023, meetings were held in this matter before a duly convened Sixth District Subcommittee consisting of John Tarley, Jr., Esquire, Subcommittee Chair; S. David Schiller, Esquire; and Roy H. Smith, Lay Member. During the meeting on August 1, 2023, 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. The Agreed Disposition was entered into by the Virginia State Bar by Joseph M. Caturano, Jr., Assistant Bar Counsel; Robert E. Walker, Jr. (“Respondent”); and Jeffrey H. Geiger, Esquire, counsel for Respondent.

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

**I. FINDINGS OF FACT**

1. Respondent was licensed to practice in the Commonwealth of Virginia in 1987. At all times referenced herein, Respondent has been licensed and in good standing.
2. On May 3, 2022, Brenden Sims (“Complainant”) retained Respondent for representation in a criminal case in Henrico County, Virginia, upon a “one-time flat fee” of \$3,500, pursuant to a written Attorney-Client Fee Contract prepared by Respondent.
3. The Attorney-Client Fee Contract of Respondent also contained a provision that “[the] retainer fee is non-refundable.”

4. Once engaged, Respondent indicated to Complainant that he would contact the court-appointed attorney for Complainant, file a Motion for Discovery, circulate an Order of Substitution of Counsel (to replace Complainant's court-appointed attorney), and appear in Court on May 24, 2022, on behalf of Complainant.
5. However, Respondent did not contact the Complainant's court-appointed attorney, did not properly file a Motion for Discovery, did not circulate an Order of Substitution of Counsel, and did not appear in Court on May 24, 2022, on behalf of Complainant.
6. On May 24, 2022, Respondent left court in another jurisdiction in order to appear in Court in Henrico County on behalf of the Complainant but became involved in heavy traffic. While he attempted to contact the Complainant and his mother, he was not able to do so. As a result, when Respondent failed to appear in Court, Complainant proceeded at that hearing in the criminal case with his court-appointed attorney.
7. Following, Respondent apologized to Complainant for his failures as set forth in paragraph 5, above, but Respondent did not refund to Complainant the unearned advanced fee.
8. Subsequently, having not received the refund of the unearned advance fee, Complainant contacted the Respondent and demanded the refund of the \$3,500 from Respondent.
9. Respondent refused to refund the advanced fee of \$3,500 to Complainant; however, Respondent refunded \$2,000 to Complainant, indicating that \$1,500 was earned by Respondent by communicating with Complainant on several occasions.
10. Respondent did not provide a full accounting of the fees that were alleged to have been earned to Complainant. Respondent represents that he met with the Complainant once and his mother on two occasions and prepared fully for the criminal case.
11. Respondent did not maintain a client ledger on the funds provided by Complainant.
12. Respondent deposited the advanced fee of Complainant into his personal bank account, and not into his trust account.

## **II. NATURE OF MISCONDUCT**

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

### **Rule 1.3      Diligence**

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

## **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[.]

## **Rule 1.15 Safekeeping Property**

\* \* \*

### **(b) Specific Duties. A lawyer shall:**

\* \* \*

- (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[.]

## **Rule 1.15 Safekeeping Property**

\* \* \*

(c) Record-Keeping Requirements. A lawyer shall, at a minimum, maintain the following books and records demonstrating compliance with this Rule:

\* \* \*

- (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.

## **Rule 1.16 Declining or Terminating Representation**

\* \* \*

(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 indicted in paragraph (e).

### **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. NO FURTHER MISCONDUCT**

For a period of one (1) year following the entry of the Subcommittee Determination, Respondent will 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 Respondent may be admitted to practice law. The terms contained in this paragraph will be deemed to have been violated when any ruling, determination, judgment, order, or decree has been issued against 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 referred to above, *provided, however*, that the conduct upon which such finding was based occurred within the period referred to above, and provided, further, that such ruling has become final.

#### **2. RESTITUTION**

On or before September 1, 2023, Respondent shall pay to Complainant, in certified funds or cashier's or treasurer's check, the total sum of \$3,500 and submit proof of such payment to Bar Counsel at Virginia State Bar, 1111 East Main Street, Suite 700, Richmond, Virginia 23219. (Payment to Complainant in accordance with this disciplinary action does not establish or create civil liability of Respondent to Complainant, operate to discharge and release the Respondent from claims of further liability, if any, to Complainant, or impair the right of the Respondent to assert any defenses to such claims).

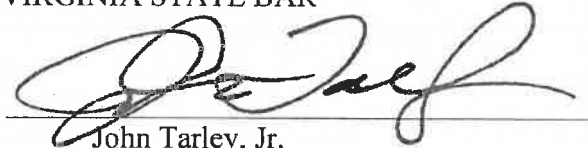
#### **3. MCLE**

Within six (6) months of the service of the Subcommittee Determination in this matter, Respondent will complete six (6) hours of continuing legal education credits by attending courses approved by the Virginia State Bar in the subject matter of legal ethics. Respondent's Continuing Legal Education attendance obligation set forth in this paragraph will not be applied toward his Mandatory Continuing Legal Education requirement in Virginia or any other jurisdictions in which Respondent may be licensed to practice law. Respondent will 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 Assistant Bar Counsel, promptly following his attendance of each such CLE program(s).

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 impose a Certification for Sanction Determination pursuant to Part 6, § IV, ¶ 13-15.F-G of the Rules of the Supreme Court of Virginia. 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.

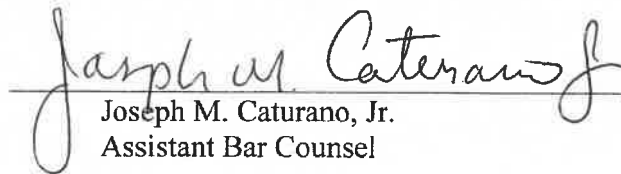
SIXTH DISTRICT SUBCOMMITTEE OF THE  
VIRGINIA STATE BAR



John Tarley, Jr.  
Subcommittee Chair

CERTIFICATE OF MAILING

I certify that on August 2, 2023, a true and complete copy of the Subcommittee Determination (Public Reprimand With Terms) was sent by certified mail to Robert E. Walker, Jr., Respondent, at 8262 AMF Drive, Mechanicsville, Virginia 23111, Respondent's last address of record with the Virginia State Bar, and Jeffrey H. Geiger, Esquire, counsel for Respondent, at Sands Anderson, P.C., P.O. Box 1998, Richmond, VA 23218-1998 and email at [jgeiger@sandsanderson.com](mailto:jgeiger@sandsanderson.com).



Joseph M. Caturano, Jr.  
Assistant Bar Counsel