

VIRGINIA:

BEFORE THE SECOND DISTRICT, SECTION I SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

IN THE MATTER OF
JENNIFER TERRELL DILWORTH

VS B Docket No. 24-021-129645

SUBCOMMITTEE DETERMINATION
(PUBLIC REPRIMAND WITHOUT TERMS)

On February 26, 2024, a meeting was held in this matter before a duly convened Second District, Section I Subcommittee consisting of Jeffrey Hugh Gray, Esq., Chair Presiding; Gordon C. Ufkes, Esq., Member; and Lloyd A. Petersen, 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 Shelley L. Spalding, Assistant Bar Counsel, and Jennifer Terrell Dilworth (“Respondent”), and Mary Teresa Morgan, counsel for Respondent.

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

I. FINDINGS OF FACT

1. An individual (“S.Z.”) retained a Virginia Beach law firm (“Firm A”) to represent him in his divorce and related matters pending in the Virginia Beach Court system.
2. In November 2021, after S.Z. retained Firm A to represent him, Respondent began working at Firm A as an associate and was assigned to his files.

3. In February 2023, Respondent and Firm A reached an agreement related to her departure from the firm, with Respondent's last day on March 31, 2023. Respondent did not file a motion to withdraw at that time and another attorney at Firm A was assigned to S.Z.'s case. On May 4, 2023, Respondent began working for a new law firm ("Firm B"). According to Respondent, S.Z. contacted her and indicated that he wanted her to continue the representation with her new firm, Firm B.

4. Respondent would testify that she was unsure whether she needed to file a Motion to Withdraw or a Motion to Substitute Counsel in the S.Z. case. On May 5, 2023, Respondent's supervisor at Firm B approved a draft Motion to Withdraw in the S.Z. case for filing. That same day a motion hearing was scheduled in the S.Z. case in front of the Honorable Steven C. Frucci. Respondent stated that she was in the Virginia Beach Circuit Court that day on another matter for another client of Firm B. Another attorney from Firm A appeared on behalf of S.Z. Respondent was present in the courtroom during the May 5, 2023 hearing on the S.Z. case but did not file any Motion to Withdraw or Substitute or mention any such motion to the Court or the Firm as an attorney at the May 5, 2023 hearing. Respondent would testify she remained unsure as to which motion should be filed.

5. On May 9, 2023, Respondent's supervisor at Firm B questioned Respondent about whether Judge Frucci had endorsed the proposed order at the May 5, 2023 hearing. Instead of acknowledging that she had not filed any motion yet, Respondent told her supervisor that it had been taken care of. Respondent would testify that she intended to take care of it promptly. Without Respondent's knowledge, Respondent's supervisor then contacted Judge Frucci to discuss the motion and proposed order. Judge Frucci advised Respondent's supervisor he had not entered any such order.

6. The following day, Respondent's supervisor again questioned Respondent about the motion, and told Respondent that Judge Frucci stated he had not signed any order. Respondent then told her supervisor that the motion and proposed order must have been lost in the clerk's office. Later that day, Respondent's supervisor again confronted Respondent about the motion and Respondent confessed that she had lied in their earlier conversations and that she had not filed or otherwise presented any motion to the court.

7. The next day, May 11, 2023, Respondent's employment was terminated by Firm B.

8. S.Z. subsequently hired a new attorney for his divorce. S.Z. would testify that he was not harmed by Respondent's misrepresentations to her supervisor.

9. By letter dated August 7, 2023, Respondent reported to Judge Frucci that she had misrepresented to her supervisor that she had filed a motion to withdraw as counsel and provided a draft order for Judge Frucci to endorse. She also stated that she offered other detailed events involving clerk's office personnel that were also lies. Respondent apologized to Judge Frucci in the August 7, 2023 letter.

10. Respondent would testify that she also apologized to her former supervisor at Firm B.

11. Respondent has no prior disciplinary record.

II. NATURE OF MISCONDUCT

By misrepresenting to her supervisor multiple times that she had filed a motion to withdraw in the S.Z. case when she had not, Respondent violated the following Rule of Professional Conduct:

RULE 4.1 Truthfulness In Statements To Others

In the course of representing a client a lawyer shall not knowingly:

- (a) make a false statement of fact or law.

By misrepresenting to her supervisor multiple times that she had filed a motion to withdraw in the S.Z. case when she had not, Respondent violated the following Rule of Professional Conduct:

RULE 8.4 Misconduct

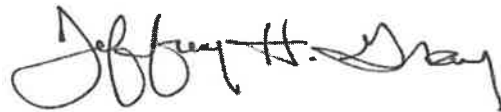
It is professional misconduct for a lawyer to:

- (b) commit a criminal or deliberately wrongful act that reflects adversely on the lawyer's honesty, trustworthiness or fitness to practice law; [or]
- (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation which reflects adversely on the lawyer's fitness to practice law.

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 Jennifer Terrell Dilworth 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.

SECOND DISTRICT, SECTION I
SUBCOMMITTEE
OF THE VIRGINIA STATE BAR



By: _____
Jeffrey Hugh Gray
Subcommittee Chair

CERTIFICATE OF MAILING

I certify that on March 01, 2024, a true and complete copy of the Subcommittee Determination (Public Reprimand Without Terms) was sent by certified mail to Jennifer Terrell Dilworth, Respondent, at 4707 ThreeChopt Rd, Hampton, Virginia 23666-3641, Respondent's last address of record with the Virginia State Bar, and via email dilworth@jdilworthlaw.com, and by first class mail, postage prepaid to Mary Teresa Morgan, counsel for Respondent, at Infinity Law Group, PLC 4646 Princess Anne Rd Ste 104, Virginia Beach, Virginia 23462, and via email mary@infinitylawva.com.



Shelley L. Spalding
Assistant Bar Counsel

VIRGINIA:

BEFORE THE SECOND DISTRICT, SECTION I SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

IN THE MATTER OF
JENNIFER TERRELL DILWORTH

VSB Docket No. 24-021-129645

AGREED DISPOSITION
PUBLIC REPRIMAND WITHOUT TERMS

Pursuant to the Rules of Supreme Court of Virginia, Part 6, § IV, ¶ 13-15.B.4, the Virginia State Bar, by Shelley Spalding, Assistant Bar Counsel, and Jennifer Terrell Dilworth, Respondent, and Mary Teresa Morgan, counsel for Respondent, hereby enter into the following agreed disposition arising out of this matter.

I. STIPULATIONS OF FACT

1. An individual (“S.Z.”) retained a Virginia Beach law firm (“Firm A”) to represent him in his divorce and related matters pending in the Virginia Beach Court system.
2. In November 2021, after S.Z. retained Firm A to represent him, Respondent began working at Firm A as an associate and was assigned to his files.
3. In February 2023, Respondent and Firm A reached an agreement related to her departure from the firm, with Respondent’s last day on March 31, 2023. Respondent did not file a motion to withdraw at that time and another attorney at Firm A was assigned to S.Z.’s case. On May 4, 2023, Respondent began working for a new law firm (“Firm B”). According to Respondent, S.Z. contacted her and indicated that he wanted her to continue the representation with her new firm, Firm B.
4. Respondent would testify that she was unsure whether she needed to file a Motion to Withdraw or a Motion to Substitute Counsel in the S.Z. case. On May 5, 2023, Respondent’s

supervisor at Firm B approved a draft Motion to Withdraw in the S.Z. case for filing. That same day a motion hearing was scheduled in the S.Z. case in front of the Honorable Steven C. Frucci. Respondent stated that she was in the Virginia Beach Circuit Court that day on another matter for another client of Firm B. Another attorney from Firm A appeared on behalf of S.Z. Respondent was present in the courtroom during the May 5, 2023 hearing on the S.Z. case but did not file any Motion to Withdraw or Substitute or mention any such motion to the Court or the Firm as an attorney at the May 5, 2023 hearing. Respondent would testify she remained unsure as to which motion should be filed.

5. On May 9, 2023, Respondent's supervisor at Firm B questioned Respondent about whether Judge Frucci had endorsed the proposed order at the May 5, 2023 hearing. Instead of acknowledging that she had not filed any motion yet, Respondent told her supervisor that it had been taken care of. Respondent would testify that she intended to take care of it promptly. Without Respondent's knowledge, Respondent's supervisor then contacted Judge Frucci to discuss the motion and proposed order. Judge Frucci advised Respondent's supervisor he had not entered any such order.

6. The following day, Respondent's supervisor again questioned Respondent about the motion, and told Respondent that Judge Frucci stated he had not signed any order. Respondent then told her supervisor that the motion and proposed order must have been lost in the clerk's office. Later that day, Respondent's supervisor again confronted Respondent about the motion and Respondent confessed that she had lied in their earlier conversations and that she had not filed or otherwise presented any motion to the court.

7. The next day, May 11, 2023, Respondent's employment was terminated by Firm B.

8. S.Z. subsequently hired a new attorney for his divorce. S.Z. would testify that he was not harmed by Respondent's misrepresentations to her supervisor.

9. By letter dated August 7, 2023, Respondent reported to Judge Frucci that she had misrepresented to her supervisor that she had filed a motion to withdraw as counsel and provided a draft order for Judge Frucci to endorse. She also stated that she offered other detailed events involving clerk's office personnel that were also lies. Respondent apologized to Judge Frucci in the August 7, 2023 letter.

10. Respondent would testify that she also apologized to her former supervisor at Firm B.

11. Respondent has no prior disciplinary record.

II. NATURE OF MISCONDUCT

By misrepresenting to her supervisor multiple times that she had filed a motion to withdraw in the S.Z. case when she had not, Respondent violated the following Rule of Professional Conduct:

RULE 4.1 Truthfulness In Statements To Others

In the course of representing a client a lawyer shall not knowingly:
(a) make a false statement of fact or law.

By misrepresenting to her supervisor multiple times that she had filed a motion to withdraw in the S.Z. case when she had not, Respondent violated the following Rule of Professional Conduct:

RULE 8.4 Misconduct

It is professional misconduct for a lawyer to:
(b) commit a criminal or deliberately wrongful act that reflects adversely on the lawyer's honesty, trustworthiness or fitness to practice law; [or]

(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation which reflects adversely on the lawyer's fitness to practice law.

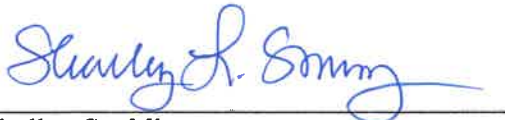
III. PROPOSED DISPOSITION

Accordingly, Shelley L. Spalding, Assistant Bar Counsel and Respondent, tender to a subcommittee of the Second District, Section I Committee 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 Second District, Section I 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



Shelley Spalding
Assistant Bar Counsel



Jennifer Terrell Dilworth
Respondent



Mary Teresa Morgan

Counsel for Respondent