



VIRGINIA:

BEFORE THE SIXTH DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

IN THE MATTER OF
Melissa Lynch Freeman

VSB Docket No. 22-060-125379

SUBCOMMITTEE DETERMINATION
(PUBLIC ADMONITION WITH TERMS)

On July 11, 2023, August 30, 2023 and August 31, 2023, meetings were held in this matter before a duly convened Sixth District Subcommittee consisting of John Tarley, Jr., Esquire, Subcommittee Chair; Adam Ruiz Kinsman, Esquire; and Donald Courtland Hill, Lay Member. During the meeting on August 31, 2023, the Subcommittee voted to approve an agreed disposition for a Public Admonition 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 Renu M. Brennan, Bar Counsel; Melissa Lynch Freeman, Respondent; and Kevin Lee Perry, Esquire, counsel for Respondent.

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

I. FINDINGS OF FACT

1. Respondent was licensed to practice law in the Commonwealth of Virginia in April 2012. By Consent Order of Impairment Suspension, her license was suspended November 29, 2021.
2. On May 1, 2018, Respondent agreed to represent Travis Plotner on child custody matters.
3. Plotner paid Respondent the sum of \$2,000.00 for the representation. Respondent did not deposit the unearned fee of \$2,000.00 in a trust account. Respondent did not have a trust account.

4. Respondent provided Plotner with invoices during the representation which reflected the activity performed, hourly rate, time spent, and fees incurred.
5. Respondent's invoices reflected that payments were transferred "from trust" to an operating account as earned. Respondent did not have a trust account.
6. Plotner was satisfied with Respondent's legal services on the custody issues.
7. The representation concluded in 2019.
8. In June 2019, Respondent still held \$760 of Plotner's funds. Respondent agreed to represent Plotner in an attempt to recover his children's medical expenses.
9. Respondent did not pursue recovery of the medical expenses and stopped communicating with Plotner.
10. Respondent did not return any portion of the unearned \$760.00 to Plotner. On March 29, 2022, unable to get in touch with Respondent, Plotner filed a bar complaint with the Virginia State Bar.

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 1.4 Communication

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

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; all other property held on behalf of a client should be placed in a safe deposit box or other place of safekeeping as soon as practicable.

(b) Specific Duties. A lawyer shall:

(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 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 indicated in paragraph (e).

III. PUBLIC ADMONITION WITH TERMS

Accordingly, it is the decision of the Subcommittee to impose a Public Admonition with

Terms. The terms are:

1. **Restitution** - On or before December 1, 2023, Respondent shall pay to Travis Plotner, in certified funds or cashier's or treasurer's check, the sum of \$760.00 and submit proof of such payment to Bar Counsel at Virginia State Bar, 1111 East Main Street, Suite 700, Richmond, Virginia 23219. Travis Plotner is not a party to this disciplinary action. Payment to Travis Plotner in accordance with this disciplinary action does not establish or create civil liability of Respondent to Travis Plotner, operate to discharge and release Respondent from claims of further liability, if any, to Travis Plotner, or impair the right of Respondent to assert any defenses to such claims.

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 September 6, 2023, a true and complete copy of the Subcommittee Determination (Public Admonition With Terms) was sent by certified mail to Melissa Lynch Freeman, Respondent, at 7402 Price Court, King George, VA 22485, Respondent's last address of record with the Virginia State Bar, and by first class mail, postage prepaid to Kevin Lee Perry, counsel for Respondent, at KANE PERRY PLC, 702 Princess Anne Street, Fredericksburg, VA 22401, and by email to klp@kaneperry.com.



Renu M. Brennan
Bar Counsel