

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

**IN THE MATTER OF
SHANNON LOUISE JONES**

VSB DOCKET NO. 23-080-128055

**AGREED DISPOSITION MEMORANDUM ORDER
TWO YEAR SUSPENSION WITH TERMS**

On Wednesday, October 16, 2024, this matter was heard, telephonically, by the Virginia State Bar Disciplinary Board upon the joint request of the parties for the Board to accept the Agreed Disposition signed by the parties and offered to the Board as provided by Part 6, Section IV, Paragraph 13-6.H of the Rules of the Supreme Court of Virginia. The panel consisted of Jennifer D. Royer, First Vice Chair, Adam M. Carroll, Robin J. Kegley, Kamala H. Lannetti, and Elisabeth Martingayle, Lay Member. The Virginia State Bar was represented by Richard W. Johnson, Jr., Assistant Bar Counsel. Shannon Louise Jones was present and was represented by counsel John Stuart Koehler, Justin Alexander Steele, and Jennifer Alettia French. The Chair polled the members of the Board as to whether any of them were aware of any personal or financial interest or bias which would preclude any of them from fairly hearing the matter to which each member responded in the negative. Court Reporter Beverly Horne, Chandler and Halasz, P.O. Box 9349, Richmond, Virginia 23227, telephone (804) 730-1222, after being duly sworn, reported the hearing and transcribed the proceedings.

WHEREFORE, upon consideration of the Agreed Disposition, the Certification, Respondent's Answer, Respondent's Disciplinary Record, the arguments of the parties, and after due deliberation,

It is **ORDERED** that the Disciplinary Board accepts the Agreed Disposition, and the Respondent shall receive a two-year Suspension with Terms, as set forth in the Agreed

Disposition, which is attached and incorporated in this Memorandum Order.

It is further **ORDERED** that the sanction is effective October 16, 2024.

It is further **ORDERED** that:

The Respondent must comply with the requirements of Part 6, Section IV, Paragraph 13-29 of the Rules of the Supreme Court of Virginia. The Respondent shall forthwith give notice by certified mail of the Suspension of her license to practice law in the Commonwealth of Virginia, to all clients for whom she is currently handling matters and to all opposing Attorneys and presiding Judges in pending litigation. The Respondent shall also make appropriate arrangements for the disposition of matters then in her care in conformity with the wishes of her clients. The Respondent shall give such notice immediately and in no event later than 14 days of the effective date of the Suspension, and make such arrangements as are required herein as soon as is practicable and in no event later than 45 days of the effective date of the Suspension. The Respondent shall also furnish proof to the Clerk of the Disciplinary System of the Virginia State Bar within 60 days of the effective date of the Suspension that such notices have been timely given and such arrangements have been made for the disposition of matters.

It is further **ORDERED** that if the Respondent is not handling any client matters on the effective date of the Suspension, she shall submit an affidavit to that effect within 60 days of the effective date of the Revocation or Suspension to the Clerk of the Disciplinary System at the Virginia State Bar. The Board shall decide all issues concerning the adequacy of the notice and arrangements required herein. The burden of proof shall be on the Respondent to show compliance. If the Respondent fails to show compliance, the Board may impose a sanction of Revocation or additional Suspension for failure to comply with the requirements of subparagraph 13-29.

The Clerk of the Disciplinary System shall assess costs pursuant to Part 6, Section IV, Paragraph 13-9.E of the Rules.

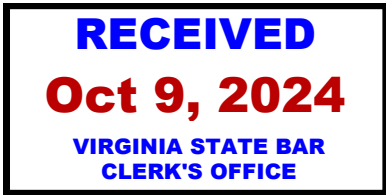
It is further **ORDERED** that an attested copy of this Order be mailed to the Respondent by electronic, regular first-class and certified mail, return receipt requested, at her last address of record with the Virginia State Bar at 40 W Main St., Salem, VA 24153-3887, and a copy by electronic mail to John Stuart Koehler, Justin Alexander Steele, and Jennifer Alettia French, Respondent's counsel, and a copy by electronic mail to Richard W. Johnson, Jr., Assistant Bar Counsel.

ENTERED THIS 16TH DAY OF OCTOBER 2024

VIRGINIA STATE BAR DISCIPLINARY BOARD



Jennifer D. Royer
First Vice Chair



VIRGINIA:

BEFORE THE DISCIPLINARY BOARD OF THE VIRGINIA STATE BAR

IN THE MATTER OF SHANNON LOUISE JONES

VS B Docket No. 23-080-128055

AGREED DISPOSITION (TWO YEAR SUSPENSION WITH TERMS)

Pursuant to the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-6.H, the Virginia State Bar, by Richard W. Johnson, Jr., Assistant Bar Counsel and Shannon L. Jones, Respondent, and John S. Koehler, Respondent's counsel, hereby enter into the following Agreed Disposition arising out of the referenced matter.

I. STIPULATIONS OF FACT

- 1. Respondent was admitted to the Virginia State Bar ("VSB") in 2008. At all relevant times, Respondent was a member of the VSB.
2. Respondent was a court-appointed guardian ad litem ("GAL") in various proceedings that are the subject of this Agreed Disposition.
3. This matter involves Respondent's submission of fraudulent billing documentation and misrepresentations regarding the nature of the work she performed as a court-appointed GAL. Between June 2021 and December 2022, Respondent fraudulently billed Virginia courts for at least \$1000.00 in services as a court appointed GAL that she had not actually provided.

BACKGROUND ON GAL BILLING PROCESS

- 4. All court-appointed GALs are required to complete form DC-540, certifying several enumerated services1 were provided.

1 The services enumerated in the DC-540 included

I HEREBY CERTIFY that I have taken the following actions in performing the duties of the guardian ad litem for the child according to the Standards to Govern the Performance of Guardians Ad Litem for Children as indicated below. (Any information provided under each listed duty should not include any confidential information.)

1. I [] have [] have not met face-to-face with the child since the last court hearing in this matter. I met face-to-face with the child for a total of _____ hours prior to today's hearing. Comments:

2. I [] have [] have not conducted an independent investigation of this matter in order to ascertain the facts of the case. Comments:

5. In addition, court-appointed GALs periodically file an itemized bill for services (the “DC-40”), which is submitted to the court for review. The DC-40 contains a certification that the claim for fees and expenses is true and accurate.
6. If the court approves the DC-40 and bill for services, the payment request is signed by the clerk of the court and forwarded to the Office of the Executive Secretary of the Supreme Court of Virginia for approval, processing and payment.

APPOINTMENT AS GAL FOR “EC” AND “CC”

7. On March 25, 2021, Judge Frank Rogers of the Roanoke Juvenile and Domestic Relations Court (“Court”) appointed Respondent as GAL for minors EC and CC in a foster care matter.
8. The Court also appointed Sammi Rader as the minors’ special advocate.
9. In December 2022, more than 19 months after Respondent was appointed, Ms. Rader alerted the Court of her concerns that Respondent had never met with EC, CC nor their foster parents.
10. Ms. Rader raised these concerns to the Court prior to a hearing scheduled for December 16, 2022.
11. During that hearing, the Court asked Respondent if she had met with the children prior to the December 16, 2022 hearing. Respondent represented to the Court that she had met with CC and EC at their school.
12. On January 3, 2023, the Court requested a meeting with Respondent regarding the inconsistency in Ms. Rader’s representation that Respondent had not met with EC or CC and Respondent’s representation that she had met with them.
13. Respondent met with Roanoke Juvenile and Domestic Relations Court Chief Judge Heather Ferguson on January 5, 2023. Respondent provided Judge Ferguson a memo dated January 3, 2023 detailing her work on behalf of the children and the contacts she had with CC and EC and their foster parents.
14. Judges Rogers and Ferguson compared Respondent’s statements during the December 16, 2022 hearing and Respondent’s January 3, 2023 memorandum with the DC-40s Respondent submitted to the Clerk of the Court.
15. Judges Rogers and Ferguson discovered that between May 2021 and August 2022, Respondent billed eight hours of time on five separate occasions (totaling 40 hours) for meeting with EC and/or CC in both the foster home or the school.

16. Respondent had not met with the foster parents as she represented she had in the DC-40s that Respondent submitted to the Court seeking to be compensated for her work as GAL.
17. Respondent never met with EC or CC.
18. Judge Rogers contacted the Roanoke City Public Schools and verified that they had no record of Respondent being present at the school EC and CC attended on the dates Respondent had listed on her billing statements.
19. By letter dated January 23, 2023, Judge Ferguson removed Respondent from all assignments as GAL in the Twenty-Third Judicial District.
20. On January 25, 2023, Judge Rogers submitted the instant complaint to the VSB.
21. During the investigation of this matter, VSB Investigator Robert Baker asked Respondent if she had seen CC's foster home and she replied that she had, but not recently.
22. During her interview with VSB Investigator Baker, Respondent asserted she did not have to check in or provide credentials at CC's school and that she did not have to follow established protocols for visitors to register with the schools.
23. When asked if she would be surprised that the school had no record of checking in or meeting with CC as set forth in her billing statements, Respondent replied, "that wouldn't surprise me because a lot of times I didn't have to check it."
24. Investigator Baker interviewed Hayley Poland, one of the administrators with the Roanoke City Public Schools. She confirmed the protocols required for visitors to enter the schools and that the school maintained a log of visitors entering the building.
25. Ms. Poland likewise confirmed that Roanoke City Public Schools had no record of Respondent being present at a school on the dates she claimed to have visited EC and CC as documented on her DC-40.
26. Ms. Poland advised that she found Respondent's statement that she was waved in without registering or following protocols to be highly improbable.
27. VSB Investigator Baker obtained permission from Judge Rogers to speak with CC.
28. In the presence of CC's new GAL, VSB Investigator Baker showed a picture of Respondent to CC and he stated that he had never seen Respondent before.
29. CC stated that the only GAL with whom he had contact was the successor GAL that was present with him for the interview with VSB Investigator Baker.

APPOINTMENT AS GAL FOR ADDITIONAL FOSTER CHILDREN

30. On occasion, Judge Ferguson is asked by the Department of Social Services to participate in training sessions with foster parents.
31. During a training session in the spring of 2023, held via “Zoom”, a participant asked what foster parents should do if a GAL does not contact them.
32. One set of foster parents stated they had had a group of foster children in their home for years and that they had never been contacted by the GAL or seen the GAL in their home.
33. Judge Ferguson determined that Respondent was the GAL appointed to represent the children living with these foster parents.
34. Respondent submitted DC-540’s certifying she had met with JD, RD, TD, and MG.
35. Judge Ferguson contacted the foster parents, Shannon and Sara Lugar, who indicated they would be willing to meet with the VSB Investigator.
36. Sara Lugar confirmed that she had four foster children in her home, JD, RD, TD and MG, and that Respondent was the appointed GAL for each child.
37. During the VSB’s investigation, VSB Investigator Baker also interviewed Respondent and asked her whether she had fulfilled her duties as a GAL and had met with JD, RD, TD and MG.
38. Respondent stated that she met with MG at the child’s school and with all four children at the Department of Social Services on June 28, 2016, December 7, 2016, September 14, 2016, July 16, 2017, September 6, 2017, and January 24, 2018.
39. VSB Investigator Baker also asked Respondent about any contact she had with the Lugars.
40. Respondent stated that she had notes of several conversations with the Lugars.
41. In fact, Respondent never met with the Lugars.
42. Respondent also never met with JD, RD, TD or MG.
43. From 2016 to 2018, Respondent submitted Form DC-40s to receive payment for meetings with MG that did not occur.
44. The VSB provided Judge Ferguson with Respondent’s written response to the bar complaint dated March 3, 2023.

45. Judge Ferguson said Respondent's statement, in her written response, that she was oftentimes appointed GAL by the clerk without Respondent's knowledge was untrue.
46. Judge Ferguson stated that a GAL could not be appointed by the clerk until a date for hearing was first cleared with the attorney to be appointed as GAL and until that attorney conducted a check for any conflict of interest.
47. Respondent has no public disciplinary record.
48. Respondent acknowledged and provided evidence of mental health diagnoses. Respondent began a medicinal regimen to treat her mental health diagnoses after the conduct described above. Respondent regularly sees a counselor.
49. Respondent closed her solo practice after the initiation of the instant bar complaint.

II. NATURE OF MISCONDUCT

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

By knowingly billing the court for GAL services that she did not actually perform, including meeting with the children, and for telling judges of the court that she had performed those services when she had not, Respondent violated Rule 3.3 (a)(1) as follows.

Rule 3.3 Candor Toward The Tribunal

(a) A lawyer shall not knowingly:

(1) make a false statement of fact or law to a tribunal;

* * * *

By knowingly billing the court for GAL services that she did not actually perform, including meeting with the children, and for telling judges of the court that she had performed those services when she had not, Respondent violated Rule 3.3 (a)(1) as follows.

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:

(a) knowingly make a false statement of material fact;

* * * *

By falsely certifying to the Court that she had performed the work on her appointments as a GAL to CC that she had not; by falsely representing to the Court that she had met with CC at school when she had not, and by submitting billing statement to be compensated for work she did not actually perform on CC's and MG's matters, Respondent violated Rule 8.4 as follows.

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;

(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, bar counsel and Respondent tender to the Disciplinary Board for its approval the agreed disposition of a two-year suspension with terms as representing an appropriate sanction if this matter were to be heard through an evidentiary hearing by a panel of the Disciplinary Board. Bar counsel and Respondent agree that the effective date for the sanction shall be the date of entry of the Disciplinary Board Order approving this Agreed Disposition. The terms with which Respondent must comply are as follows:

1. On or before November 1, 2025, Respondent will complete 6 (six) 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 Bar Counsel, promptly following his attendance of each such CLE program(s).
2. No later than thirty days after this Agreed Disposition is approved, Respondent will contact the Judges and Lawyers Assistance Program ("JLAP") to schedule an evaluation to be conducted by JLAP. Thereafter, Respondent will fully participate in the evaluation conducted by JLAP and will implement all of JLAP's recommendations. Respondent will enter into a written contract with JLAP for a minimum period of 36 months and will comply with the terms of such contract, including meeting with JLAP and its professionals, as directed. Respondent authorizes JLAP to provide monthly reports to Bar Counsel stating

whether Respondent is in compliance with JLAP's contract with Respondent. Pursuant to Paragraph 13-18.O, bar counsel will monitor Respondent's compliance with the JLAP contract. If a JLAP representative and Bar Counsel determine that Respondent is not in substantial compliance with his/her contract, Bar Counsel will serve notice requiring Respondent to show cause why the alternative disposition will not be imposed.

3. On or before December 1, 2024, Respondent shall pay to the Commonwealth of Virginia, the sum of \$2707.00 and submit proof of such payment to Bar Counsel at Virginia State Bar, 1111 East Main Street, Suite 700, Richmond, Virginia 23219

Upon satisfactory proof that all terms and conditions have been met, this matter shall be closed.


If, however, any of the terms and conditions is not met by the deadlines imposed above, Respondent agrees that the Disciplinary Board shall impose a revocation of Respondent's license to practice law, pursuant to Rules of Court, Part Six, Section IV, Paragraph 13-18.O.


Prior to having her license reinstated in Virginia, Respondent must comply with the requirements set forth in the Rules of Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-25.D.

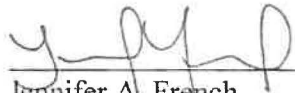
The Virginia State Bar and Respondent agree that, should the panel of the Disciplinary Board reject this Agreed Disposition, the panel retains jurisdiction to hear this matter on November 15, 2024 or anytime thereafter.

If the Agreed Disposition is approved, the Clerk of the Disciplinary System shall assess costs pursuant to ¶ 13-9.E of the Rules.

THE VIRGINIA STATE BAR

By: 
Richard W. Johnson Jr.
Assistant Bar Counsel


Shannon Louise Jones
Respondent


Jennifer A. French
Respondent's Counsel