



VIRGINIA:

BEFORE THE FIFTH DISTRICT, SECTION III SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

IN THE MATTER OF
Christopher Broughton Shedlick

VSB Docket No. 18-053-109901
VSB Docket No. 18-053-110818

SUBCOMMITTEE DETERMINATION
(PUBLIC REPRIMAND WITH TERMS)

On May 11, 2018 a meeting was held in this matter before a duly convened Fifth District, Section III Subcommittee consisting of Timothy Mark Purnell, Chair Presiding; Laurie Lea Kirkland, Member; and Mark A. Ausbrooks, 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. The agreed disposition was entered into by the Virginia State Bar, by Elizabeth K. Shoenfeld, Assistant Bar Counsel, and Christopher Broughton Shedlick, Respondent, *pro se*.

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

I. FINDINGS OF FACT

1. Respondent is a member in good standing of the VSB. Between October 11, 2017 and November 30, 2017, Respondent's license to practice law in Virginia was administratively suspended as a result of his failure to pay his dues on time. Respondent told a VSB investigator that he did not practice law in Virginia during the time his license was suspended.

Docket No. 18-053-109901 (Trust Account Overdraft)

2. On July 18, 2017, the VSB received a notice of trust account overdraft from Respondent's bank. The overdraft resulted from a check that was deposited on May 31, 2017.

3. Respondent said that the overdraft arose from a settlement he received on behalf of his client S.L. On May 16, 2017, he and his client endorsed the check. That same date, he gave his client his portion of the settlement but instructed his client not to negotiate the check for a few days to allow it time to clear. Despite Respondent's request, the client went to the bank the same day and attempted to negotiate the check, causing the overdraft.
4. On July 31, 2017, the bar received a second notice of trust account overdraft from Respondent's bank. This resulted from a check that was deposited on July 14, 2017. Respondent said that the overdraft arose from a settlement on behalf of client K.H. As with S.L., on July 14, 2018, he asked K.H. to come into the office to co-sign the check so that he could deposit it into his trust account. He also gave K.H. a check for her portion of the proceeds the same day. Respondent instructed K.H. not to negotiate the check for a few days, but K.H. also attempted to negotiate the check that same day, resulting in the overdraft.
5. Respondent told the VSB investigator that he understands that the post-dating of checks is not enforceable. He said that he has ceased this practice and now requires that the client come back in to receive his/her check after the settlement check has cleared.

Rules Violated: 8.4(a) in conjunction with 1.15(b)(5); also 1.15 (c)(2), d(3-4).

Docket No. 18-053-110818 (Additional Trust Account Overdraft)

6. On October 24, 2017, the VSB received notice of an additional trust account overdraft regarding a check that was presented on October 12, 2017.
7. The overdraft was caused by a \$2,533 check written to Seven Corners Health and Rehab with regard to treatment of Respondent's client, M.N. At the time Respondent wrote the check, the trust account had a balance of \$1,347.16.
8. Respondent's bank honored the check to Seven Corners Health and Rehab even though Respondent did not have sufficient funds in his trust account to cover it.
9. Respondent could not explain to the VSB investigator why this overdraft occurred or whose money was in the trust account when he wrote the check.

Rules Violated: 1.15(b)(5), (c)(2), d(3-4).

Facts Common to Both Counts

10. During an interview with a VSB investigator regarding these two matters, Respondent acknowledged that he did not keep client subsidiary ledgers, although client subsidiary ledgers could be created from the records he does have.
11. Respondent also acknowledged that he did not reconcile his trust account in accordance with Virginia Rule of Professional Conduct 1.15(d)(3).

II. NATURE OF MISCONDUCT

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

RULE 1.15 Safekeeping Property

...

(b) Specific Duties. A lawyer shall:

(1) promptly notify a client of the receipt of the client's funds, securities, or other properties;

...

(5) not disburse funds or use property of a client or third party without their consent or convert funds or property of a client or third party, except as directed by a tribunal.

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

...

(2) A subsidiary ledger containing a separate entry for each client, other person, or entity from whom money has been received in trust.

The ledger should clearly identify:

(i) the client or matter, including the date of the transaction and the payor or payee and the means or methods by which trust funds were received, disbursed or transferred; and

(ii) any unexpended balance.

...

(d) Required Trust Accounting Procedures. In addition to the requirements set forth in Rule 1.15 (a) through (c), the following minimum trust accounting procedures are applicable to all trust accounts.

...

(3) Reconciliations.

(i) At least quarterly a reconciliation shall be made that reflects the trust account balance for each client, person or other entity.

(ii) A monthly reconciliation shall be made of the cash balance that is derived from the cash receipts journal, cash disbursements journal, the trust account checkbook balance and the trust account bank statement balance.

(iii) At least quarterly, a reconciliation shall be made that reconciles the cash balance from (d)(3)(ii) above and the subsidiary ledger balance from (d)(3)(i).

(iv) Reconciliations must be approved by a lawyer in the law firm.

(4) The purpose of all receipts and disbursements of trust funds reported in the trust journals and ledgers shall be fully explained and supported by adequate records.

RULE 8.4 Misconduct

It is professional misconduct for a lawyer to:

(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;

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:

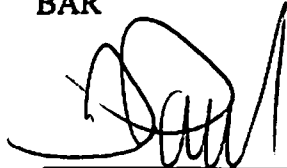
- 1. Respondent shall review Virginia Rule of Professional Conduct 1.15 and the VSB publication Lawyers and Other People's Money, 5th Edition, available on the Virginia State Bar's website at www.vsb.org. This term shall be met by August 31, 2018. Upon completion of this Term, Respondent shall so certify in writing to the Assistant Bar Counsel assigned to this case.**
- 2. Respondent shall enroll and attend six (6) hours of continuing legal education (CLE) in the substantive area of trust accounting and/or law office management, which hours shall not be credited toward Respondent's compliance with his annual mandatory CLE requirement. This term shall be met by August 31, 2018. Upon completion of this Term, Respondent shall so certify in writing to the Assistant Bar Counsel assigned to this case.**

3. Respondent shall submit to a random review of his trust account records by a Virginia State Bar Investigator or other agent of the Bar during the course of the next 12 months for the purpose of ascertaining his compliance with the escrow account maintenance and record-keeping requirements of Rule 1.15 of the Virginia Rules of Professional Conduct. Respondent shall reasonably cooperate with the Investigator or bar agent in submitting to such random review and making available bank records, cancelled checks, checkbooks, subsidiary ledgers, cash receipts journals, cash disbursements journals, evidence of reconciliations, and any and all other documents necessary for the completion of the review.

If any of the terms is 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 hold a hearing and Respondent shall be required to show cause why a Certification for Sanction Determination should not be imposed. 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.

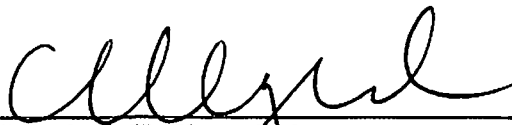
FIFTH DISTRICT, SECTION III
SUBCOMMITTEE OF THE VIRGINIA STATE
BAR



Timothy Mark Purnell
Subcommittee Chair

CERTIFICATE OF MAILING

I certify that on 5/22/18, a true and complete copy of the Subcommittee Determination (Public Reprimand with Terms) was sent by certified mail to Christopher Broughton Shedlick, Respondent, at 6408-R Seven Corners Place, Falls Church, VA 22044, Respondent's last address of record with the Virginia State Bar.



Elizabeth K. Shoenfeld
Assistant Bar Counsel