

**THE FOLLOWING INFORMAL ADMONITION WAS ISSUED
BY BAR COUNSEL ON
June 30, 2006**

Vandy L. Jamison, Jr., Esquire
729 8th Street, S.E.
Suite 350
Washington, D.C. 20003

***Via Certified Mail 7160 3901 9849 4835 8786
and first class post***

Re: *In re Vandy L. Jamison, Jr., Bar Docket No. 2006-D045*
Bar Registration No. 437771

Dear Mr. Jamison:

This office has completed its investigation of the above-referenced matter. We find that your conduct reflected a disregard of certain ethical standards under the District of Columbia Rules of Professional Conduct (the "Rules"). We are, therefore, issuing you this Informal Admonition pursuant to D.C. Bar Rule XI, §§ 3, 6, and 8.

We docketed this matter for investigation based upon the allegation of your client's mother that she retained your services to represent her son in a criminal matter in the Superior Court of the District of Columbia. She states that by the end of December 2005, you had not entered your appearance in the case, although she had paid the entire retainer to you by October 7, 2005.

You responded on February 13, 2006, and, to further questions from this office, on March 2, 2006. You state that you filed a praecipe of appearance on September 21, 2005, and that you fully refunded the retainer on January 18, 2006, when you withdrew from the representation. This office received further information from you in an office interview on May 19, 2006.

We find the following: Your client's mother paid you a partial retainer on September 15, 2005 and the balance on October 7, 2005. You visited her son at the jail once in September and again in October 2005. The son was represented at the time you were retained by appointed defense counsel and several trial dates had previously been scheduled in his matter but vacated. Five different attorneys had represented the son prior to the time you were retained. By September 21, 2005, when you state that you entered your appearance in this case, the court jacket listed a November 14, 2005 trial

date.¹ You did not sufficiently review the court jacket and were not aware of this date. The court, your client's appointed counsel, and the prosecutor were all unaware of your role in the case because your praecipe never became part of the court file and you did not contact any of them. In November, when a hearing was held and the court scheduled the January 17, 2006 trial date, appointed counsel appeared and represented the client's interests. Neither the client nor his mother understood why you did not appear and the mother states that she complained to you. Despite this notice that a hearing was held in your absence, you did not check the court's record to see why you had not been notified.

Between September 2005 and January 2006, you did not talk to the prosecutor or your client's appointed counsel nor did you check the court jacket. You state that you believed that a status date had been scheduled for January 17, 2006, although it is not clear why you knew of the date but not the correct reason for the date.

You state that on January 13, 2006, you discovered that the January 17, 2006 date was not a status date but a trial date. You went to the judge's chambers, discussed the situation with the judge, obtained discovery material from the judge (which had been provided to the court and prior counsel), and attempted to prepare for trial. On January 17, 2006, the judge agreed to pick a jury immediately but to postpone the trial until January 30, 2006, to allow you time to prepare. On January 18, 2006, you returned to court and moved to withdraw because your client had requested that you do so. The court allowed you to withdraw and re-appointed prior counsel to step in immediately and represent the client at trial. Prior appointed counsel was prepared for trial since he was not aware that you had been retained and had not withdrawn from the representation. Therefore, the trial was not continued and the client always had a defense counsel representing his interests. On January 18, 2006, you fully refunded the retainer.²

We find your representation in this case violated Rules 1.1 (a) and (b) (competence) and 1.3 (a) and (c) (diligence and zeal). Your failures to note the November trial date, to check the court jacket to make sure that your praecipe was entered, to communicate with appointed defense counsel and the prosecutor, and to review discovery material prior to January 13, 2006, all constitute violations of Rules 1.1 (a) and (b) and 1.3 (a) and (c).

¹ On October 26, 2005, the trial date was vacated and on November 2, 2005, a trial date of January 17, 2006 was scheduled.

² We note that your retainer agreement uses the term "non-refundable retainer." See District of Columbia Legal Ethics Opinion 264 (February 14, 1996) (commenting unfavorably on the use of this term).

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In deciding to issue this Informal Admonition, this office took into consideration that you have no disciplinary record, you returned the entire retainer fee before you were notified that a complaint had been filed against you, you fully cooperated with this office, your client's trial was not delayed, your client's interests were not prejudiced, and you have shown a recognition and an understanding of the ethical issues and your deficiencies in this case.

This letter constitutes an Informal Admonition pursuant to D.C. Bar Rule XI, §§ 3, 6, and 8 and is public when issued. Please refer to the attachment to this letter of Informal Admonition for a statement of its effect and your right to have it vacated and have a formal hearing before a Hearing Committee.

If you would like to have a formal hearing, you must submit a written request for a hearing to the Office of Bar Counsel, with a copy to the Board on Professional Responsibility, within 14 days of the date of this letter, unless Bar Counsel grants an extension of time. If a hearing is requested, this Informal Admonition will be vacated, and Bar Counsel will institute formal charges pursuant to D.C. Bar R. XI, § 8 (b). The case will then be assigned to a Hearing Committee, and a hearing will be scheduled by the Executive Attorney for the Board on Professional Responsibility pursuant to D.C. Bar R. XI, § 8 (c). Such a hearing could result in a recommendation to dismiss the charges against you or a recommendation for a finding of culpability, in which case the sanction recommended by the Hearing Committee is not limited to an Informal Admonition.

Sincerely,

Wallace E. Shipp, Jr.
Bar Counsel

Enclosure: Attachment to Letter of Informal Admonition

cc (w/o Encl.): Ms. Moses

WES:EAH:gjh

