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**VIRGINIA STATE BAR
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VIRGINIA:

BEFORE THE SECOND DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

IN THE MATTER OF
LOWELL ALAN STANLEY

VSb DOCKET NO. 17-021-109667

SUBCOMMITTEE DETERMINATION
(PUBLIC REPRIMAND WITHOUT TERMS)

On June 28, 2018, a meeting was held in this matter before a duly convened Second District Subcommittee consisting of Bruce D. Jones, Jr., Chair, Raietta M. Johnson, Lay Member, and Christopher I. Jacobs, 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 subsequently entered into by the Virginia State Bar, by M. Brent Saunders, Senior Assistant Bar Counsel, and Lowell Alan Stanley, Respondent.

WHEREFORE, the Second District Subcommittee of the Virginia State Bar hereby serves upon Respondent the following Public Reprimand Without Terms:

I. FINDINGS OF FACT

1. At all times relevant hereto, Respondent was an attorney licensed to practice law in the Commonwealth of Virginia.
2. In April 2012, Leah Butler ("Butler") retained Respondent to represent her in obtaining a monetary recovery for injuries she suffered in a motor vehicle accident.
3. Butler received treatment from several providers including Ghent Chiropractic, PC ("Ghent"). The same month she hired Respondent, she signed an Irrevocable Assignment, Authorization and Lien ("Assignment"), pursuant to which she granted Ghent a voluntary assignment of the proceeds of any recovery obtained as a result of the motor vehicle accident up to the full amount owed to Ghent and directed her attorney to pay such sum directly to Ghent.

4. In April/May 2012 and again in October 2012, Ghent sent a copy of the Assignment to Respondent's office via certified mailings. Certified mail receipts and Respondent's own file notes establish that Respondent's office received a copy of the Assignment on both occasions. Included with the second copy of the Assignment mailed to Respondent's office was Butler's final bill totaling almost \$9,000.00, which constituted about 75% of the total medical expenses Butler would claim for the accident.

5. On November 17, 2015, following a settlement conference, Butler settled her case for \$18,418.00.

6. In disbursing the settlement proceeds, Respondent did not fully honor the Assignment, and instead issued payment to Ghent in the amount of only \$750.00, via check dated December 2, 2015, which he sent to Ghent via a letter dated December 16, 2015, in which he stated "[u]nfortunately, we did not receive as much as we had hoped for, making it impossible for everyone to be paid in full. Therefore, I have been forced to make adjustments with regard to the disbursement of funds for this matter. I have enclosed a draft in the amount of \$750.00 which I would ask that you accept as full and final payment of Leah R. Butlers (sic.) outstanding balance."

7. Respondent did not preserve the balance of the funds claimed by Ghent and instead disbursed them to himself and/or other parties.

8. Subsequent to the filing of this complaint in June 2017, Respondent satisfied Ghent's claim in full utilizing personal funds.

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:

(4) promptly pay or deliver to the client or another as requested by such person the funds, securities, or other properties in the possession of the lawyer that such person is entitled to receive; and

(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.

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 Lowell Alan Stanley is hereby

so reprimanded. 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.

SECOND DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

By: _____

Bruce D. Jones, Jr.
Chair

CERTIFICATE OF MAILING

I certify that on the 7th day of JULY, 2018, a true and complete copy of the Subcommittee Determination (Public Reprimand Without Terms) was sent by certified mail to Lowell Alan Stanley, Respondent, at 6330 Newtown Rd., Ste. 324, PO Box 12639, Norfolk, VA 23541-0639, Respondent's last address of record with the Virginia State Bar, and by first class mail, postage prepaid, to Reeves Watkins Mahoney, counsel for Respondent, at Mahoney Nashatka Richmond, PLLC, 4705 Columbus St Ste 101, Virginia Beach, VA 23462.

M. Brent Saunders

M. Brent Saunders
Senior Assistant Bar Counsel