



VIRGINIA:

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

IN THE MATTER OF  
Vincent Mark Amberly

VSB Docket No. 17-053-107711

SUBCOMMITTEE DETERMINATION  
(PUBLIC REPRIMAND WITHOUT TERMS)

On June 21, 2018 a meeting was held in this matter before a duly convened Fifth District, Section III Subcommittee consisting of Peter John Schwartz, Chair Presiding; John Ara Kassabian, Member; and Robert L. Marsh, Lay 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 entered into by the Virginia State Bar, by Elizabeth K. Shoenfeld, Assistant Bar Counsel, and Vincent Mark Amberly, Respondent, *pro se*.

WHEREFORE, the Fifth District, Section III Subcommittee of the Virginia State Bar hereby serves upon Respondent the following Public Reprimand without Terms:

I. FINDINGS OF FACT

1. In summer 2013, Complainant Yvonne Petrie advertised on CraigsList for an in-house counsel. Although Ms. Petrie called the position “in-house counsel,” the advertisement stated that hours would be “flexible and on an as needed basis” and that the attorney would be paid by the hour as an independent contractor.
2. Respondent replied to the advertisement and interviewed for the position on August 9, 2013.
3. During the interview, Ms. Petrie and Respondent agreed that Respondent would work for an hourly rate of \$65. According to Respondent, the \$65 rate was simply a trial rate for the first few months, with the understanding that if his representation of Ms. Petrie worked out, the rate would be revisited.

4. Ms. Petrie retained Respondent immediately following his interview. She paid him an advanced legal fee of \$650. Respondent did not deposit this advanced legal fee into his trust account.
5. Respondent told the bar's investigator that between August 2013 and November 2016, he did not have a trust account. Respondent acknowledged that on other occasions, he had deposited client checks for expenses into his business account and then paid the expenses from his business account.

## II. NATURE OF MISCONDUCT

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

### 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.

## 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 Vincent Mark Amberly 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.

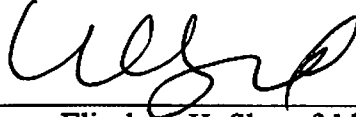
FIFTH DISTRICT, SECTION III  
SUBCOMMITTEE OF THE VIRGINIA  
STATE BAR

By: \_\_\_\_\_

Peter John Schwartz  
Subcommittee Chair

CERTIFICATE OF MAILING

I certify that on 8/28/18, a true and complete copy of the Subcommittee Determination (Public Reprimand without Terms) was sent by certified mail to Vincent Mark Amberly, Respondent, at 129 Harrison Street, NE, Leesburg, Virginia 20176, Respondent's last address of record with the Virginia State Bar.



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Elizabeth K. Shoenfeld  
Assistant Bar Counsel

VIRGINIA:

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

IN THE MATTER OF  
VINCENT MARK AMBERLY

VS B Docket No. 17-053-107711

AGREED DISPOSITION  
PUBLIC REPRIMAND WITHOUT TERMS

Pursuant to the Rules of the Supreme Court of Virginia, Part 6, § IV, ¶ 13-15.B.4, the Virginia State Bar, by Elizabeth K. Shoenfeld, Assistant Bar Counsel, and Vincent Mark Amberly, Respondent, *pro se*, hereby enter into the following agreed disposition arising out of this matter.

I. STIPULATIONS OF FACT

1. In summer 2013, Complainant Yvonne Petrie advertised on CraigsList for an in-house counsel. Although Ms. Petrie called the position "in-house counsel," the advertisement stated that hours would be "flexible and on an as needed basis" and that the attorney would be paid by the hour as an independent contractor.
2. Respondent replied to the advertisement and interviewed for the position on August 9, 2013.
3. During the interview, Ms. Petrie and Respondent agreed that Respondent would work for an hourly rate of \$65. According to Respondent, the \$65 rate was simply a trial rate for the first few months, with the understanding that if his representation of Ms. Petrie worked out, the rate would be revisited.
4. Ms. Petrie retained Respondent immediately following his interview. She paid him an advanced legal fee of \$650. Respondent did not deposit this advanced legal fee into his trust account.
5. Respondent told the bar's investigator that between August 2013 and November 2016, he did not have a trust account. Respondent acknowledged that on other occasions, he had deposited client checks for expenses into his business account and then paid the expenses from his business account.

II. NATURE OF MISCONDUCT

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

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.

III. PROPOSED DISPOSITION

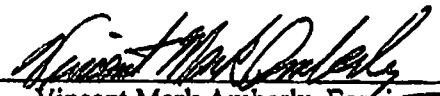
Accordingly, Assistant Bar Counsel and Respondent tender to a subcommittee of the Fifth District Committee, Section III for its approval the agreed disposition of a Public Reprimand without Terms as representing an appropriate sanction if this matter were to be heard through an evidentiary hearing by the Fifth District Committee, Section III.

If the agreed disposition is approved, the Clerk of the Disciplinary System shall assess an administrative fee.

Pursuant to Part 6, § IV, ¶ 13-30.B of the Rules of the Supreme Court of Virginia, Respondent's prior disciplinary record shall be furnished to the subcommittee considering this agreed disposition.

THE VIRGINIA STATE BAR

  
Elizabeth K. Shoenfeld  
Assistant Bar Counsel

  
Vincent Mark Amberly, Esquire  
Respondent