

VIRGINIA:

VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF DOROTHEA PATRICIA KRAEGER, ESQUIRE
VSB Docket Number 06-000-3439

ORDER AND OPINION

This matter came on the 16th day of May, 2006, to be heard on the Agreed Disposition of the Virginia State Bar and the Respondent, as a result of a Rule to Show Cause and Order of Suspension and Hearing entered on April 28, 2006. The Agreed Disposition was considered by a duly convened panel of the Virginia State Bar Disciplinary Board consisting of Robert E. Eicher, Glenn M. Hodge, Carl A. Eason, Werner H. Quasebarth, and Peter A. Dingman, presiding.

Alfred L. Carr, Esquire, representing the Bar, and the Respondent, Dorothea Patricia Kraeger, Esquire, presented an endorsed Agreed Disposition. The hearing was transcribed by Tracy J. Stroh, Court Reporter, Chandler & Halasz, P.O. Box 9349, Richmond, VA 23227, (804) 730-1222.

Having considered the Certification and the Agreed Disposition, it is the decision of the Board that the Agreed Disposition be accepted, and the Virginia State Bar Disciplinary Board finds by clear and convincing evidence as follows:

1. At all times relevant hereto, the Respondent, Dorothea Patricia Kraeger (hereinafter Respondent), has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. On March 23, 2005, the Disciplinary Commission of the Supreme Court of Arizona suspended Ms. Kraeger from the practice of law for a period of four years for conduct in violation of her duties and obligations as a lawyer. (*Exhibit A*)

3. The Disciplinary Commission, upon reinstatement of her license to practice law in Arizona, shall place Ms. Kraeger on two years probation. (*Id.*)

4. Mitigating factors recognized by the ABA include the following:

The Disciplinary Commission of the Supreme Court of Arizona found six mitigating factors: a) absence of a prior disciplinary history; b) personal and emotional problems; c) timely good faith effort to make restitution or to rectify consequences of misconduct; d) full and free disclosure to disciplinary board or cooperative attitude toward proceedings; e) character or reputation, and; f) remorse. (*Id.*)

5. Aggravating factors recognized by the ABA include the following:

The Disciplinary Commission of the Supreme Court of Arizona found three aggravating factors: a) a pattern of misconduct; b) multiple offenses; and c) substantial experience in the practice of law. (*Id.*) The Respondent and the Virginia State Bar agree that the same sanction should be imposed in Virginia.

STIPULATION OF MISCONDUCT

The aforementioned conduct on the part of the Respondent constitutes a violation of the following Rules of Professional Conduct:

RULE 1.1 Competence

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.

RULE 1.2 Scope of Representation

- (a) A lawyer shall abide by a client's decisions concerning the objectives of representation, subject to paragraphs (b), (c), and (d), and shall consult with the client as to the means by which they are to be pursued. A lawyer shall abide by a client's decision, after consultation with the lawyer, whether to accept an offer of settlement of a matter. In a criminal case, the lawyer shall abide by the client's decision, after consultation with the lawyer, as to a plea to be entered, whether to waive jury trial and whether the client will testify.

RULE 1.3 Diligence

- (a) A lawyer shall act with reasonable diligence and promptness in representing a client.

RULE 1.4 Communication

- (a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.
- (b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.
- (c) A lawyer shall inform the client of facts pertinent to the matter and of communications from another party that may significantly affect settlement or resolution of the matter.

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;

Upon consideration of the Agreement to Imposition of Reciprocal Discipline before this panel of the Disciplinary Board, it is hereby ORDERED that, pursuant to Part 6, § IV, ¶ 13(I)(7) of the *Rules of Virginia Supreme Court*, that the Respondent, Dorothea Patricia Kraeger, Esquire, shall receive a four-year suspension of her license to practice law in the Commonwealth of Virginia, commencing April 28, 2006, as representing the appropriate reciprocal discipline

pursuant to Pt. 6, § IV, ¶ 13(I)(7) of the Rules of the Supreme Court of Virginia. Whereupon reinstatement of Respondent's license to practice law in the State of Arizona, she shall be on probation for two years per the conditions set forth in the Judgment and Order of the Supreme Court of Arizona, and for so long as the Supreme Court of Arizona probation is in effect.

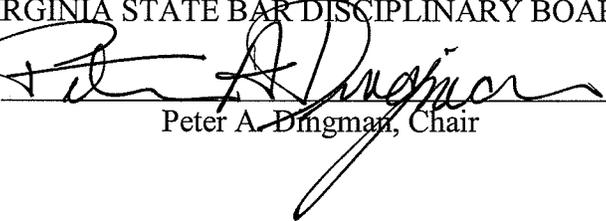
IT IS FURTHER ORDERED that, pursuant to Part Six, § IV, ¶ 13(B)(8)(c)(1) of the Rules of the Supreme Court, the Clerk of the Disciplinary System shall assess costs.

IT IS FURTHER ORDERED that, as directed in the Board's April 28, 2006 Order in this matter, a copy of which was served on the Respondent by certified mail, the Respondent must comply with the requirements of Part 6, § IV, ¶ 13(M) of the *Rules of Virginia Supreme Court*. The time for compliance with said requirements runs from April 28, 2006, the effective date of the Rule to Show Cause and Order of Suspension and hearing. All issues concerning the adequacy of the notice and arrangements required by that Order shall be determined by the Board.

It is further ORDERED that a copy teste of this Order shall be mailed by Certified Mail, Return Receipt Requested, to the Respondent, at 1545 West Avalon Drive, Phoenix, AZ 85015, her last address of record with the Virginia State Bar, and to Assistant Bar Counsel Alfred L. Carr, Virginia State Bar, 100 North Pitt Street, Suite 310, Alexandria, VA 22314.

Enter this Order this 16th day of May, 2006.

VIRGINIA STATE BAR DISCIPLINARY BOARD

By: 

Peter A. Dingman, Chair