

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

**IN THE MATTER OF
ANDREW MARK STEINBERG**

VS B DOCKET NOS. 06-000-2058

ORDER OF SUSPENSION

THIS MATTER came on to be heard on January 27, 2006, at 9:00 a.m., in Courtroom Court C of the State Corporation Commission, Tyler Building, 1300 East Main Street, Second Floor, Richmond, Virginia 23219, before a panel of the Disciplinary Board consisting of Robert L. Freed, Chair, David R. Schultz, Joseph R. Lassiter, Russell W. Updike, and Stephen A. Wannall, Lay member. The Virginia State Bar was represented by Edward L. Davis, Assistant Bar Counsel, The respondent, Andrew Mark Steinberg, appeared in person *pro se*.

The court reporter, Valarie L. Schmit May, RPR, of Chandler & Halasz, Post Office Box 9349, Richmond, Virginia 23227, (804)730-1222, was duly sworn by the Chair and thereupon reported the hearing and transcribed the proceedings.

The Chair inquired of the members of the panel of the Board whether any of them had any personal or financial interest or any bias that would preclude their hearing this matter fairly and impartially, to which inquiry each member and the Chair answered in the negative.

The matter came before the Board on the Board's Rule to Show Cause why the Respondent's license to practice law in the Commonwealth of Virginia should not be suspended by reason of the disciplinary suspension of his license to practice law in the District of Columbia.

Bar counsel made an opening statement and thereafter VSB Exhibits 1, 2, 3 were admitted without objection.

Respondent moved to have the hearing dismissed or continued on the grounds that he had not received adequate or proper notice of the hearing. More particularly he argued that since he was out of town for approximately three weeks and did not pick up his mail until six days prior to the scheduled hearing, the notice failed to meet the requirements of Part 6, Section IV, Paragraph 13.I.7., of the Rules of the Supreme Court of Virginia “Rules”. He did however admit that the notice was properly mailed in accordance with such Rules. The Chair denied the motion and the hearing proceeded.

The Bar then moved to deny Respondent the opportunity to present any evidence because Respondent had not filed a written response to the Rule to Show Cause under Part 6, Section IV, Paragraph 13.I.7.b and f. The Board agreed with the Bar that as a matter of fact Respondent had not timely filed a response and had not complied with the Rule. However, it also noted that the cover letter from the Clerk’s office dated January 3, 2006 which accompanied the Rule to Show Cause stated that the Respondent “may” file a written response rather than using the mandatory word “shall.” For this reason the Board believed the Respondent should be entitled to present evidence. Bar counsel objected and moved to continue the hearing, which motion was taken under advisement by the Chair.

Respondent then gave testimony under oath as regarding the disciplinary hearing in the District of Columbia. He admitted to the Board that even though he believed such hearing was flawed and he was denied due process and a fair hearing he did not exhaust his appeal remedies since he stated he had no intention to further practice in the District of Columbia. Respondent offered no further evidence.

After closing arguments by Bar Counsel and Respondent the Board adjourned to deliberate.

I. FINDINGS OF FACT

The Board makes the following findings of fact based on clear and convincing evidence, to wit:

1. At all times relevant hereto, the Respondent has been an attorney licensed to practice law in the Commonwealth of Virginia, and his address of record with the Virginia State Bar has been 3581 Sherbrooke Circle, Woodbridge, Virginia 22192.

2. The Rule to Show Cause was properly issued and duly served on the Respondent by certified mail on January 3, 2006, at his address of record with the Virginia State Bar.

3. The Respondent has not filed any response to the Rule to Show Cause and has not presented any evidence at the hearing to rebut by clear and convincing evidence the provision of Rule 13.I.7.D (1) (2) or(3).

4. By Order of the District of Columbia Court of Appeals, dated on July 7, 2005, the Respondent has been suspended from the practice of law in the District of Columbia for a period of sixty days and ordered to make restitution to his client in the amount of \$750.00 plus interest at 6% per annum, subject to reinstatement upon his compliance with the conditions imposed in the Order.

II. DISPOSITION

The Board notes that if the Respondent fails to file a timely written response to the Rule to Show Cause, or fails to appear at the hearing on the Rule to Show Cause, the Board is required to impose the same discipline on the Respondent that was imposed in the District of Columbia. Rules of the Supreme Court of Virginia, Pt. 6, § IV, Para. 13(I)(6)(f).

Accordingly, it is ORDERED that the Respondent's license to practice law in the Commonwealth of Virginia be and hereby is SUSPENDED for a period of sixty days, effective December 29, 2005 and it is further ordered that he make restitution to his client in the amount of \$750.00 with interest at 6% per annum; provided, however, that such actual suspension shall continue in effect until the Virginia State Bar receives verification satisfactory to it that the Respondent has complied with such restitution order.

It is further ORDERED that, as directed in the Board's Summary Order of December 28, 2005, in this matter, the Respondent shall comply with the requirements of Part 6, § IV, Para 13(M) of the Rules of the Supreme Court of Virginia. The Respondent shall forthwith give notice by certified mail, return receipt requested, of the suspension of his license to practice law in the Commonwealth of Virginia, to all clients for whom he is currently handling matters and to all opposing attorneys and presiding judges in pending litigation. The Respondent shall also make appropriate arrangements for the disposition of matters then in his care in conformity with the wishes of his clients. The Respondent shall give such notice within 14 days of the effective date of the Summary Order entered herein, and make such arrangements as are required herein within 45 days of the effective date of the Summary Order. The Respondent shall also furnish proof to the Bar within 60 days of the effective day of the Summary Order that such notices have been timely given and such arrangements made for the disposition of matters.

It is further ORDERED that if the Respondent is not handling any client matters on the effective date of the Summary Order, he shall submit an affidavit to that effect to the Clerk of the Disciplinary System at the Virginia State Bar. All issues concerning the adequacy of the notice and arrangements required by Part 6, § IV, Para. 13(M) shall be determined by the Virginia State

Bar Disciplinary Board, unless the Respondent makes a timely request for hearing before a three-judge court.

It is further ORDERED that pursuant to Part 6, § IV, Para. 13(B)(8)(c) of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess all costs against the Respondent.

It is further ORDERED that the Clerk of the Disciplinary System shall mail an attested copy of this order to the Respondent at his address of record with the Virginia State Bar, being 3581 Sherbrooke Circle, Woodbridge, Virginia 22912, by certified mail, return receipt requested, and by regular mail or hand deliver to Edward L. Davis, Assistant Bar Counsel, Virginia State Bar, 707 East Main Street, Suite 1500, Richmond, Virginia 23219.

Enter this Order this 10th day of February, 2006.

VIRGINIA STATE BAR DISCIPLINARY BOARD

A handwritten signature in cursive script, appearing to read "Robert L. Freed", with a long horizontal line extending to the right.

Robert L. Freed, Chair