

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF  
KENNETH DENNIS SISK

VS. Docket No. 05-032-4386

**Order of Revocation Upon Consent**

Came this day Deputy Bar Counsel Harry M. Hirsch who delivered to the Clerk of the Disciplinary System the Affidavit of Consent to Revocation of Kenneth Dennis Sisk pursuant to Rules of Court, Part Six, Section IV, Paragraph 13.L. and no objection having been made by the Office of Bar Counsel to said consent to revocation;

IT IS ORDERED that the license to practice law in the Commonwealth of Virginia of Kenneth Dennis Sisk is herewith REVOKED effective upon entry of this order.

The Affidavit of Consent to Revocation shall be attached to this order and made a part hereof.

IT IS FURTHER ORDERED that, in accordance with Rules of Court, Part Six, Section IV, Paragraph 13.M., Kenneth Dennis Sisk shall forthwith give notice by certified mail, return receipt requested, of the revocation 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. Kenneth Dennis Sisk shall also make appropriate arrangements

for the disposition of matters then in his care in conformity with the wishes of his clients. Kenneth Dennis Sisk shall give such notice within fourteen (14) days of the effective date of the revocation and make such arrangements as are required herein within forty-five (45) days of the effective date of the revocation. Kenneth Dennis Sisk shall furnish proof to the bar within sixty (60) days of the effective date of the revocation that such notices have been timely given and such arrangements for the disposition of matters made. Issues concerning the adequacy of the notice and arrangements required herein shall be determined by the Virginia State Bar Disciplinary Board, which may impose a sanction of revocation or suspension for failure to comply with the requirements of Paragraph 13.M.

IT IS FURTHER ORDERED that the Clerk of the Disciplinary System shall assess costs pursuant to Rules of Court, Part Six, Section IV, Paragraph 13.B.8.c.

ENTERED THIS 31<sup>st</sup> DAY OF August, 2005

for Virginia State Bar Disciplinary Board

Barbara S. Lewis

Agreed:



Harry M. Hirsch  
Deputy Bar Counsel  
Virginia State Bar  
Suite 1500  
707 East Main Street  
Richmond, VA 23219  
804-775-0560

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AUG 31 2005

VSB CLERK'S OFFICE

**AFFIDAVIT OF CONSENT TO REVOCATION**

I, Kenneth Dennis Sisk, after being duly sworn, state the following:

1. I have been licensed to practice law in the Commonwealth of Virginia since September 22, 1978. My law license has been suspended since March 29, 2005, for failure to fulfill mandatory continuing legal education requirements.

2. I hereby consent to the revocation of my license to practice law in the Commonwealth of Virginia.

3. My consent is freely and voluntarily rendered, that I am not being subjected to coercion or duress, and I am fully aware of the implications of consenting to revocation.

4. I am aware that there is currently pending an investigation of a complaint involving allegations of misconduct, the nature of which is as follows:

a. The Virginia State Bar received information that Mr. Sisk appeared in federal court in Richmond on April 7, 2005 and April 15, 2005, in the case of Mr. Smith, while his license to practice law in the Commonwealth of Virginia was suspended for failure to fulfill mandatory continuing legal education requirements.

b. Mr. Sisk telephoned a U. S. District Court Judge on or about May 27, 2005, and left a message on the voice mail of the judge's chambers. In the voice mail, Mr. Sisk admitted that he had made the two appearances while his license to

practice law was suspended. Mr. Sisk also indicated in the message that he was located in California for treatment of an unspecified medical condition.

c. The April 7, 2005 appearance was before a U. S. Magistrate. In that appearance, Mr. Sisk represented to the court that he was making a special appearance, Mr. Kaestner would be making arrangements to represent Mr. Smith and Mr. Kaestner would be counsel of record if those arrangements were made.

d. The April 15, 2005, appearance was before the U.S. District Court Judge for an arraignment. In that appearance, the Court noted that the face of the file indicated that Mr. Kaestner had been retained by Mr. Smith. Mr. Sisk answered in the affirmative. The Court then questioned whether Mr. Kaestner was unavailable for the arraignment. In response, Mr. Sisk told the Court that Mr. Kaestner had a conflict and Mr. Sisk was “sort of covering.” Mr. Sisk also represented to the Court that Mr. Kaestner made arrangements for Mr. Sisk to handle the arraignment.

e. Subsequently, Mr. Kaestner obtained counsel and filed a motion to withdraw from the case. In the hearing on the motion to withdraw, Mr. Kaestner told the Court that, although he had given certain limited advice to Mr. Smith on April 8, 2005, he had not been retained to represent Mr. Smith nor was he court-appointed for the representation. Furthermore, Mr. Sisk had no authority to represent to the Court on either April 7, 2005 or April 15, 2005, that Mr. Sisk was essentially appearing for Mr. Kaestner who was unavailable. The Court granted the withdrawal motion.

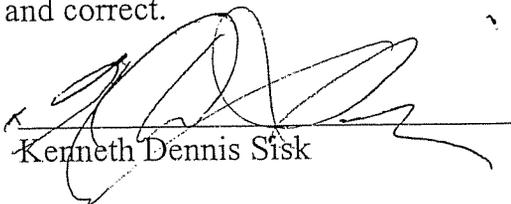
f. During the continuing investigation, the bar has become aware of other allegations as follows: that Mr. Sisk allegedly threatened to burn down a house and, as a result, a protective order was issued; that Mr. Sisk allegedly was involved in separate incidents of the unauthorized taking of certain personal property.

5. I acknowledge that the material facts upon which the allegations of misconduct are predicated are true.

6. I submit this consent to revocation because I know if disciplinary proceedings based on the alleged misconduct were brought or prosecuted to a conclusion, I could not successfully defend them.

7. I understand that, pursuant to Rules of Court, Part Six, Section IV, Paragraph 13. L., the admissions offered in this affidavit consenting to revocation shall not be deemed an admission in any proceeding except one relating to my status as a member of the Virginia State Bar.

I certify that the foregoing is true and correct.

  
Kenneth Dennis Sisk

STATE OF VIRGINIA  
CITY/COUNTY OF Richmond, TO-WIT:

The foregoing Affidavit of Consent to Revocation was acknowledged before me this 31<sup>st</sup> day of August, 2005 by Kenneth Dennis  
Sisk

  
Notary Public

My commission expires: 9/30/05