

VIRGINIA: BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF  
LORI KELLERMAN BATTAILE

VSB Docket No. 16-000-105304

MEMORANDUM ORDER OF REVOCATION

This matter came on to be heard on April 22, 2015, before a duly convened panel of the Virginia State Bar Disciplinary Board consisting of Esther J. Windmueller, Second Vice-Chair, Tony H. Pham, Melissa W. Robinson, Tyler E. Williams, III, and Robert W. Carter, Lay Member. The Virginia State Bar was represented by Alfred L. Carr, Assistant Bar Counsel. The Respondent, Lori Kellerman Battaile, failed to appear in person or by counsel.

Jennifer L. Hairfield, court reporter, Chandler & Halasz; P.O. Box 9349; Richmond, Virginia 23227, (804) 730-1222, after being duly sworn, reported the hearing and transcribed the proceedings.

The Chair opened the hearing by calling the case in the hearing room and causing the Assistant Clerk to call Respondent's name three times in the adjacent hall. The Respondent did not answer or appear.

The Chair then polled the members of the Board panel to ascertain whether any member was conscious of any personal or financial interest or bias which would preclude any of them from fairly hearing this matter and serving on the panel, to which inquiry each member responded in the negative.

All required notices were sent by the Clerk of the Disciplinary System to the Respondent by Certified Mail, in accordance with Paragraphs 13-18.C and 13-12.C of Section Six, Part IV of the Rules of the Supreme Court of Virginia to The Law Office of Lori Kellerman Battaile, P.O. Box 5395, Gainesville, Florida 32627-5395, Respondent's address of record with the Virginia State Bar (see Bar Exhibit 2). Additionally, notice was sent by the Clerk of the Disciplinary System to the Respondent by First Class Mail to 2830 NE 16th Terrace, Gainesville, Florida 32609, a possible additional address

associated with the Respondent which was returned to the Clerk, bearing the following notice: "Undeliverable as Addressed." and bearing the handwritten note, "Does not Live at this address." (Bar Exhibit 1)

#### Procedural History

The matter came before the Disciplinary Board upon the Rule to Show Cause and Order of Summary Suspension and Hearing entered on March 22, 2016 (the "Rule to Show Cause") to which was appended the order of the Supreme Court of Florida dated January 21, 2016, revoking the Respondent's license to practice law in the State of Florida.

Board Exhibit 1 and VSB Exhibits 2 and 3, inclusive, were admitted into evidence without objection.

#### Findings of Fact

The Board finds by clear and convincing evidence that:

1. The Supreme Court of Florida is "another jurisdiction" under Paragraph 13-24.A of the Rules of the Supreme Court of Virginia, and that its order dated January 21, 2016 revoking the license of the Respondent to practice law has become final.

2. The Second Vice Chair of the Board, in response thereto, entered a Rule to Show Cause and Order of Summary Suspension and Hearing dated March 22, 2016 (the "Board Order"), in accordance with paragraph 13-24.A.

3. The Respondent has not filed a timely written response under paragraph 13-24.B, did not appear at the hearing of the Board and did not attempt to put forward any evidence or argument to counter the Rule to Show Cause.

4. As such, the Respondent has failed to meet her burden of proof under 13-24.F.

Accordingly, after considering Board Exhibit 1 and Exhibits 2 and 3, inclusive, and the argument of Bar Counsel, the Board recessed and duly deliberated on this matter. Upon returning to the courtroom, the Board announced that it found that Respondent had failed to show by clear and convincing evidence that the Board should not impose the

same discipline imposed by the Supreme Court of Florida and that the license of the Respondent to practice law in the Commonwealth of Virginia should be and is hereby REVOKED, which revocation is effective April 22, 2016.

At the conclusion of the proceedings on April 22, 2016, the Board entered a Summary Order imposing a sanction of REVOCATION, effective on that date, of Respondent's license to practice law. By this Memorandum Order, we confirm the Summary Order.

It is further ORDERED that, pursuant to Part Six, § IV, ¶13-29 of the Rules of the Supreme Court of Virginia, Respondent, Lori Kellerman Battaile, shall forthwith give notice by certified mail, return receipt requested, of the revocation of her license to practice law in the Commonwealth of Virginia to all clients for whom she 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 her care in conformity with the directions of her clients. Respondent shall give such notice within fourteen (14) days of the effective date of this Order and shall further make such arrangements as required herein within forty-five (45) days of the effective date of this Order. The Respondent shall also furnish proof to the Virginia State Bar within sixty (60) days of the effective date of this Order that such notices have been timely given and such arrangements made for the disposition of matters.

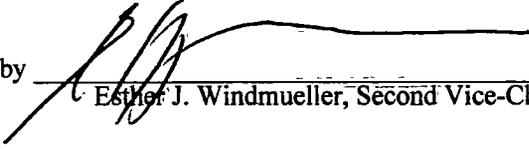
It is further ORDERED that if Respondent is not handling any client matters on the effective date of this revocation, she shall submit an Affidavit to that effect to the Clerk of the Disciplinary System at the Virginia State Bar. All issues concerning the adequacy of the notice and arrangements required by ¶13-29 of the Rules shall be determined by the Virginia State Bar Disciplinary Board.

It is further ORDERED that, 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 against the Respondent.

Finally, it is further ORDERED that the Clerk of the Disciplinary System shall send a certified copy of this Order by Certified Mail, Return Receipt Requested, to Respondent at her last address of record with the Virginia State Bar, that is, to Lori Kellerman Battaile at The Law Office of Lori Kellerman, P.O. Box 5395, Gainesville, Florida 32627-5395, and hand deliver a copy to Alfred L. Carr, Assistant Bar Counsel, Virginia State Bar; 1111 East Main Street, Suite 700; Richmond, Virginia 23219-0026.

ENTERED this <sup>29<sup>th</sup></sup> day of April, 2016.  
VIRGINIA STATE BAR DISCIPLINARY BOARD

by

  
Esther J. Windmueller, Second Vice-Chair