

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF JEFFREY FREDERICK BRADLEY

VSB DOCKET NO. 07-070-0021

**ORDER OF SUSPENSION**

**THIS MATTER** came on to be heard on August 24, 2007, before a panel of the Disciplinary Board consisting of W. Jefferson O'Flaherty, Lay member, David R. Schultz, Michael S. Mulkey, Sandra L. Havrilak and William H. Monroe, Jr., 2<sup>nd</sup> Vice Chair ("Chair"). Pursuant to a Notice of Non-Compliance and Request for Suspension of License to Practice Law for Failure to Comply with Subpoena Duces Tecum (issued January 10, 2007), which Notice was sent by certified mail on May 29, 2007 to Jeffery Frederick Bradley ("Respondent").

Assistant Bar Counsel, Alfred L. Carr ("Bar Counsel") appeared as counsel for the Virginia State Bar ("VSB"). The respondent failed to appear after the clerk called his name three times in the hallway outside the courtroom, nor did any counsel appear on his behalf. The court reporter for the proceeding, Teresa L. McLean, of Chandler & Halasz, P.O. Box 9349, Richmond, Virginia 23227, (804) 730-1222, was duly sworn by the Chair. All required notices of the date and place of the hearing were timely sent by the Clerk of the Disciplinary System in the manner prescribed by law. The Chair polled all members of the Board and determined that no member had a conflict of interest which precluded them from hearing this matter.

One day prior to the hearing, the Respondent filed a motion with the Clerk for a continuance of the hearing. The Board recessed to consider the motion and after due deliberation the motion was denied. Thereafter, Bar Counsel presented the following evidence:

1. The Virginia State Bar ("VSB"), by letter dated July 18, 2006, notified Respondent Bradley at his address of record that he had 21 days to respond to a bar complaint

enclosed with the letter. Respondent Bradley did not respond to the letter. On October 5, 2006, Bar Counsel referred this matter to the Seventh District Committee for further investigation.

2. On October 20, 2007, VSB Investigator Donald L. Lange sent Respondent Bradley a letter by certified mail, return receipt requested, to Respondent Bradley's address of record, requesting that Respondent Bradley contact him in order to set up a convenient date, time and location to conduct the investigative interview. The United States Postal Service ("USPS") left notices in Respondent Bradley's post office box on October 25 and 30, and November 9, 2006. The USPS returned the certified letter to the sender, Investigator Lange, as unclaimed by the addressee, Respondent Bradley.

3. On December 7, 2007 at 8:40 p.m., Investigator Lange called Respondent Bradley at his telephone number of record with the Bar and Respondent answered the call. Investigator Lange confirmed that Respondent's address of record with the Bar is correct and that that address is the correct address to mail all correspondence from the Bar. Respondent Bradley, however, was unable to talk and requested Investigator Lange contact him the next day, December 8, 2006, at 3:00 p.m. On December 8, 2006, Investigator Lange called Respondent at the appointed time, but Respondent Bradley did not answer the call. Investigator Lange followed up with a letter to Respondent Bradley dated December 8, 2006 memorializing the chronology of his attempts to schedule an interview with Respondent, as well as confirming his address of record and a second address, 64B Court Square, Harrisonburg, VA 22801, provided by Respondent Bradley as his office address. Respondent Bradley did not respond to Investigator Lange's letter.

4. On January 5, 2007, Investigator Lange, by certified mail, return receipt requested, mailed the December 8, 2006 letter again to Respondent Bradley. However, the USPS again returned the letter because Respondent Bradley again did not claim it.

5. On January 10, 2007, the Virginia State Bar issued a subpoena duces tecum to Respondent Bradley directing him to deliver to the Bar, on or before February 13, 2007, a copy of one of Respondent's client's file, as well as the client's billing records. In the alternative,

Respondent Bradley could contact VSB Investigator Donald Lange and make other arrangements to deliver the documents in order to comply with the subpoena. (Copies of the cover letter that accompanied the subpoena and the proof of service were collectively presented as VSB Exhibit 1). The USPS left notice for Respondent Bradley on January 12, 18, and 29, 2007, informing him of the certified letter. The USPS returned the certified letter to the Bar undelivered because Respondent Bradley did not claim it though deliver was attempted at his address of record with the VSB.

6. Investigator Lange attempted to contact Respondent Bradley by telephone on December 13 and 21, 2006, January 5, 2007 and again on February 10, 2007. On February 10, 2007, Investigator Lange left Respondent a voice mail message informing him that the VSB had attempted to contact him and service him with a subpoena duces tecum directing him to comply by February 13, 2007. Investigator Lange states that he has not received any material from Respondent Bradley to comply with the January 10, 2007 subpoena duces tecum, which is deemed to have been served upon him upon mailing, pursuant to Part 6, § IV, ¶13 (E)(2) of the Rules of the Supreme Court of Virginia.

7. Pursuant to Part 6, § IV, ¶ 13 (B)(5)(b)(2) and (3), and ¶ 13 (B)(7)(a)(5) and (6) of the Rules of the Supreme Court of Virginia, the Virginia State Bar Disciplinary Board is authorized to suspend Respondent Bradley's license to practice law in the Commonwealth of Virginia pending Respondent's compliance with the subpoena duces tecum under the circumstance set forth above.

The Respondent has the burden of proof by clear and convincing evidence to show cause why the Board should not suspend his license. The Board finds that the Respondent has failed to meet such burden.

Accordingly, it is ORDERED that pursuant to the Rules of the Supreme Court of Virginia, as specified in paragraph 7 above, the license of Respondent, Jeffrey Frederick Bradley, to practice law in the Commonwealth of Virginia shall be, and is hereby, suspended for an indefinite period of time until such time as he complies with the subpoena duces tecum of

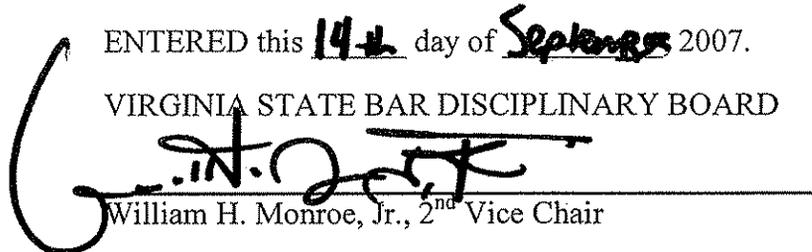
January 10, 2007, or until such time as he can for good cause shown, why he can not comply with such subpoena.

It is further ORDERED that, pursuant Part Six, § IV, ¶ 13(M) of the Rules of the Supreme Court of Virginia, Respondent shall forthwith give notice, by certified mail, return receipt requested, of this suspension of his license to practice law in the Commonwealth of Virginia, to all clients for whom he is currently handling any matters, to all judges and the clerks of the courts before which Respondent may have an pending cases and to opposing counsel in all such cases. Respondent shall also make appropriate arrangements for the disposition of matters now in his care, in conformity with the wishes of his clients.

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, P.O. Box 1355, Harrisonburg, Virginia 22803, by certified mail, return receipt requested, and by regular mail to 64 B Court Square, Harrisonburg, Virginia 22801; and, to Alfred L. Carr, Assistant Bar Counsel, Virginia State Bar, 100 North Pitt Street, Suite 310, Alexandria, Virginia 22314.

ENTERED this 14<sup>th</sup> day of September 2007.

VIRGINIA STATE BAR DISCIPLINARY BOARD



William H. Monroe, Jr., 2<sup>nd</sup> Vice Chair