

V I R G I N I A :

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

Virginia State Bar
Ex Rel Tenth District Committee, Second Section

Complainant

vs.

At Law No. 88369

Bruce C. Britton,

Respondent

O R D E R

This matter came to be heard this date upon the certification, complaint and affidavit of the District Committee in accordance with the provisions of § 54.1-3935, Code of Virginia, as amended, the answer of the Respondent, Rule to Show Cause, and designation of the Chief Justice of the Supreme Court of Virginia of November 12, 1991. The Virginia State Bar appeared by and through his Senior Assistant, Harry M. Hirsch, Esquire. Bruce C. Britton appeared pro se.

Whereupon, Counsel for the State Bar presented evidence and argument upon the matters set forth in VSB Docket #91-102-0041 and VSB #88-102-0854 as certified to this Court. Mr. Britton testified on his behalf and presented argument as to said complaint.

Based upon the evidence presented, the Court finds by clear and convincing evidence as follows:

As to VSB Docket #91-102-0041:

1. At all times relevant hereto the Respondent (Britton) held a suspended license to practice law in the Commonwealth of Virginia.

2. On April 21, 1989 in a hearing at which Britton appeared and offered evidence, the Virginia State Bar Disciplinary Board entered its order suspending for five years the license of Britton to practice law in the Commonwealth of Virginia effective May 21, 1989. Britton appealed the suspension and sought a stay of the suspension pending the appeal. The Supreme Court of Virginia denied Britton's petition for stay on August 7, 1989. Britton's appeal of the suspension was dismissed by the Supreme Court of Virginia on February 20, 1990.

3. Subsequent to his suspension Britton continued to practice law in the Commonwealth of Virginia although his license was suspended and he was not otherwise authorized to do so. Britton, inter alia, appeared as counsel for Jung Yeul Yoo in a Commissioner in Chancery hearing held August 21, 1989 before Robert D. Weiss, Esquire.

4. On April 6, 1990 Britton was tried in the General District Court of Fairfax County on a charge of practicing law after his license had been suspended and without authorization to do so. Britton was found guilty, fined, and sentenced to jail. Britton then appealed the conviction and made bond.

5. On June 7, 1990 Britton's appeal was tried by a jury in the Circuit Court of Fairfax County on the charge of practicing law after his license had been suspended and without authorization to do so. Britton was found guilty.

As to VSB Docket #88-102-0854:

6. The Respondent, Bruce C. Britton, was an attorney licensed to practice law in the Commonwealth of Virginia.

7. Respondent represented David Lewis in a personal injury suit.

8. Mr. Lewis' case was settled. However, the Respondent did not account properly for the disbursement of the proceeds out of the settlement of the Lewis' claim.

9. The Respondent did not keep proper records of the Lewis case or its fee arrangement. Even now he maintains no subsidiary ledgers, no record of how much money is withdrawn for his own fees from which clients account, and how much remains in the bank account for a particular client. By his admission he uses his trust account as an attorney account.

11. The Respondent gave Mr. Lewis an inadequate and misleading statement of funds received and disbursed, in and out, left on deposit, or refunded.

12. The Respondent improperly handled the trust funds of Mr. Lewis and failed to maintain proper trust funds records.

Based upon said findings the Courts find~~s~~ the following disciplinary rules to have been violated:

As to VSB Docket #91-102-0041:

1. DR 1-102. Misconduct.

(A) A lawyer shall not:

(1) Violate a Disciplinary Rule or knowingly aid another to do so.

(3) Commit a crime or other deliberately wrongful act that

reflects adversely on the lawyer's fitness to practice law.

- (4) Engage in conduct involving dishonesty, fraud, deceit, or misrepresentation which reflects adversely on a lawyer's fitness to practice law.

As to VSB Docket #88-102-8854

- 2. Disciplinary Rules 9-102(B)(3) and Disciplinary Rule 9-103(A) and (B).

In view of such findings, and the totality of the circumstances in this case, this Court finds that the license of Bruce C. Britton to practice law in this Commonwealth should be ~~revoked~~ and that he be barred from the practice of law herein.

The Clerk shall certify copies of this Order to the Executive Secretary of the Supreme Court and the Secretary of the State Bar.

Entered this 13th day of December, 1991.

A COPY TESTE:
WARREN E. BARRY, CLERK

By: Alice Koon
Deputy Clerk

Thomas D. Horne
THOMAS D. HORNE, CHIEF JUDGE

Vance M. Fry
VANCE M. FRY, JUDGE

James W. Haley, Jr.
JAMES W. HALEY, JR., JUDGE