

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

**IN THE MATTER OF
DAVID PETER BUEHLER**

VSB Docket No.: 16-000-105090

MEMORANDUM ORDER – SHOW CAUSE

This matter came to be heard on April 22, 2016, before a panel of the Virginia State Bar Disciplinary Board (the “Board”) comprised of Robert W. Carter, Tony H. Pham, Melissa W. Robinson, Tyler E. Williams, III, and Esther J. Windmueller, 2nd Vice Chair (presiding).

The Virginia State Bar (“the Bar”) was represented by Edward L. Davis, Bar Counsel (“Bar Counsel”). David Peter Buehler (the “Respondent”) failed to appear in person or by counsel. Jennifer L. Hairfield, Registered Professional Reporter of Chandler & Halasz, P.O. Box 9349, Richmond, Virginia 23227, (804-730-1222), having been duly sworn, reported the hearing.

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. In addition, the Chair had the Assistant Clerk call Respondent’s name at the Virginia General Assembly, where the hearing was to be originally conducted. At neither location did the Respondent answer or appear. The Chair inquired of the members of the panel whether any of them had a personal or financial interest, or any bias, which would preclude, or could be perceived to preclude, their hearing the matter fairly and impartially. Each member of the panel answered the inquiry in the negative.

The matter came before the Board on a Rule to Show Cause why his license to practice law should not be revoked or further suspended, pursuant to Part Six, Section IV, Paragraph 13-29 of the Rules of the Supreme Court of Virginia (“Paragraph 13-29”). All legal notices of the date and place were timely sent by the Clerk of the Disciplinary System (Clerk) in the manner prescribed by the Rules of the Supreme Court of Virginia, Part Six, Section IV, Paragraph 13-20 of the Rules of Court. In the Bar’s phase, exhibits 1A-C were admitted without objection.

As Respondent failed to appear, the Bar proceeded to present additional evidence by proffer, received and admitted into evidence of the following:

1. On December 13, 2013, Respondent participated in a hearing before the Board in VSB Docket No. 12-021-090634. During the hearing, the Board accepted a joint recommendation for a six-month suspension of Respondent’s license to practice law.
2. On December 13, 2013, the Board entered a Summary Order (“Summary Order”) in VSB Docket No. 12-021-090634 which, *inter alia*, suspended Respondent’s license to practice law for six months effective December 13, 2013.
3. On February 21, 2014, the Board entered a Memorandum Order of Suspension (“Memorandum Order”) in in VSB Docket No. 12-021-090634 which, *inter alia*, suspended Respondent’s license to practice law for six months effective December 13, 2013.
4. Both the Summary Order and Memorandum Order required Respondent to comply with Paragraph 13-29, i.e.: (1) give written notice of his suspension to all clients, opposing counsel, and presiding judges in pending litigation within 14 days of the date of the effective date of the suspension; (2) make appropriate arrangements for the disposition of

matters then in his care in conformity with his clients' wishes within 45 days of the effective date of the suspension; and (3) to furnish proof to the Bar, within 60 days of the effective date of the suspension, that he timely notified his clients, opposing counsel, and presiding judges, in writing, and that he timely made appropriate arrangements for the disposition of his cases.

5. By letter dated December 13, 2013, Barbara S. Lanier, Clerk of the Disciplinary System ("Clerk"), forwarded a copy of the Summary Order, along with Paragraph 13-29 forms, via certified mail and regular mail to Respondent at his address of record with the Bar and reminded Respondent of his duties under Paragraph 13-29, as follows:

"Please note your duty under the Rules of Court, Part Six, §IV, ¶13-29, which states as follows:

Duties of Disbarred or Suspended Respondent: After a Suspension against a Respondent is imposed by either a Summary or Memorandum Order and no stay of the Suspension has been granted by this Court Respondent shall forthwith give notice, by certified mail, of his . . . Suspension to all clients for whom he. . . is currently handling matters and to all opposing Attorneys and the 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 . . . Suspension, and make such arrangements as are required herein within 45 days of the effective date of the . . . Suspension. The Respondent shall also furnish proof to the Bar within 60 days of the effective date of the . . . Suspension that such notices have been timely given and such arrangements made for the disposition of matters. The Board shall decide all issues

concerning the adequacy of the notice and arrangements required herein, and the Board may impose a sanction of Revocation or additional Suspension for failure to comply with the requirements of this subparagraph.”

The Clerk’s December 13, 2013 letter explicitly directed Respondent to provide the Clerk with proof of his compliance on or before February 11, 2014.

6. Respondent did not file proof of his compliance with the Bar by the February 11, 2014 deadline.
7. By letter dated February 19, 2014, sent to Respondent by regular mail at his address of record with the Bar, the Clerk: i) notified Respondent that proof of his compliance had not been received; ii) advised him that failure to comply with Paragraph 13-29 duties may result in the initiation of a show cause proceeding before the Board pursuant to which Respondent’s license could be suspended or revoked; and iii) urged him to fulfill those duties as soon as possible.
8. By letter dated February 21, 2014, the Clerk forwarded to Respondent via certified mail at his address of record with the Bar a copy of the Memorandum Order.
9. By letter dated April 1, 2014, the Clerk forwarded to Respondent via regular mail at his address of record with the Bar a copy of the Memorandum Order which had been returned to the Clerk as “Return to Sender, Unclaimed, Unable to Forward.”
10. On May 28, 2014, the Board entered an Order of Administrative Suspension in VSB Docket No. 12-021-090634 which, *inter alia*: i) administratively suspended Respondent’s license to practice law effective that date as a result of Respondent’s failure to pay the

costs assessed against him in VSB Docket No. 12-021-090634; and ii) required Respondent to comply with Paragraph 13-29. By letter of that same date, the Clerk forwarded to Respondent via certified mail at his address of record with the Bar a copy of the Order of Administrative Suspension, along with Paragraph 13-29 forms, and reminded Respondent of his duties under Paragraph 13-29.

11. Respondent has never furnished proof of compliance with Paragraph 13-29 to the Bar as required by Paragraph 13-29 and directed in the Summary Order, Memorandum Order, and Order of Administrative Suspension.
12. As of December 13, 2013, the effective date of the six-month suspension of Respondent's license to practice law, Respondent was counsel of record for ABBAA, Incorporated, the plaintiff in a civil case Respondent had filed in the Circuit Court for the City of Richmond on November 1, 2013 (*ABBAA, Incorporated v. Rosedale Holdings, LLC* (CL13-4919-6)).

Respondent never notified his client, ABBAA, Incorporated, nor the Circuit Court for the City of Richmond, of the six-month suspension of his license to practice law.

Respondent never sought leave to withdraw as counsel of record nor made any arrangements for the handling of the case, which remained pending on the Court's docket until by order entered on January 9, 2015 it was dismissed with prejudice for the plaintiff's failure to effect service of process on the defendant.

FINDING:

After review of the exhibits admitted and the proffer by the Bar, the Board retired to deliberate. The Board finds that the Respondent failed to show cause why his law license should

not be suspended or revoked for his violation of the Board's Summary Order dated December 13, 2013 and the Memorandum Order dated February 21, 2014 pursuant to paragraph 13-29 of the Rules of the Supreme Court of Virginia.

SANCTION:

Thereafter, the Board received evidence of Respondents prior disciplinary record. After due deliberation, the Board announced the appropriate sanction as **REVOCATION**.

Accordingly, by this Memorandum Order it is **ORDERED** that the license of the Respondent David Peter Buehler is **REVOKED** effective April 22, 2016.

It is further **ORDERED** that Respondent must comply with the requirements of Part Six, Section IV, Paragraph 13-29 of the Rules of the Supreme Court of Virginia. The Respondent 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. The Respondent shall also make appropriate arrangements for the disposition of matters then in his care in conformity with the wishes of his client. Respondent shall give such notice within 14 days of the effective date of the Revocation, and make such arrangements as are required herein within 45 days of the effective date of the Revocation. The Respondent shall also furnish proof to the Bar within 60 days of the effective day of the Revocation 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 April 22, 2016, 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 Paragraph 13- 29 shall be determined by the Virginia State Bar

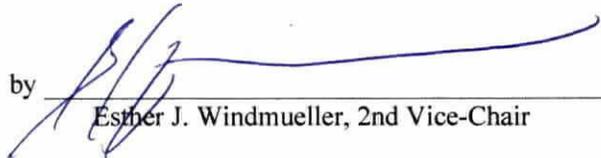
Disciplinary Board, unless the Respondent makes a timely request for hearing before a three judge court.

It is further **ORDERED** that, pursuant to Part 6, Section IV, Paragraph 13- 9(E) of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess costs against the Respondent.

It is further ORDERED that the Clerk of the Disciplinary System shall send an attested copy of this Order, by certified mail, return receipt requested, to Respondent at his last address of record with the Virginia State Bar, that being David Peter Buehler, 4310 Constance St., New Orleans, LA 70115, and by regular mail to 125 W. Merritt Island Causeway, Unit 209, Merritt Island, FL 32952, and to 3548 Coronado Dr., Apt. 601, Sarasota, FL 34231, and a copy by hand-delivery to Edward L. Davis, Bar Counsel, 1111 East Main Street, Suite 700, Richmond, Virginia 23219-0026.

ENTERED this 1st day of June, 2016.

VIRGINIA STATE BAR DISCIPLINARY BOARD

by 
Esther J. Windmueller, 2nd Vice-Chair