

**VIRGINIA:
BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD**

**IN THE MATTER OF
DENNIS PHILIP CLARKE**

VSB DOCKET NO.: 12-000-091223

ORDER OF SUSPENSION

THIS MATTER came to be heard on June 22, 2012, before a duly convened panel of the Virginia State Bar Disciplinary Board consisting of Martha JP McQuade, First Vice Chair, presiding; Randall G. Johnson, Jr.; Whitney G. Saunders; David R. Schultz; and Rev. W. Ray Inscoe, Lay Member. The Virginia State Bar was represented by Edward James Dillon, Assistant Bar Counsel. The Respondent, Dennis Philip Clarke, did not appear in person or by Counsel. Jennifer L. Hairfield, court reporter, Chandler & Halasz, P.O. Box 9349, Richmond, Virginia 23227, (804) 730-1222, after duly being 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 Chair then polled the members of the Board as to whether any of them had any personal or financial interest that could affect, or reasonably be perceived to affect, his or her ability to be impartial in this matter. Each Board member, including the Chair, responded that there were no such interests or conflicts.

The matter came before the Board on the Rule to Show Cause and Order of Suspension and Hearing entered on May 24, 2012, with an attached copy of the Order issued prior to that by the District of Columbia Court of Appeals approving a negotiated discipline imposed in that jurisdiction on the Respondent, and the Clerk of the Disciplinary System's May 24, 2012 notice letter to the Respondent served in accordance with the Rules of the Supreme Court of Virginia.

In addition to the required mailing to Respondent's address of record, the Bar had also sent notices to several other addresses which the Bar had found for Respondent otherwise. The Rule and the required notice were received into evidence collectively as Board Exhibit 1.

In accordance with Part Six, Section IV, Paragraph 13-24 of the Rules, the purpose of the hearing was to provide the Respondent an opportunity to show cause, by clear and convincing evidence, why the same discipline that was imposed upon him in the District of Columbia should not be imposed by this Board.

The Respondent failed to file a written response to the Board's Rule to Show Cause and Order of Suspension and Hearing in accordance with Paragraph 13-24(B) of the Rules. Accordingly, he was precluded from submitting evidence pursuant to Paragraph 13-24(F). The Respondent was not present and did not present argument. The Board accepted into evidence the Bar's exhibits, and considered the arguments of Bar Counsel.

After due deliberation, the Board found that the Respondent had failed to show cause by clear and convincing evidence why the Board should not impose the same discipline as was imposed in the District of Columbia.

Accordingly, by this Memorandum Order, and in accordance with the Summary Order entered June 22, 2012, it is ORDERED that the Respondent, Dennis Philip Clarke, is suspended from the practice of law in the Commonwealth of Virginia for ninety (90) days beginning on June 22, 2012, with sixty (60) days of the suspension stayed, followed by two (2) years of probation with the same terms specified in the District of Columbia order.

The Respondent's license to practice in the Commonwealth of Virginia shall be reinstated upon written proof of reinstatement in the District of Columbia, and compliance with all other requirements of the Part Six of the Rules of the Supreme Court of Virginia.

It is further ORDERED that as directed in the Board's Rule to Show Cause and Order of Suspension and Hearing of May 24, 2012, the Respondent must comply with the requirements of Part Six, Section IV, Paragraph 13-29 of the Rules. The Respondent shall forthwith give notice by certified mail, return receipt requested, of the suspension 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(s). Respondent shall give such notice within 14 days of the effective date of the suspension, and make such arrangements as are required herein within forty-five (45) days of the effective date of the suspension. The Respondent shall also furnish proof to the Bar within sixty (60) days of the effective date of the suspension if 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 the suspension, 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 a hearing before a three-judge court.

It is further ORDERED that costs shall be assessed by the Clerk of the Disciplinary System pursuant to the Rules of the Supreme Court of Virginia, Part Six, Section IV, Paragraph 13-9E.

It is further ORDERED that the Clerk of the Disciplinary System shall send a certified copy of this Order by certified mail to Dennis Philip Clarke at his last address of record with the

Virginia State Bar, that being Miles & Stockbridge, PC, Suite 500, 1751 Pinnacle Drive, McLean, Virginia 22102, and also to 7244 Old Maple Square, McLean, Virginia 22102, and shall hand-deliver a copy to Edward James Dillon, Assistant Bar Counsel at 707 East Main Street, Suite 1500, Richmond, Virginia 23219.

ENTERED on July 11, 2011

VIRGINIA STATE BAR DISCIPLINARY BOARD

A handwritten signature in cursive script that reads "Martha JP McQuade". The signature is written in dark ink and is positioned above a horizontal line.

Martha JP McQuade, Chair