

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF SHARON RUDOLPH CONNELLY

VSB DOCKET NO. 12-000-092253

OPINION AND ORDER

THIS MATTER came to be heard on August 24, 2012, before a duly convened panel of the Disciplinary Board (“the Board”) consisting of Martha JP McQuade, Chair, presiding; John Casey Forrester; Michael S. Mulkey; Samuel R. Walker; and Lay Member Anderson Wade Douthat, IV. The Virginia State Bar (“the Bar”) was represented by Bar Counsel Edward L. Davis (“Bar Counsel”). Respondent Sharon Rudolph Connelly (“Respondent”) was *pro se*. Tracy Stroh, Chandler & Halasz, P.O. Box 9349, Richmond, Virginia 23227, telephone number (804) 730-1222, facsimile number (866) 882-5809, after being duly sworn, reported the hearing and transcribed the proceedings.

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

NATURE OF THE MISCONDUCT

This matter came before the Board on the Virginia State Bar’s Rule to Show Cause and Order of Suspension and Hearing. The Bar bears the burden of proving, by clear and convincing evidence, that the Respondent has been found guilty or convicted of a crime pursuant to Part 6, Section IV, Paragraph 13-1 of the Rules of the Supreme Court of Virginia. Thereafter, both sides, as

entitled, presented evidence as to mitigation or aggravation as well as to argue the appropriate sanction to be imposed. At the request of Bar Counsel, and without objection, Bar Exhibits A (documents 1-7) and B (Respondent's Response to the Rule to Show Cause including attachments 1-3) were admitted. The Respondent offered no Exhibits.

After hearing all evidence, the Board makes the following findings of fact on the basis of clear and convincing evidence:

1. At all times relevant hereto, Sharon Rudolph Connelly, hereinafter referred to as "Respondent", has been an attorney licensed to practice law in the Commonwealth of Virginia and her address of record with the Virginia State Bar has been 7213 Hansford Court, Springfield, Virginia 22151. The Respondent received proper notice of this proceeding as required by Part 6, § IV, ¶ 13-12 C. and 13-18 C. of the Rules of Virginia Supreme Court.
2. Part 6, Section IV, Para. 13-1 of the Rules of the Supreme Court of Virginia defines a Crime as (i) any offense declared to be a felony by federal or state law, (ii) any other offense, federal or state, involving theft, fraud, forgery, extortion, bribery, or perjury, or (iii) an attempt, solicitation, or conspiracy to commit any of the foregoing.
3. On October 22, 2007, Respondent was convicted of Conspiracy to Commit Money Laundering in the United States District Court for the Eastern District of Virginia

4. Respondent was acquitted on a companion charge of engaging in racketeering (RICO) conspiracy.
5. As required by Rule 8.3 (e) (2) of the Virginia Rules of Professional Conduct, on November 8, 2007, Respondent reported the conviction to the Virginia State Bar by telephone and facsimile letter.
6. On June 8, 2012, Respondent contacted the Bar to find out how she could be reinstated. At that time, she learned the Bar had no record of her conviction.
7. On June 9, 2012, Respondent wrote Barbara Lanier, Virginia State Bar, explaining the situation and attaching the November 8, 2007 letter to the Bar.
8. Bar Counsel Edward L. Davis assigned an investigator to determine whether Respondent had, in fact, reported her conviction on November 8, 2007, and whether she had been practicing law in the meantime.
9. The investigator completed his report on August 9, 2012. His report included records of six telephone calls and two facsimiles from Respondent to the Bar on November 8, 2007, as well as a Bar summary transcript of an Ethics Hotline contact with Respondent on November 8, 2007. His report also enclosed a Bar summary transcript of an Ethics Hotline contact with Respondent on November 8, 2007, in which she reported her conviction.
10. As of the date of her conviction, Respondent had no clients. She did not practice law after her conviction.

11. On July 27, 2012, the Disciplinary Board issued a Rule to Show Cause and Order of Suspension and Hearing suspending Respondent's license to practice law effective August 1, 2012, and to show cause why her license to practice should not be further suspended or revoked.
12. Respondent cooperated fully with the Bar investigator.

DISPOSITION

Upon the admission of the Respondent that she had been convicted of committing a crime as defined by the Rules of the Supreme Court of Virginia, in light of the foregoing findings of fact, and upon all evidence and argument having been presented, the Board recessed to consider Disposition of this case. The Board undertook extensive deliberation. The Board considered the unusual circumstances under which the case came before it, the possible sanctions that could have been imposed had the matter been heard soon in time after Respondent's conviction, the appropriate sanction at this point in time given the long passage of time since conviction and all other evidence presented, and also the actions of the Respondent in the intervening period and her stated reason for wanting to resume the practice of law. The Board also considered the American Bar Association factors in aggravation and mitigation, which included, but was not limited to, the fact that the Respondent had no prior disciplinary record. The Board also considered case law presented by Bar Counsel and the issue of appropriate and allowable retroactivity of any period of suspension imposed.

The Board found that this is a very fact specific case and should not be generally relied upon as precedent.

The Board imposes a sanction of a suspension of the Respondent's license to practice law in Virginia for a period of one year effective January 1, 2012, with the additional term that the Respondent must complete 60 hours of Continuing Legal Education and certify to the Clerk that same has been completed, before she is allowed to resume the practice of law.

It is further ORDERED that Part Six, § IV, ¶13-9(E) of the Rules of the Supreme Court of Virginia, the Clerk shall assess all costs against Respondent.

It is further ORDERED that the Clerk shall send an attested copy of this Order and Opinion to Respondent, Sharon Rudolph Connelly at her address of record, 7213 Hansford Court, Springfield, Virginia 22151 and to Edward L. Davis, Bar Counsel, Virginia State Bar, Eighth and Main Building, 707 East Main Street, Suite 1500, Richmond, Virginia 23219.

ENTERED this 3rd day of October, 2012.

VIRGINIA STATE BAR DISCIPLINARY BOARD



Martha JP McQuade, Chair