

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF
W. AUSTIN COOPER

VS. DOCKET NO. 14-000-099529

ORDER OF REVOCATION

THIS MATTER came on to be heard on August 22, 2014, at the Virginia Worker's Compensation Commission, Courtroom A, Second Floor, 1000 DMV Drive, Richmond, Virginia 23220, before a panel of the Virginia State Bar Disciplinary Board consisting of William H. Atwill, Jr., Chair, Jeffrey L. Marks, Michael A. Beverly, William C. Boyce, Jr., and Robert W. Carter, Lay Member. The Virginia State Bar was represented by Edward J. Dillon, Assistant Bar Counsel. Mr. Cooper was not present at the calling of the case, and the Clerk therefore called his name three times in the lobby following which, Mr. Cooper did not appear. Each member, including the Chair, verified he or she had no such interests. Jennifer L. Hairfield, court reporter, Chandler & Halasz, P.O. Box 9349, Richmond, Virginia 23227, (804)730-1222, after being duly sworn, reported the hearing and transcribed the proceedings. The Chair then polled the members of the Panel to determine whether any member had a personal or financial interest that might affect or reasonably be perceived to affect his or her ability to be impartial in these matters.

All legal notices of the date and place were timely sent by the Clerk of the Disciplinary System ("Clerk"), in the manner prescribed by law. The basis for the Show Cause Order was that the Respondent was disbarred from the practice of law in the Supreme Court of California by Revocation Order effective March 29, 2014.

Part Six, §IV, ¶13-24(B) of the Rules of the Supreme Court, *Board Proceedings upon Disbarment, Revocation or Suspension in Another Jurisdiction* provides, in relevant part, that following the issuance and mailing of the Show Cause Order, the Respondent shall file, within 14 days of the mailing of the Board's Order, a written response, and any communications or other materials, "which shall be confined to allegations that:

1. The record of the proceeding in the other jurisdiction would clearly show that such proceeding was so lacking in notice or opportunity to be heard as to constitute a denial of due process.
2. The imposition by the Board of the same discipline upon the same proof would result in a grave injustice; or
3. The same conduct would not be grounds for disciplinary action or for the same discipline in Virginia.

The Respondent did not timely file a written response. In fact, the Respondent filed no response at all.

Part Six, §IV, ¶13-24(G) of the Rules of the Supreme Court provides, in part, as follows:

Action by the Board. If Respondent has not filed a timely written response, or does not appear at the hearing or if the Board, after a hearing, determines that the Respondent has failed to establish the contentions of the written response by clear and convincing evidence, the Board shall impose the same discipline as was imposed in the other jurisdiction. If the Board determines that the Respondent has established such contentions by clear and convincing evidence, the Board may dismiss the proceeding or impose a lesser discipline than was imposed in the other jurisdiction.

The Respondent did not appear at the hearing, nor did he present any evidence or argument in support of the contentions set forth in ¶13-24(B). Following the provisions of ¶13-24(G), it is hereby ORDERED that the Respondent, W. Austin Cooper, be and hereby is disbarred and his license to practice law in the Commonwealth of Virginia is hereby REVOKED effective August 22, 2014.

It is further ORDERED that Respondent must comply with the requirements of Part Six, § IV, ¶ 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 August 22, 2014, 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.

It is further ORDERED that pursuant to Part Six, § IV, ¶ 13-9 E. of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess all 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 to W. Austin Cooper, at his address of record with the Virginia State Bar, being 2150 River Plaza Drive, Suite 164, Sacramento, California 95833, and by hand-delivery to Edward J. Dillon, Assistant Bar Counsel, Virginia State Bar, 1111 E. Main St., Ste. 700, Richmond, Virginia 23219.

ENTERED this _29th_day of September, 2014.

VIRGINIA STATE BAR DISCIPLINARY BOARD

William H. Atwill, Jr., Chair