

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF JEFFREY WAYNE DAY
VSB DOCKET NO. 15-000-102918

MEMORANDUM ORDER OF SUSPENSION

This matter came on to be heard on October 2, 2015, before a duly convened panel of the Virginia State Bar Disciplinary Board consisting of Richard J. Colten, Acting Chair, presiding; Thomas O. Bondurant, Jr.; Pleasant S. Brodnax, III; Samuel R. Walker and Stephen A. Wannall, Lay Member. The Virginia State Bar was represented by Edward L. Davis, Bar Counsel. The Respondent Jeffrey Wayne Day failed to appear in person or by Counsel. 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.

All required notices with respect to the hearing were sent by the Clerk of the Disciplinary System to the Respondent in accordance with the Rules of the Supreme Court of Virginia.

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 Respondent did not answer or appear. 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 could 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 interest or conflicts.

The matter came before the Board pursuant to Part Six, Section IV, Paragraph 13-24 on the Rule to Show Cause and Order of Suspension and Hearing entered by the Board on September 2, 2015, for the Respondent to show cause why the same discipline that was imposed

against him by the Supreme Court of the State of Florida on February 19, 2015, should not be imposed by the Board. The Supreme Court of the State of Florida suspended Respondent from the practice of law in the said state for a period of ninety-one days, and such action has become final.

The Respondent failed to file a written response to the Board's Rule to Show Cause and Order of Suspension and Hearing entered on September 2, 2015, within 14 days of the date of the mailing of the Board's Order as required by the Rules of the Supreme Court of Virginia, Part Six, Section IV, Paragraph 13-24B. Further, Respondent failed to appear, in person or by Counsel, at the Hearing held October 2, 2015, or to tender any evidence. Accordingly, the Board ruled that the Respondent was precluded from submitting evidence at the Hearing pursuant to Paragraph 13-24F. The Board accepted into evidence the Bar's exhibits, and considered the arguments of Bar Counsel.

The Board finds that the Respondent has failed in his burden of proof under Part Six, Section IV, Paragraph 13-24F, of the Rules of the Supreme Court of Virginia to show cause by clear and convincing evidence why the Board should not impose the same discipline as was imposed in the Supreme Court of the State of Florida.

Accordingly, it is ORDERED that the Respondent, Jeffrey Wayne Day, is suspended from the practice of law in the Commonwealth of Virginia for ninety-one days beginning on September 2, 2015.

It is further ORDERED that as directed in the Board's Summary Order of October 2, 2015, the 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 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 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.

It is further ORDERED that if the Respondent is not handling any client matters on the effective date of September 2, 2015, he shall submit an Affidavit to that effect to the Clerk of the Disciplinary System at the Virginia State Bar within 60 days of the effective date of the suspension. 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, which may impose a sanction of Revocation or additional Suspension for failure to comply with the requirements of this subparagraph.

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, return receipt requested, to Jeffrey Wayne Day at his last address of record with the Virginia State Bar at 1035 Mud Road, Madison, Virginia 22727, and shall hand-deliver a copy to Edward L. Davis, Bar Counsel at 1111 East Main Street, Suite 700, Richmond, Virginia 23219-0026.

ENTERED this 9th day of November, 2015.

VIRGINIA STATE BAR DISCIPLINARY BOARD

By: 
Richard J. Colten, Acting Chair