

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

In the Matter of

KRISTEN DAWN DEAN

VSB Docket Number 07-000-0085

ORDER OF REVOCATION

This matter came to be heard on August 25, 2006 upon Notice to Show Cause and Motion to Impose Alternative Sanction by the Virginia State Bar (Bar) to revoke the law license of Kristen Dawn Dean (Respondent) for failure to comply with the terms of the Disciplinary Board's (Board) prior order entered December 16, 2005.

A duly convened Panel of the Board consisting of David R. Schultz; Glenn M. Hodge; John W. Richardson; Stephen A. Wannall, Lay Member; and James L. Banks, Jr., First Vice-Chair presiding (Chair), considered the matter. The Respondent did not appear in person, her name having been called three separate times outside the hearing room by the deputy clerk of the hearing. Scott Kulp, Assistant Bar Counsel, appeared on behalf of the Bar.

The Chair swore the Court Reporter and polled the members of the Board to determine whether any member had a personal or financial interest that might affect or reasonably be perceived to affect his ability to be impartial in this matter. Each member, including the Chair, verified he had no such conflict.

The Board's Order of December 16, 2005 suspending Respondent's license to practice law in the Commonwealth of Virginia for a period of five (5) years provided in

part as follows:

1. The Respondent will pay restitution in the principal amount of \$4,268.75 and accrued interest in the amount of \$554.00 for a total of \$4,822.75 by June 1, 2006 in the following manner \$3,500 to Sue Baker Cox, P.C., 120-B Roberts Avenue, Wise, VA 24293, and the balance, \$1,322.75, to Ms. Geraldine Beverly, 10722 Maple Grove Road, Wise, VA 24293. Interest will continue to accrue on the principal at the rate of 6% for all amounts unpaid after December 31, 2005. All such accrued interest shall be paid Ms. Geraldine Beverly.
2. The Respondent will sign a Rehabilitation/Monitoring Agreement with Lawyers Helping Lawyers and comply with all the treatment recommendations, including, but not limited to, continuing care and aftercare. During the term of the Rehabilitation/Monitoring Agreement, Respondent will comply with the Virginia State Bar's requests for information and execute releases necessary for the bar to obtain information from third parties. In no event shall Respondent return to the practice of law in the Commonwealth of Virginia upon expiration of the suspension period without a report from a treating professional approved by Lawyers Helping Lawyers stating that Respondent is fit to resume the practice of law.

Further, and pursuant to the agreement of the parties, Respondent's failure to comply with the Rehabilitation/Monitoring Agreement or one or more of the agreed terms and conditions will result in **REVOCAION** of her license to practice law in the Commonwealth of Virginia.

The Bar proceeded to introduce evidence that the Respondent had not complied with term one (1) of its December 16, 2005 Order. Upon completion of the Bar's evidentiary presentation the Board adjourned in private to decide whether to grant the Bar's motion for imposition of the alternate sanction of Revocation.

Disposition

The Board found that the evidence presented by the Bar to be clear and convincing and that the Board's Order of December 16, 2005 had not been complied with to wit: the Respondent had failed to make any restitution as required in condition one (1) of such Order.

The Board also determined that the Respondent had been properly and timely served with all notices of this proceeding as required by the Rules.

Accordingly, it is ORDERED that the license of Respondent, Kristen Dawn Dean, to practice law in the Commonwealth of Virginia is hereby revoked effective August 25, 2006.

It is further ORDERED that the Respondent must comply with the requirements of Part Six, § IV, ¶ 13(M) 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 her license to practice law in the Commonwealth of Virginia, to all clients for whom she 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 her care in conformity with the wishes of her clients. 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 days 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 revocation, she 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 (M) 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 Six, § IV, ¶ 13.B.8.c. of the Rules of the

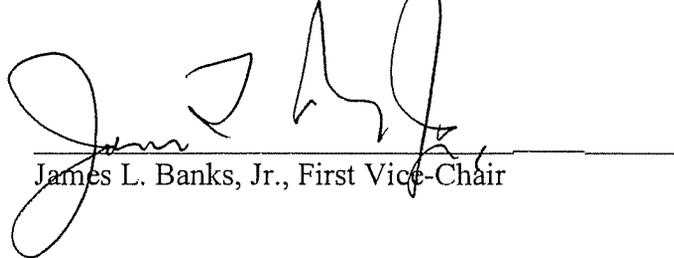
Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess all costs against the respondent.

It is further ORDERED that the Clerk of the Disciplinary System shall mail an attested copy of this Order to respondent at her address of record with the Virginia State Bar, being P.O. Box 743, Norton, VA 24273, by certified mail, return receipt requested, and hand-delivered to Scott Kulp, Assistant Bar Counsel, Virginia State Bar, 707 East Main Street, Suite 1500, Richmond, VA 23219.

Victoria V. Halasz, Chandler and Halasz, Inc. Court Reporters, P.O. Box 9349, Richmond, VA 23227 (804) 730-1222, was the reporter for the hearing and transcribed the proceedings.

Entered this 30th day of August, 2006

VIRGINIA STATE BAR DISCIPLINARY BOARD



James L. Banks, Jr., First Vice-Chair