

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF  
BRETT NATHAN DORNY

VS. B DOCKET NO. 12-000-089368

MEMORANDUM ORDER

This matter came on to be heard on October 28, 2011 by the Disciplinary Board of the Virginia State Bar (the "Board") upon a Rule to Show Cause and Order of Suspension and Hearing entered September 29, 2011 pursuant to Part Six, Section IV, Paragraph 13-24.A of the Rules of the Supreme Court of Virginia. A duly convened panel of the Board consisting of Thomas R. Scott, Jr., Chair; Paul M. Black; Rev. W. Ray Inscoc, Lay Member; Michael S. Mulkey; and William H. Atwill, Jr., (the "Panel") heard the matter. Paul D. Georgiadis, Assistant Bar Counsel, appeared as counsel for the Virginia State Bar (the "Bar"). The respondent, Brett Nathan Dorny ("Respondent"), did not appear. The court reporter for the proceeding, Angela N. Sidener, Chandler & Halasz, P.O. Box 9349, Richmond, VA 23227, telephone 804-730-1222, was sworn by the Chair. The Chair 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 ability to be impartial in these matters. Each member, including the Chair, verified he had no such interests.

All legal notices of the date and place were timely sent by the Clerk of the Disciplinary System ("Clerk") in the manner prescribed by the Rules of the Supreme Court of Virginia, Part Six, Section IV, Paragraph 13 of the Rules of Court. The case was called by the Clerk and Respondent did not appear. The Bar presented its case. Upon due deliberations, the Board makes the following findings:

That given the Respondent's failure to file any written response to the Show Cause Order and the Respondent's failure to appear at the hearing of this matter; and

That the Supreme Judicial Court for Suffolk County, Commonwealth of Massachusetts disbarred Respondent from the practice of law effective August 4, 2011;

That Respondent's conduct in Massachusetts violated Virginia Rules of Professional Conduct Rule 1.1 (competence in representation); Rule 1.2(a) (scope of representation); Rule 1.3 (diligence in representation); Rule 1.4 (communication with client); Rule 1.5(a) (fees); Rule 1.15(b), (c), (e) (safekeeping of property); Rule 1.16(d) (declining or terminating representation); Rule 8.1(a),(b) (disciplinary matters); and Rule 8.4(c) (misconduct); and

That Respondent has failed to establish by clear and convincing evidence any of the grounds of defense found in Part Six, Section IV, Paragraph 13-14(B) of the Rules of Court 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.

Having made these findings, the Board **ORDERS** that, pursuant to Part Six, Section IV, Paragraph 13-24.G of the Rules of Court, the same discipline that was imposed in Massachusetts be imposed in Virginia and that Respondent's license to practice law in Virginia be and hereby is revoked, effective October 28, 2011.

It is further ORDERED that, as directed in the Board's October 28, 2011, Summary Order in this matter, 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 revocation, 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 hearing before a three-judge court.

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

**ORDERED** that an attested copy of this Order be mailed to the Respondent, Brett Nathan Dorny, by certified mail to his Virginia State Bar address of record, at 13675 W. 84<sup>th</sup> Avenue, Arvade, CO 80005, and a copy hand-delivered to Assistant Bar Counsel, Paul D.

Georgiadis, Virginia State Bar, 707 East Main Street, Suite 1500, Richmond, VA 23219.

ENTERED THIS ORDER THIS 7<sup>th</sup> DAY OF November, 2011.

VIRGINIA STATE BAR DISCIPLINARY BOARD

By: Thomas R. Scott, Jr.  
Thomas R. Scott, Jr.  
Chair