

VIRGINIA:

**BEFORE THE SIXTH DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR**

**IN THE MATTER OF
BRUCE PATRICK GANEY**

VSB Docket No. 15-060-101324

**SUBCOMMITTEE DETERMINATION
(PUBLIC REPRIMAND WITH TERMS)**

On December 10, 2015 a meeting was held in this matter before a duly convened Sixth District Subcommittee consisting of Andrew Joseph Cornick, Chair, Bruce Collier Phillips, Member and Robert R. Hazelwood, Lay Member. During the meeting, the Subcommittee voted to approve an agreed disposition for a Public Reprimand with Terms pursuant to Part 6, § IV, ¶ 13-15.B.4 of the Rules of the Supreme Court of Virginia. The agreed disposition was entered into by the Virginia State Bar, by Prescott L. Prince, Assistant Bar Counsel, and Bruce Patrick Ganey, Respondent, *pro se*.

WHEREFORE, the Sixth District Subcommittee of the Virginia State Bar hereby serves upon Respondent the following Public Reprimand with Terms:

I. FINDINGS OF FACT

1. At all times relevant hereto, Bruce Patrick Ganey ("Respondent"), has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. In August 2007, Respondent was retained by David Waller and Ernest J. Waller (brothers) to sell a piece of land owned by said David Waller and Ernest J. Waller and other members of the family. Said David Waller and Ernest J. Waller informed Respondent that the property had previously been owned by their father, James Waller.

3. Respondent determined that there were multiple potential heirs to the property and advised David Waller and Ernest J. Waller that, before the land could be sold, he needed to determine proper title to the land.
4. Ownership of the property was unquestionably difficult to determine. James Waller reportedly had four children by a first marriage, ten or twelve by a second marriage, and may have had illegitimate children as well. He was single at the time of death and left no will. A 1969 deed, apparently signed by a number of the Waller descendants, purportedly transferred their interest to others, but two of the surviving grantors said their signatures on the deed were forged.
5. Respondent took no significant action on the matter until 2009, at which time filed suit to determine title to the land. Respondent was then appointed special commissioner to handle the taking of evidence concerning the identity of the heirs.
6. Respondent identified a number of heirs or potential heirs. The task of identifying heirs or potential heirs was not completed, however and no report regarding heirs or potential heirs has ever been forwarded to the Court.
7. The last actionable information regarding an heir or potential heir was in 2011. Respondent took no significant action in the case from 2011 until receipt of the Bar Complaint in this matter.
8. Complainant David Waller asserts that throughout the period of representation, Respondent was generally non-responsive to his efforts to communicate with him and that he has spoken with Respondent on only four of five occasions since retaining him in 2007. David Waller further asserts that when he did speak with Respondent, he would

- make representations to the effect that matters were proceeding and would make promises about future action that never came to fruition.
9. Respondent acknowledges that the case has taken too long and that he failed to pursue the case with reasonable diligence.
 10. Respondent further acknowledges that he did not remain in close communication with David Waller and Ernest J. Waller and acknowledges that he did not respond to requests for information in a timely manner. Respondent contends, however, that he did keep all concerned reasonably informed about the states of the matter.
 11. Respondent's failure to take any significant action in the case for over a year after being retained, and further failing to aggressively prosecute the case thereafter constitutes a violation of Virginia Rules of Professional Conduct (RPC) Rule 1.3 (a).
 12. Respondent's failure to maintain communication with his clients, and his further failure to timely return telephone calls constitutes a violation of RPC 1.4 (a).

II. NATURE OF MISCONDUCT

Such conduct by Respondent constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

RULE 1.3 Diligence

- (a) A lawyer shall act with reasonable diligence and promptness in representing a client.

RULE 1.4 Communication

- (a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

III. PUBLIC REPRIMAND WITH TERMS

1. Within 30 days of the date that this Memorandum Order is forwarded to Respondent, as provided by the Certificate of Service herein, the Respondent shall further:
 - a. Engage an approved practicing attorney or law office management consultant (both known as "Consultant") acceptable to the Virginia State Bar. The Consultant's engagement shall be for the purposes of reviewing Respondent's current law practice policies, methods, systems and record-keeping to ensure compliance with all provisions of Rules 1.3, 1.4, 1.5 and with the other provisions of law office management Rules of the Virginia Rules of Professional Conduct (hereafter "said Rules"), as determined relevant by the law office management consultant and to report to the Bar on a quarterly basis regarding Respondent's compliance with the Consultant's recommendation.
 - b. In the event the Consultant determines that Respondent has complied with the Consultant's recommendations, the Consultant shall so certify in writing to the Respondent and the Virginia State Bar. In the event the Consultant determines that Respondent has not complied with the Consultant's recommendations, the Consultant shall notify the Respondent and the Virginia State Bar, in writing, of the measures that Respondent must take to bring himself into compliance with the Consultant's recommendations.
 - c. Upon receipt of a report of non-compliance with the Consultant's recommendations, the Respondent shall have thirty (30) days following the date the Consultant issues his written statement of the measures Respondent must take to bring his law office practice and procedures into compliance. The Consultant shall be granted access to Respondent's office, books, records, and files following the passage of the thirty (30) day period to determine whether Respondent has brought himself into compliance, as required. The Consultant shall thereafter certify in writing to the Virginia State Bar and to the Respondent either that the Respondent has brought his practice and procedures into compliance within the thirty day (30) period, or that he has failed to do so. Respondent's failure to bring himself into compliance with the Consultant's recommendations by the conclusion of the aforesaid thirty (30) day period shall be considered a violation of the Terms set forth herein.
 - d. The Consultant shall periodically consult with and/or examine the Respondent's law practice consistent with paragraph a, above, for a period of twelve (12) months following the date of the Consultant's initial certification of compliance pursuant to the terms hereof. The Consultant shall report to the Virginia State Bar on a quarterly basis and in said report either recertify Respondent's compliance with Consultant's recommendations said Rules or issue a report to the Virginia State Bar and the Respondent stating that the Respondent is not in compliance, and the basis for such a determination. The Respondent shall be deemed to have violated the Terms hereof in the event the Consultant, upon such re-examination

of Respondent's said law practice policies, methods, systems and record-keeping, reports any material noncompliance.

2. That Respondent shall obtain six (6) continuing legal education credits by attending courses approved by the Virginia State Bar in the subject matters of law office management. Respondent's Continuing Legal Education attendance obligation set forth in this paragraph shall not be applied toward his Mandatory Continuing Legal Education Requirement in Virginia or in any other jurisdiction in which Respondent is licensed to practice law. Respondent shall certify his compliance with the terms set forth in this paragraph by delivering a fully and properly executed Virginia MCLE Board Certification of Attendance Form to Assistant Bar Counsel, Prescott L. Prince, or his designee, promptly following Respondent's attendance of each such CLE program and no later than twelve (12) months of the date that this Memorandum Order is forwarded to Respondent, as provided by the Certificate of Service herein.
3. The Respondent shall be obligated to pay when due any reasonable fees and costs charged by the Consultant for his or her services, (including provision to the Bar and to Respondent of information concerning this matter).

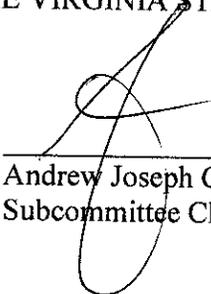
Upon satisfactory proof that such terms and conditions have been met, these matters shall be closed.

If, however, all the terms and conditions are not met by the deadlines imposed above, the Respondent agrees that the Disciplinary Board shall impose a six (6) month suspension of his license to practice law in the Commonwealth of Virginia pursuant to the Rules of the Supreme Court of Virginia, Part Six, § IV, ¶ 13-18.O. Any proceeding initiated due to failure to comply with terms will be considered a new matter, and an administrative fee and costs will be assessed pursuant to ¶ 13-9.E of the Rules of the Supreme Court of Virginia. Respondent agrees that any proceeding to address compliance with terms under this Agreed Disposition will be heard by the Disciplinary Board.

Pursuant to Part 6, § IV, ¶ 13-9.E of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess costs.

SIXTH DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

By:



Andrew Joseph Cornick
Subcommittee Chair

CERTIFICATE OF MAILING

I certify that on 6 Jan 2016, a true and complete copy of the Subcommittee Determination (Public Reprimand With Terms) was sent by certified mail to Bruce Patrick Ganey, Respondent, at 10985 Richardson Rd, PO Box 6006, Ashland, VA 23005, that being Respondent's last address of record with the Virginia State Bar.



Prescott L. Prince
Assistant Bar Counsel