

VIRGINIA:

BEFORE THE DISCIPLINARY BOARD OF THE VIRGINIA STATE BAR

IN THE MATTER OF
REUBEN VOLL GREENE

VSB DOCKET NOS. 07-033-070166, 08-033-071684 and 08-033-074146

ORDER

THIS MATTER came on to be heard on the 26th day of June 2009, before a panel of the Disciplinary Board consisting of William E. Glover, Chair, John S. Barr, Paul M. Black, Glenn M. Hodge, and Stephen Wannall, Lay Member. The Virginia State Bar was represented by Paulo E. Franco. The respondent, Reuben Voll Greene, appeared in person and was represented by Arnold R. Henderson. The Chair polled the members of the Board Panel to ascertain whether any of them was conscious of any personal or financial interest or bias which would preclude any of them from fairly hearing this matter and serving on the panel, to which inquiry each member responded in the negative. Tracy J. Johnson, court reporter, Chandler & Halasz, PO Box 9349, Richmond, VA 23227, 804-730-1222, after being duly sworn, reported the hearing and transcribed the proceedings.

The matter came before the Board on the Determination for Certification by the Third District Sub-Committee.

Counsel for the Bar and Counsel for Respondent offered in evidence a Stipulation of Findings of Misconduct and a Proposed Joint Recommendation for Sanction which was marked as Exhibit A.

I. STIPULATION OF FACTS

A. At all times relevant, Respondent was licensed to practice law in the Commonwealth of Virginia.

B. Respondent was admitted to the practice of law in the Commonwealth of Virginia on April 26, 1996.

Freddie L. Mitchell Appeal 07-033-070166

1. Complainant alleges that he retained Respondent to handle his appeal of certain criminal convictions for possession of controlled substances with intent to distribute.

2. Complainant paid Respondent a fee and costs for the appeal.

3. Respondent filed a Petition for Appeal that was subsequently granted.

4. The Virginia Court of Appeals ultimately denied the appeal.

5. Complainant and Complainant's mother requested that Respondent appeal the matter to the Supreme Court of Virginia.

6. Respondent filed a Notice of Appeal with the Virginia Court of Appeals, but filed no other papers in the Supreme Court of Virginia in pursuit of the appeal.

7. Respondent failed to communicate the status of the appeal with Complainant.

8. Complainant did not learn of the status of the appeal until the Clerk of the Virginia Supreme Court wrote to him advising that the Respondent filed a notice in the Court of Appeals but nothing with the Virginia Supreme Court.

9. Respondent never took steps to find out what was going on with the appeal, and never communicated the dismissal with Complainant.

Gregory E. White Appeal 08-033-071684

10. Complainant alleges that he retained Respondent to represent his interest on several criminal charges in the Circuit Court for the City of Richmond.

11. Complainant was subsequently convicted and sentenced to a term of imprisonment.

12. Complainant requested Court appointed counsel to pursue the appeal, and the Circuit Court for the City of Richmond appointed Respondent.

13. Respondent filed a Notice of Appeal.

14. Respondent filed a Motion to Withdraw as counsel for Complainant's appeal.

15. The Circuit Court for the City of Richmond denied the motion.

16. Respondent did not take the steps necessary to perfect the appeal while his Motion to Withdraw was pending.

17. As a result, Respondent did not timely file the necessary transcripts.

18. Respondent filed a Motion to Extend Time for filing the transcripts. The Court of Appeals also issued a Rule to Show Cause why the appeal should not be dismissed for failure to timely file transcripts.

19. The Court of Appeals denied the Motion to Extend Time and dismissed Complainant's appeal.

20. Respondent failed to communicate the dismissal with Complainant.

21. Complainant did not learn about the status of his case until he filed the instant Bar Complaint.

VS/Anonymous Matter 08-033-074146

22. Respondent was appointed by the Circuit Court for the City of Richmond to represent Mr. George E. Hayes on a Rule to Show Cause for violation of the terms of his probation.

23. The Circuit Court for the City of Richmond found Mr. Hayes to be in violation of his probation and reinstated his sentence to include incarceration.

24. Mr. Hayes requested that Respondent appeal the decision, but Respondent told him that a successful outcome was unlikely.

25. Mr. Hayes wrote to Respondent on September 4, 2007 advising him that he wished to withdraw any appeal of the case, but requested that Respondent pursue a sentence reduction.

26. Respondent filed a Motion to Modify or Reduce Sentence with the Richmond Circuit Court on September 7, 2007.

27. Respondent sent Mr. Hayes a copy of the Motion.

28. Respondent failed to follow up with the Court on the Motion to Modify or Reduce Sentence.

29. Respondent failed to communicate with Mr. Hayes concerning the status of the case.

30. On August 4, 2008, an investigator for the Virginia State Bar interviewed Respondent in connection with this action.

31. Respondent advised the Bar's investigator that he did not know the status of the Motion he filed on Mr. Haye's behalf and also advised the investigator the he did not know why he had not kept his client informed of the status of the Motion.

II. STIPULATED FINDINGS OF MISCONDUCT

Counsel for the Bar and Counsel for the Respondent in each of the above Stipulated Findings of Fact likewise stipulated that Respondent violated the following provisions of the Virginia 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. DISPOSITION

Upon review of the foregoing Stipulation of Facts, Stipulation of Misconduct, Counsels' suggested disposition of this matter and argument of Counsel, the Board recessed to deliberate. After due deliberation the Board reconvened and announced its determination that Respondent should be publically reprimanded with terms.

Accordingly, it is ORDERED that the Respondent be, and he hereby is, Publically Reprimanded with the following terms:

Respondent shall take six (6) hours of MCLE within 6 months from June 26, 2009. The hours of MCLE shall be in addition to, and not count as a part of or towards Respondent's MCLE obligations as a member of the Virginia State Bar.

Respondent shall tender to the office of Bar Counsel no later than close of business on July 31, 2009 a letter outlining all steps that Respondent has implemented for docketing and controlling deadlines within his law office. In the event that Bar Counsel feels there are deficiencies in the docket control protocols, Bar Counsel shall notify Respondent of his concerns within thirty days. Respondent shall thereafter have 30 days to comply with Bar Counsel's concerns in writing.

For a period of one year, beginning June 26th, 2009, the Respondent shall be on Probation (Probation Period) meaning that if Respondent is found guilty of having engaged in misconduct

by violating Rules 1.3 or Rules 1.4 of the Virginia Rules of Professional Conduct, and the misconduct itself occurs during the Probation Period, then the alternate sanction with respect to the stipulated findings of misconduct that are found today of a suspension of sixty (60) days shall be imposed pursuant to Virginia Supreme Court Rule Part 6, Section IV, Paragraphs 13-18.

In addition, in the event that the Respondent fails to comply with any of the terms of this Public Reprimand during the Probation Period, Bar Counsel shall issue a Rule to Show Cause for a sanctions determination set forth in the previous paragraph. That show cause proceeding shall be before the Disciplinary Board and be governed by the procedures and rules of the Virginia Supreme Court, Part 6, Section IV, Paragraphs 13-20.

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 mail an attested copy of this order to respondent Reuben Voll Greene at his address of record with the Virginia State Bar, 1557 East Main Street, Richmond, VA 23219, by certified mail, return receipt requested, and by regular mail to Paulo E. Franco, Virginia State Bar, 707 East Main Street, Suite 1500, Richmond, Virginia 23219.

ENTERED this 29th day of July, 2009

VIRGINIA STATE BAR DISCIPLINARY BOARD



William E. Glover, Chair