

**VIRGINIA : BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD**

**IN THE MATTER OF GWEN ANN CARPENTER**

**VS B Docket # 14-000-096559**

**ORDER OF REVOCATION**

This matter came before the Virginia State Bar Disciplinary Board (“Board”) on August 22, 2014, pursuant to a *Petition for Rule to Show Cause For Failure to Comply with Paragraph 13-29* in accordance with the Rules of the Supreme Court of Virginia, Part Six, Section IV, Paragraph 13-29 requiring Respondent, Gwen Ann Carpenter (“Respondent”), to show cause why her license to practice law should not be suspended or revoked for failing to comply with the notice requirements and certification of notice requirements imposed by Paragraph 13-29 following the interim suspension of her license to practice law on October 16, 2012, which suspension continues to date. The hearing was held before a duly convened panel of the Board consisting of Robert W. Carter, Lay Member; William Atwill, Chair; William C. Boyce, Jr.; Michael A. Beverly; and Jeffrey L. Marks.

All required notices were sent by the Clerk of the Disciplinary System (“Clerk”). The Virginia State Bar was represented by Paulo E. Franco, Jr., Assistant Bar Counsel. The Respondent did not appear personally or through counsel.

Jennifer Hairfield, Chandler & Halasz, P.O. Box 9349, Richmond, Virginia 23227, (804) 730-1222, having been duly sworn, reported the hearing.

The Chair opened the hearing by calling the case in the hearing room and directing the Clerk to call the case in the adjacent hall three (3) times. The Respondent did not answer or appear. The panel was polled as to whether any member had any conflict of interest or other reason why the member should not participate in the hearing, and each member, including the Chair, answered in the negative.

Virginia State Bar Exhibits A through D were received into evidence without objection.

The Respondent presented no submissions, response, or evidence into the record.

**The Prior Proceedings**

This matter arises out of a *Petition for Rule to Show Cause For Failure to Comply with Paragraph 13-29* filed with the Board by Bar Counsel, based upon Respondent's failure to comply with several orders of the Board and the aforesaid provisions of Part Six, Section IV, Paragraph 13-29 of the Rules of the Supreme Court of Virginia, as well as the Respondent's failure to respond to a Rule to Show Cause issued on May 13, 2014.

More particularly, the Bar in its Petition alleged as follows:

1. On October 16, 2012, a Three Judge Panel convened pursuant to Va. Code Ann. § 54.1-3935 and suspended Respondent's license to practice law in the Commonwealth of Virginia for a period of two years for violations of the Virginia Rules of Professional Conduct, VSB Docket No. 12-042-088425.
2. The Order of suspension required that Respondent comply with the requirements of Part 6, Section IV, Para. 13-29 of the Rules of the Supreme Court of Virginia.
3. On October 23, 2012, the Clerk's Office of the Virginia State Bar Disciplinary Board sent the Respondent a letter by United States Postal Service certified mail to her last address of record with the Virginia State Bar, enclosing a copy of the Memorandum Order along with the forms that would enable her to comply with Part 6, Section IV, Para. 13-29 of the Rules of the Supreme Court of Virginia.
4. On January 8, 2013, the Clerk's Office of the Virginia State Bar Disciplinary Board sent the Respondent a letter by United States Postal Service certified mail to her last address of record with the Virginia State remind her to comply with Part 6, Section IV, Para, 13-29 of the Rules of the Supreme Court of Virginia.

5. On May 7, 2013, Respondent was administratively suspended for failure to pay assessed costs in connection with VSB Docket No. 12-042-088425.

6. Under the Administrative Order of Suspension, Respondent was required to comply with Part 6, Section IV, Para. 13-29 of the Rules of the Supreme Court of Virginia.

7. On July 22, 2013, the Clerk's Office sent Respondent another letter by regular U.S. mail reminding her of her obligations to comply with Part 6, Section IV, Para. 13-29 of the Rules of the Supreme Court of Virginia.

8. As of April 22, 2014, Respondent has not complied with any of her obligations pursuant to Part 6, Section IV, Para. 13-29 of the Rules of the Supreme Court of Virginia.

#### **Findings**

The Board heard the testimony of Ronald C. McCall, an investigator with the Virginia State Bar, who testified that he could not make contact with the Respondent nor would the Respondent respond to his inquiries.

The Board recessed and after considering the testimony of the witness, receiving all of the exhibits introduced by the Virginia State Bar, and having heard argument, the Board unanimously found that the VSB had furnished uncontroverted, clear and convincing evidence substantiating the allegations set forth in the *Petition for Rule to Show Cause For Failure to Comply with Paragraph 13-29*, and the Board further finds that the Respondent has failed to show cause as to why her license to practice law should not be revoked.

#### **Sanction**

The Board subsequently received evidence regarding aggravation, reviewed the prior findings of misconduct, and heard argument from Bar Counsel.

The Board recessed to deliberate what sanction to impose upon its finding of non-compliance. After due deliberation, the Board reconvened and announced that based upon the Respondent's total

disregard of the Board's prior orders and noncompliance with the Rules of the Supreme Court of Virginia over an extended period of time, the appropriate sanction to protect the public and the integrity of the Bar is the revocation of the Respondent's license.

Accordingly, it is

ORDERED that the license of Gwen Ann Carpenter to practice law in the Commonwealth of Virginia is hereby REVOKED, effective August 22, 2014;

FURTHER ORDERED that, pursuant to Part Six, Section IV, Paragraph 13-29 of the Rules of the Supreme Court of Virginia, 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 any matters, to all judges and the Clerk of the Court before which Respondent may have any pending cases and to opposing counsel in all such cases;

FURTHER ORDERED that Respondent shall also make appropriate arrangements for the disposition of matters not in her care, in conformity with the wishes of her clients;

FURTHER ORDERED that, pursuant to Part Six, Section IV, Paragraph 13-9(E) of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess costs against the Respondent; and

FURTHER ORDERED that an attested copy of this Order shall be mailed by certified mail, to the Respondent, Gwen Ann Carpenter, at her address of record with the Virginia State Bar being Law Office of Gwen Ann Carpenter, Suite 400, 500 Montgomery Street, Alexandria, Virginia 22314 and a copy hand-delivered to Paulo E. Franco, Jr., Assistant Bar Counsel, Virginia State Bar, 1111 East Main Street, Suite 700, Richmond, Virginia 23219.

ENTER THIS ORDER THIS 16th DAY OF September, 2014.

VIRGINIA STATE BAR

William H. Atwill, Jr. Digitally signed by William H. Atwill, Jr.  
DN: cn=William H. Atwill, Jr., email=atwill@standcc.com, c=US  
Date: 2014.09.16 15:44:13 -0400

William H. Atwill, Chair