

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF SUFFOLK

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VIRGINIA STATE BAR

IN THE MATTER OF
EDWARD RUFFIN HOUSE

Suffolk Circuit Court Case No. ~~CLB 04-00~~
[VSB Docket No. 10-010-082618]

MEMORANDUM ORDER

This cause came to be heard on the 5th day of January, 2011 before a Three-Judge Court duly impaneled pursuant to Section 54.1-3935 of the Code of Virginia, 1950, as amended, consisting of the Honorable William H. Shaw, III, Judge Designate, the Honorable Ann Hunter Simpson, Judge Designate, and the Honorable H. Thomas Padrick, Jr., Chief Judge Designate. The Virginia State Bar appeared through its Assistant Bar Counsel Richard E. Slaney, and the Respondent appeared in person and through his counsel, Michael L. Rigsby, Esq.

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WHEREUPON, a hearing was held on the Rule to Show Cause issued against the Respondent, Edward Ruffin House, which Rule directed him to appear and show cause why his license to practice law in the Commonwealth of Virginia should not be suspended or revoked or why he should not otherwise be sanctioned by reason of the allegations of unethical conduct set forth in the Certification issued by a subcommittee of the First District Committee of the Virginia State Bar. At the outset of the hearing the panel accepted a Stipulation entered into between the parties and admitted the Bar's pre-filed Exhibits 1- 7 inclusive without objection.

Following opening statements by the parties, the Bar presented its evidence. As to Bar Exhibit 8, the panel overruled the objection of Respondent's counsel and admitted Exhibit 8 into evidence. Bar Exhibit 9 was never offered by the Bar and was not considered by the panel. The panel then heard evidence on behalf of the Respondent, and the argument of the parties as to whether Respondent violated the Rules of Professional Conduct set forth in the Certification.

After due deliberation, the panel unanimously found by clear and convincing evidence the following facts:

1. At all times material to this matter, the Respondent, Edward Ruffin House (House), was an attorney licensed to practice law in the Commonwealth of Virginia.
2. In July of 2007, House began work as an associate attorney in the Suffolk office of the law firm known as Stallings & Bischoff, P.C. (Stallings).
3. Up to October of 2009, when House did court appointed work, he completed the state voucher listing the payee as Stallings; however, at that point, he began completing such vouchers listing himself as the payee, his social security number and the Suffolk, Virginia office address of Stallings & Bischoff, P.C.
4. House began holding back from Stallings state checks and cash fee payments.
5. Some members of Stallings learned of this and House was fired on January 15, 2010.
6. House had a meeting with some members of Stallings on January 18, 2010. At that time, House delivered to Stallings approximately \$11,000 in cash, \$19,000 in state issued checks and indicated he had approximately \$60,000 worth of state vouchers not yet submitted for reimbursement. House also told Stallings he had spent some of the money received from clients and believed the amount to be approximately \$5,000.
7. House indicated to Stallings and to the Bar's Investigator his intent was to hold back funds from a good month to make up for later months in which his fee receipts might be down; however, he admitted to both Stallings and the Bar's Investigator he spent approximately \$5,000 from the cash he withheld.
8. Sometime shortly after meeting with Stallings, House sent a handwritten note to Moody Stallings, Jr. along with House's personal check for \$20,000. House states in the note the \$20,000 is more than what he took from Stallings and expresses his hope Stallings will forgive him and "not involve any other parties...."

The panel unanimously found that such conduct by Respondent violated the following provision of the Virginia Rules of Professional Conduct:

RULE 1.15 Safekeeping Property

- (a) All funds received or held by a lawyer or law firm on behalf of a client, other than reimbursement of advances for costs and expenses, shall be deposited in one or more identifiable escrow accounts maintained at a financial institution in the state in which the law office is situated....

RULE 8.4 Misconduct

It is professional misconduct for a lawyer to:

- (b) commit a criminal or deliberately wrongful act that reflects adversely on the lawyer's honesty, trustworthiness or fitness to practice law;
- (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation which reflects adversely on the lawyers' fitness to practice law;....

THEREAFTER, Respondent presented evidence and the parties offered argument regarding the sanction to be imposed. After due deliberation, the panel unanimously decided Respondent's license to practice law in the Commonwealth of Virginia should be revoked, effective January 5, 2011, and the Court entered a Summary Order to that effect. It is therefore

ORDERED that the license of Respondent, Edward Ruffin House, to practice law in the Commonwealth of Virginia be and hereby is REVOKED. It is further

ORDERED, pursuant to the provisions of Part Six, Section IV, Paragraph 13-29 of the Rules of the Supreme Court of Virginia (the Rules), that 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 the Respondent is currently handling matters and to all opposing attorneys and presiding judges in pending litigation. Respondent shall also make appropriate arrangements for the disposition of matters in Respondent's care in conformity with the wishes of his 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. Respondent shall also furnish proof to the Bar within 60 days of the effective date of the Revocation that such notices have been timely given and such arrangements made for the disposition of matters. If Respondent is not handling any client matters on the effective date of the 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

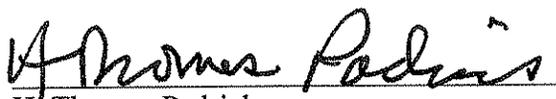
the notice and arrangements required by Paragraph 13-29 shall be determined by the Virginia State Bar Disciplinary Board unless Respondent makes a timely request for hearing before a Three-Judge Circuit Court.

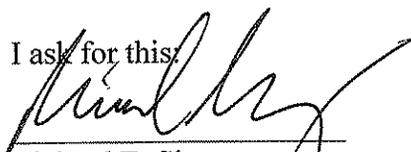
Pursuant to Paragraph 13-9(E) of the Rules, the Clerk of the Disciplinary System shall assess costs. It is further

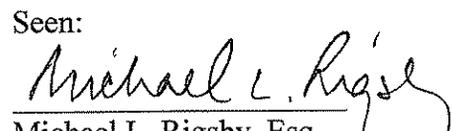
ORDERED that the Clerk of this Circuit Court shall send a copy *teste* of this order to the Respondent by certified mail, return receipt requested, at 519 West Riverview Drive, Suffolk, VA 23434, his last address of record with the Virginia State Bar, and send copies *teste* of this order by regular mail Assistant Bar Counsel Richard E. Slaney, at 707 East Main Street, Suite 1500, Richmond, VA 23219, to Michael L. Rigsby, Esq., at Forest Plaza II, Suite 310, 7275 Glen Forest Drive, Richmond, VA 23226 and to Barbara Sayers Lanier, Clerk of the Disciplinary System, Virginia State Bar at 707 East Main Street, Suite 1500, Richmond, VA 23219.

These proceedings were recorded by Debra D. Bowden, Court Reporter, P.O. Box 553, Windsor, VA 23487, telephone number (757) 242-6820.

ENTERED this 11th day of February, 2011.


H. Thomas Padrick
Chief Judge Designate

I ask for this:

Richard E. Slaney
Assistant Bar Counsel

Seen:

Michael L. Rigsby, Esq.
Counsel for Respondent

TRUE COPY
I certify that the document to which this authentication is affixed is a true copy of a record in the Suffolk Circuit Court, that I have custody of the record, and that I am the custodian of that record
TESTE: W. RANDOLPH CARTER JR. CLERK
BY: Debra D. Bowden D.C.
DATE: 2/16/11