

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF
JEFFREY ANDREW LUHRSEN

VSB Docket No. 11-000-087800

MEMORANDUM ORDER

This matter came on to be heard on August 26, 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 July 28, 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 Paul M. Black, Acting Chair, Rev. W. Ray Inscoe, Lay Member, Raighne C. Delaney, Michael S. Mulkey, and Samuel R. Walker (the Panel) heard the matter. Kathryn R. Montgomery, Deputy Bar Counsel, appeared as counsel for the Virginia State Bar. The respondent, Jeffrey Andrew Luhrsen, (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 the Supreme Court of Florida suspended Respondent's license to practice law for thirty (30) days effective April 1, 2011;

That Respondent's conduct in Florida violated Virginia Rules of Professional Conduct Rule 1.8(e) (prohibiting financial assistance to a client with pending litigation) and Rule 7.1(a) (prohibiting advertisements that contain misleading information);

That Respondent's failure to provide the Florida bar with a copy of his advertisement prior to dissemination would not have violated the Virginia Rules of Professional Conduct had the conduct occurred in Virginia; and

Except as set forth above, 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 Disciplinary 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 Florida be imposed in Virginia and that Respondent's license to practice law in Virginia be suspended for thirty (30) days, effective retroactively to July 28, 2011, which is the date of the entry of the Board's Rule to Show Cause and Order of Suspension and Hearing.

It is further **ORDERED** that Respondent must comply with the requirements of Part Six, Section IV, Paragraph 13-29 of the Rules of the Supreme Court of Virginia. Under the facts and

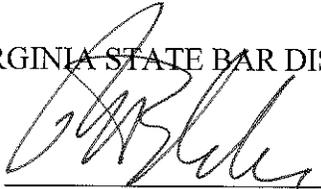
circumstances of *this case only*, the Board will find compliance with Paragraph 13-29 if, within 10 days of the date of the hearing (August 26, 2011), Respondent files with the Clerk an affidavit certifying that he has no clients or pending matters in Virginia and that he has notified all clients and courts previously of his suspension in Florida pursuant to Florida's notice requirements, regardless of where the clients or courts were located. If Respondent fails to file the affidavit within 10 days, then he shall satisfy all requirements of Paragraph 13-29 in full. 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.

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

It is further **ORDERED** that an attested copy of this Order be mailed to the Respondent, Jeffrey Andrew Luhrsen, by certified mail to his Virginia State Bar address of record, at 7430 North Tamiami Trail, Sarasota, FL 34243, and a copy hand-delivered Deputy Bar Counsel, Kathryn R. Montgomery, Virginia State Bar, 707 East Main Street, Suite 1500, Richmond, VA 23219.

ENTERED THIS ORDER THIS 2nd DAY OF Sept., 2011

VIRGINIA STATE BAR DISCIPLINARY BOARD

By: 

Paul M. Black
Acting Chair