

VIRGINIA :

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

**IN THE MATTER OF
RACHEL HEATHER MacKNIGHT**

VS B Docket No. 11-080-086501

MEMORANDUM ORDER

This matter came on to be heard on February 29, 2012 by the Disciplinary Board of the Virginia State Bar (the Board) by teleconference upon an Agreed Disposition between the parties, which was presented to a panel of the Board consisting of Stephen A. Wannall (lay member), Timothy A. Coyle, Samuel R. Walker, Nancy C. Dickenson, and Pleasant S. Brodnax, III, 2nd Vice Chair presiding (the Panel).

Paulo E. Franco, Jr., Assistant Bar Counsel, appeared as counsel for the Virginia State Bar, and the Respondent, Rachel Heather MacKnight appeared in person with counsel, Michael L. Rigsby.

Pursuant to the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-6.H, the Bar and Respondent entered into a written proposed Agreed Disposition and presented same to the Panel.

The Chair swore the Court Reporter and 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 or her ability to be impartial in these matters. Each member, including the Chair, verified they had no such interests.

The Panel heard argument from counsel and reviewed Respondent's prior disciplinary record with the Bar and thereafter retired to deliberate on the Agreed Disposition. Having considered all the evidence before it, a unanimous Panel accepted

the Agreed Disposition.

I. FINDINGS OF FACT

1. At all times relevant, Respondent was licensed to practice law in the Commonwealth of Virginia.
2. Respondent was admitted to the practice of law in the Commonwealth of Virginia on October 19, 2005.
3. At all times relevant, Respondent was employed as an attorney with the Legal Aid Society of Roanoke Valley ("LASRV").
4. Respondent's supervisor at LASRV was David D. Beidler, Esquire.
5. Eva Huffman is the LASRV's office notary public.
6. Upon information and belief, Respondent is not a notary public for the Commonwealth of Virginia.
7. Mr. Beidler became aware that Respondent had forged notarial signatures on deposition transcripts in five divorce cases she was handling. More specifically, Respondent was forging the signature of Eva Huffman, the LASRV's office notary.
8. By forging the notarial signatures on the depositions, Respondent was certifying the dates on which the depositions submitted as part of the divorce cases were taken.
9. At the time that Respondent forged Ms. Huffman's signature, she knew that the depositions had in fact been taken previously and no longer statutorily qualified as a basis upon which the court could legally enter a decree of divorce.
10. When Mr. Beidler became aware of Respondent's forgeries, he took corrective action by notifying the courts of the problem.
11. Mr. Beidler confronted Respondent with the forgeries.
12. Respondent admitted that she forged Ms. Huffman's name and that she improperly submitted those forgeries to various circuit courts.

II. NATURE OF MISCONDUCT

The Disciplinary Board finds that such conduct by Rachel Heather MacKnight constitutes misconduct in violation of the following Rules of Professional Conduct:

RULE 3.3 Candor Toward The Tribunal

- (a) A lawyer shall not knowingly:
 - (1) make a false statement of fact or law to a tribunal; or
 - (4) offer evidence that the lawyer knows to be false. If a lawyer has offered material evidence and comes to know of its falsity, the lawyer shall take reasonable remedial measures.

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RULE 4.1 Truthfulness In Statements To Others

In the course of representing a client a lawyer shall not knowingly:

- (a) make a false statement of fact or law; or

* * * *

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;

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III. IMPOSITION OF SANCTION

Having considered all the evidence before it and determined to accept the Agreed Disposition, the Disciplinary Board **ORDERS** that Respondent's license to practice law in the Commonwealth of Virginia is here **SUSPENDED** for a period of **ONE YEAR AND ONE DAY** effective February 29, 2012, as representing an appropriate sanction if this matter were to be heard through an evidentiary hearing by a panel of the Disciplinary Board. In reaching this determination, the Board has considered the following mitigation factors from the American Bar Association's Standards for Imposing Lawyer

Sanctions:

1. Absence of a prior disciplinary record;
2. Full and complete disclosure to the Virginia State Bar of facts underlying the complaint and cooperative attitude during the investigation of this matter;
3. Mental impairment during the time of the offense; and
4. Remorse

The terms with which the Respondent must comply are as follows:

1. Prior to being re-admitted to the Bar, Respondent shall comply with or be in compliance with the requirements of Part 6, Section IV, Paragraph 13-25.H and Paragraph 13-29.

2. Upon being readmitted to the Bar, Respondent shall have taken steps to enter into a monitoring contract with Lawyers Helping Lawyers, who shall make quarterly reports to the Office of Bar counsel. The monitoring contract shall be in effect for a period of one year from the date that Respondent is readmitted to the practice of law as per paragraph 1 of this Agreed Disposition.

Upon satisfactory proof that such terms and conditions have been met, this matter shall be closed. If, however, all the terms and conditions are not met by the deadlines imposed above, the Respondent agrees that the alternative disposition shall be an additional one (1) year suspension of Respondent's license to practice law in the Commonwealth of Virginia, to be imposed pursuant to Rules of Court, Part Six, Section IV, Paragraph 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 Paragraph 13-9.E of the Rules of Court.

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. The Respondent shall forthwith give notice by certified mail, return receipt requested,

of the suspension of her license to practice law in the Commonwealth of Virginia, to all clients for whom she is currently handling matters and to all opposing attorneys and presiding judges in pending litigation. The Respondent shall also make appropriate arrangements for the disposition of matters then in her care in conformity with the wishes of her client. Respondent shall give such notice within 14 days of the effective date of the suspension, and make such arrangements as are required herein within 45 days of the effective date of the suspension. The Respondent shall also furnish proof to the Bar within 60 days of the effective day of the suspension that such notices have been timely given and such arrangements made for the disposition of matters.

It is further **ORDERED** that if the Respondent is not handling any client matters on the effective date of the suspension, she 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 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 the Clerk of the Disciplinary System shall send a certified copy of this order to Rachel Heather MacKnight at her last address of record with the Virginia State Bar, 3607 Raymond Street, Chevy Chase, Maryland 20815, a copy to Respondent's Counsel, Michael L. Rigsby, P.O. Box 29328, Henrico, Virginia 23242; and a copy to Paulo E. Franco, Assistant Bar Counsel, Virginia State Bar, 707 East Main Street, Suite 1500, Richmond, Virginia 23219 in this matter.

Terry S.Griffith, Certified Court Reporter, of Chandler & Halasz, P.O. Box 9349,
Richmond, Virginia 23227, (804) 783-8779, was the court reporter for the hearing and
transcribed the proceedings.

ENTERED: February 29, 2012

VIRGINIA STATE BAR DISCIPLINARY BOARD

By: Pleasant S. Brodnax III
Pleasant S. Brodnax, III, 2nd Vice Chair