

VIRGINIA:

*Before the Virginia State Bar Disciplinary Board*

*In the Matter of*

*Robert Edward Mittendorff*

*VSB Docket Nos. 05-051-4489, 06-051-3136,  
07-051-0787, 08-051-074404 and 08-051-072084*

*Attorney at Law*

*On October 8, 2008, came Robert Edward Mittendorff and presented to the Board an Affidavit Declaring Consent to Revocation of his license to practice law in the courts of this Commonwealth. By tendering his Consent to Revocation at a time when disciplinary charges are pending, he admits that the charges in the attached Affidavit Declaring Consent to Revocation with Exhibit "A" are true.*

*The Board having considered the said Affidavit Declaring Consent to Revocation accepts his resignation. Accordingly, it is ordered that the license to practice law in the courts of this Commonwealth heretofore issued to the said Robert Edward Mittendorf be and the same hereby is revoked, and that the name of the said Robert Edward Mittendorf be stricken from the Roll of Attorneys of this Commonwealth.*

*Enter this Order this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_*

*For the Virginia State Bar Disciplinary Board*

*By \_\_\_\_\_  
Barbara Sayers Lanier, Clerk of the Disciplinary System*

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTERS OF ROBERT E. MITTENDORFF

VSB DOCKET NOS.       05-051-4489  
                              06-051-3136  
                              07-051-0787  
                              08-051-074404  
                              08-051-072084

AFFIDAVIT DECLARING CONSENT TO REVOCATION

ROBERT E. MITTENDORFF, after being duly sworn, states as follows:

1.     That he was licensed to practice law in the Commonwealth of Virginia on  
September 9, 1971;

2.     That pursuant to Part 6, Section IV, Par. 13.L of the *Rules of Virginia Supreme  
Court*:

- a.     his consent to revocation is freely and voluntarily rendered, that he is not being subjected to coercion or duress, and that he is fully aware of the implications of consenting to a Revocation of his license to practice law in the Commonwealth of Virginia;
- b.     he is aware that there are currently pending complaints against him involving allegations of misconduct, the nature of which are set forth in Exhibit A attached hereto, the contents of which are hereby incorporated by reference as if fully set forth in this Affidavit;
- c.     he acknowledges that the material facts upon which the allegations of Misconduct are predicated, as set forth in the attached Exhibit A, are true; and
- d.     he submits this Affidavit and consents to the Revocation of his license to practice law in the Commonwealth of Virginia because he knows that if disciplinary Proceedings based on the alleged Misconduct were brought or prosecuted to a conclusion, he could not successfully defend them.

3. That he understands that, pursuant to Part 6, Section IV, Par. 13.L of the *Rules of Virginia Supreme Court*, the admissions offered in this Affidavit shall not be deemed an admission in any proceeding except one relating to his status as a member of the Bar.

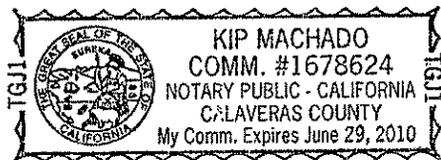
Executed this 1st day of October, 2008.

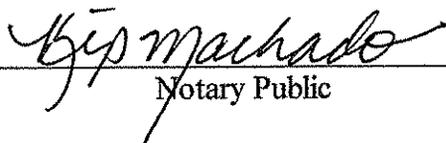
  
ROBERT E. MITTENDORFF

STATE OF CALIFORNIA  
CITY/COUNTY OF CALAVERAS, to wit:

I, Kip Machado, a Notary Public in the state aforesaid, do hereby certify that ROBERT E. MITTENDORFF appeared in person before me in the City/County of CALAVERAS, <sup>CALIFORNIA</sup>~~Virginia~~, on this 1st day of OCTOBER, 2008, and was by me duly sworn and thereupon executed in my presence and acknowledged to me the truth and voluntariness of the foregoing Affidavit Declaring Consent to Revocation and Statement

GIVEN under my hand this 1st day of OCTOBER, 2008.



  
Notary Public

My Commission expires: 6/29/2010.

SEEN WITH NO OBJECTION TO ENTRY OF AN ORDER BY  
THE VIRGINIA STATE BAR DISCIPLINARY BOARD REVOKING  
RESPONDENT'S LICENSE TO PRACTICE LAW IN VIRGINIA:



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KATHLEEN M. USTON, ESQUIRE  
Assistant Bar Counsel

**EXHIBIT "A"**

**VSb DOCKET NO. 05-051-4489**

Stephen H. Bennett retained Mr. Mittendorff in April, 2005 to prepare certain testamentary documents, paying him \$1,350.00 to do so. After retaining Mr. Mittendorff, Mr. Bennett made three (3) appointments with him but each appointment was canceled by Mr. Mittendorff and never re-scheduled. Mr. Mittendorff never completed the work he was retained to perform, failed to communicate with his client, and failed to respond to numerous efforts by Mr. Bennett to contact him.

**VSb DOCKET NO. 06-051-3136**

Tonia Lynn Patt retained Mr. Mittendorff in January, 2006 to prepare certain testamentary documents, paying him \$1,000.00 to do so. Mr. Mittendorff promised to deliver the documents to Ms. Patt within thirty to forty-five days yet never did so. Ms. Patt attempted to reach Mr. Mittendorff repeatedly to inquire as to the status of her documents but he failed to respond to her. Mr. Mittendorff never completed the work he was retained to perform.

**VSb DOCKET NO. 07-051-0787**

Ms. Gillian Gabrielle retained Mr. Mittendorff in July, 2006 to defend her against certain criminal charges. Mr. Mittendorff advanced money to Ms. Gabrielle for personal expenses and failed to communicate with her during the course of the representation.

**VSb DOCKET NO. 08-051-074404**

Ms. Deborah C. Murphy retained Mr. Mittendorff in August, 2005 to prepare an estate plan for her, paying him \$1,300.00 to do so. Mr. Mittendorff never completed the work he was hired to perform and has failed to communicate with Ms. Murphy about her case or respond to her many inquiries.

**VSb DOCKET NO. 08-051-072084**

Mr. Robert O. Hemsley retained Mr. Mittendorff in April, 2007 to assist him in a civil matter, paying him an advance fee to do so and providing him with original documents. Mr. Mittendorff failed to perform the legal services for which he was retained, failed to communicate with Mr. Hemsley, and has failed to return to his client original documents despite demand that he do so.

\_\_\_\_\_  
REM

\_\_\_\_\_  
KMU

*Robert E. Mittendorff 10/1/08*