

VIRGINIA:

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IN THE CIRCUIT COURT FOR WISE COUNTY

APR 12 2010

VIRGINIA STATE BAR, EX REL
TENTH DISTRICT COMMITTEE

VSB CLERK'S OFFICE

Complainant

v.

Case No. CL 10-79

HUGH FAIRLEY O'DONNELL

Respondent

SUMMARY ORDER

On April 9, 2010, this matter was heard by this Court pursuant to Notice duly served upon the Respondent in the manner provided by the Rules of the Supreme Court of Virginia (the "Notice").

WHEREFORE, upon consideration of the testimony, documentary evidence, and arguments of counsel, it is **ORDERED** that:

1. With respect to the disciplinary rule violations set out in the Notice, the Court finds that:

_____ No disciplinary rule violations have been proved by clear and convincing evidence, and accordingly, all allegations of Misconduct are hereby dismissed.

 X the following disciplinary rule violations have been proved by clear and convincing evidence:

Rule 1.2(a)

Rule 1.4(b)

_____ and this Court dismisses all other disciplinary rule violations included in

the Notice.

2. The Respondent shall receive a(n): *dismissal for exceptional*
terms circumstances
(Rule 1.2(a) &
Rule 1.4(b))
- _____ Admonition without Terms
 - _____ Admonition with Terms, as set out in the Record
 - _____ Terms Compliance Time Period _____
 - _____ Alternative Disposition _____
 - _____ Public Reprimand without Terms
 - _____ Public Reprimand with Terms, as set out in the Record
 - _____ Terms Compliance Time Period _____
 - _____ Alternative Disposition _____
 - _____ Suspension for a period of _____
 - _____ Suspension with Terms for a period of _____
 - _____ Terms Compliance Time Period _____
 - _____ Alternative Disposition _____
 - _____ Revocation

3. _____ Upon imposition of a Suspension or Revocation, the Respondent shall 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 or Revocation of 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. The Respondent shall also make appropriate arrangements for the disposition of matters then in the Respondent's care in conformity with the wishes of his or her clients.

~~Respondent shall give such notice within 14 days of the effective date of the Suspension or Revocation, and make such arrangements as are required herein within 45 days of the effective date of the Suspension or Revocation. The Respondent shall also furnish proof to the Bar within 60 days of the effective date of the Suspension or Revocation that such notices have been timely given and such arrangements made for the disposition of matters. If the Respondent is not handling any client matters on the effective date of the Suspension or Revocation, he or 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 Circuit Court.~~

4. This Summary Order is effective on:

X the date of this Summary Order.
_____, 200_____.

5. The Court notes for the record in this matter that

X the Respondent was present in person and was advised of the imposition of the sanction.

_____ the Respondent was not present in person, but the Clerk of the Circuit Court is directed to communicate promptly to the Respondent the actions of the Court.

6. The Court ~~shall~~ ^{has issued} issue a written opinion in this matter which, when issued, shall be attached hereto and incorporated herein by reference. *The exceptional circumstances are attached hereto as the opinion of the Court.*

7. The Clerk of the Disciplinary System shall comply with all requirements of Part Six, Section IV, Paragraph 13 of the Rules of the Supreme Court, as amended (the "Rules"),

including but not limited to assessing costs pursuant to Paragraph 13-9.E. of the Rules and complying with the public notice requirements of Paragraph 13-9.G. of the Rules.

8. The Clerk of the Circuit Court shall mail a copy teste of this Order by certified mail, return receipt requested, to the Respondent, Hugh Fairley O'Donnell, at his last address of record with the Virginia State Bar, Client Centered Legal Services , P. O. Box 829, Norton, VA 24273, and by regular mail to the counsel of record.

ENTERED: April 9, 2010

C. Randall Son

Chief Judge Designate

Wm Shelton

Judge

Joe Mawforn

Judge

A COPY TESTE:
J. Jack Kennedy, Clerk
By Velma Shell
Deputy Clerk

