

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF BERNADETTE WILBON O'NEAL
VSB DOCKET NO. 08-000-075614

ORDER OF SUSPENSION

This matter came on to be heard on August 22, 2008, before a panel of the Virginia State Bar Disciplinary Board ("Board") consisting of Robert E. Eicher, Chair, Glenn M. Hodge, Paul M. Black, Joseph R. Lassiter, Jr., and Dr. Theodore Smith, lay member. The Virginia State Bar ("VSB") was represented by Kathleen M. Uston, Assistant Bar Counsel. The Respondent, Bernadette Wilbon O'Neal, after being called by the clerk in the foyer outside the hearing room, did not appear, in person or by counsel. Jennifer L. Hairfield, Chandler & Halasz, court reporter, P. O. Box 9349, Richmond, VA 23227, telephone number (804 730-1222) after being duly sworn, reported the hearing and transcribed the proceedings. The Chair polled the members of the Board Panel as to whether any of them had any personal or financial interest or bias which would preclude, or reasonably could be perceived to preclude, any of them from fairly hearing this matter and serving on the panel, to which inquiry each member, including the Chair, responded in the negative.

The matter came before the Board on a Rule to Show Cause and Order of Suspension and Hearing entered July 24, 2008 as a result of Respondent being indefinitely suspended by consent from the practice of law by the State of Maryland pursuant to an order of the Court of Appeals of Maryland, effective June 5, 2008. The Respondent received proper notice of this proceeding as required by Part Six, Section IV, Paragraph 13. E. and I.a. of the Rules of Virginia Supreme Court.

Part Six, Section IV, Paragraph 13.I.7 of the Rules of the Supreme Court, states how the Board is to proceed upon receiving notice of suspension of a Virginia attorney in another jurisdiction. The rule states that the Board shall impose the same discipline as was imposed in the other jurisdiction unless the Respondent proves by clear and convincing evidence one or more of the following three grounds for an alternative, or no sanction, being imposed:

- (1) That the record of the proceeding in the other jurisdiction clearly shows that such proceeding was so lacking in notice or opportunity to be heard as to constitute a denial of due process;
- (2) That the imposition by the Board of the same discipline upon the same proof would result in a grave injustice; or,
- (3) That the same conduct would not be grounds for disciplinary action or for the same discipline in Virginia.

The Respondent filed no response to the Rule to Show Cause and Order of Suspension and Hearing.

The following was received into evidence: the notice, dated July 24, 2008 from Barbara S. Lanier, Clerk of the Disciplinary System, sent to the Respondent by certified mail, return receipt requested with its enclosures, the Rule to Show Cause and Order of Suspension and Hearing entered July 24, 2008, the Order of the Court of Appeals of Maryland entered on May 28, 2008, suspending the Respondent by consent from the practice of law, effective June 5, 2008 and the Joint Petition for Indefinite Suspension with the Right to Apply for Reinstatement No Sooner than Eighteen Months by the Attorney Grievance Commission of Maryland; and, the Respondent's disciplinary record with the Virginia State Bar.

After receiving the evidence and hearing argument of Assistant Bar Counsel, the Board recessed to deliberate. After due deliberation the Board reconvened and the Chair announced the Board's decision that the Respondent had failed to show cause why the same discipline imposed by the State of Maryland should not be imposed by the Board.

Accordingly, it is ORDERED that the Respondent's license to practice law in the Commonwealth of Virginia is suspended indefinitely, effective August 22, 2008. Such suspension shall continue until the Respondent presents satisfactory evidence to the Board that the Court of Appeals of Maryland has removed all impediments to Respondent's practice of law in the state of Maryland, that the Respondent has fully established her rights to practice law in that state and that Respondent's license to practice law in the state of Maryland has been reinstated.

It is further ORDERED that the Respondent comply with the requirements of Part Six, Section IV, Paragraph 13.M. 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 Respondent's license to practice law in the Commonwealth of Virginia, to all clients for whom 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 her care in conformity with the wishes of her client. Respondent shall give such notice within fourteen (14) days of the effective date of the revocation, and make such arrangements as are required herein within forty-five (45) days of the effective date of the revocation. The Respondent shall also furnish proof to the Bar within sixty (60) days of the effective day of the revocation that such notices have been timely given and such arrangements made for the disposition of matters.

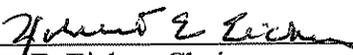
It is further ORDERED that if the Respondent is not handling any client matters on the effective date of the suspension, Respondent shall submit an affidavit to that effect to the Clerk of the Disciplinary System at the Virginia State Bar. All issues concerning the adequacy of the notice and arrangements required by Paragraph 13. M. 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 pursuant to Part Six, Section IV, Paragraph 13.B.8.c. of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess all costs against the Respondent.

It is further ORDERED that the Clerk of the Disciplinary System shall mail an attested copy of this order to Respondent, Bernadette Wilbon O'Neal, at her address of record with the Virginia State Bar, being 500 North Washington Street, Alexandria, VA, 22314, by certified mail, return receipt requested, and by regular delivery to Kathleen M. Uston, Assistant Bar Counsel, Virginia State Bar, 100 North Pitt Street, Suite 310, Alexandria, Virginia 22314-3133.

ENTERED this 5th day of September, 2008.

VIRGINIA STATE BAR DISCIPLINARY BOARD



Robert E. Eicher, Chair