

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF
TINA ELIZABETH ORR

VS B Docket No.: 12-000-089059

AMENDED ORDER AND OPINION

This matter came before the Virginia State Bar Disciplinary Board (the "Board") for hearing on October 28, 2011 upon the Virginia State Bar's (the "Bar") Notice of Noncompliance and Request for Rule to Show Cause Pursuant to Paragraph 13-29 of the Rules of the Virginia Supreme Court. A duly convened panel of the Board consisting of Pleasant S. Brodnax, III, 2nd Vice Chair, presiding, Casey Forrester, William E. Glover, Randall G. Johnson, Jr. and Jody D. Katz, lay member, heard the matter. Kara McGehee, Assistant Bar Counsel, appeared on behalf of the Bar. The Respondent, Tina Elizabeth Orr, did not appear. The clerk called Respondent's name three times in the foyer outside the courtroom and the Respondent did not answer.¹ The court reporter for the proceeding, Valarie L. S. May, Chandler and Halasz, P.O. Box 9349, Richmond, Virginia, 23227, telephone 804-730-1222, was duly sworn by the Chair. The Chair polled the members of the Panel to inquire if any member had any personal or financial interest or bias which would preclude him or her from fairly hearing the matter and

¹ A Bar investigator testified that Respondent was no longer located at her office of record, where the Bar mailed notices and other communications related to the hearing. Respondent has not updated her address and contact information with the Bar and evidence presented by the investigator suggests that Respondent has moved out of state. However, the investigator testified that Bar representatives communicated with Respondent just before the hearing, informed Respondent of the hearing, and sent to Respondent by email attachment a copy of the previously mailed hearing notice. Respondent, however, made no appearance at the hearing either in person or by pleading. The Board finds that Respondent had adequate notice of the hearing.

serving on the Panel, to which inquiry each member, including the Chair, responded in the negative.

Beginning in 2009 and into 2010, the Bar investigated and prosecuted several bar complaints filed against Respondent, and during the course of one of these investigations properly served on her a *subpoena duces tecum* demanding that she produce certain documents. Respondent failed to fully comply with the subpoena and her Virginia law license was suspended by order of the Board dated October 6, 2009. In its order, the Board instructed Respondent to comply with all of the requirements of Part Six, Section IV, Paragraph 13-29 of the Rules of the Supreme Court of Virginia (hereafter ¶ 13-29) and that all issues concerning the adequacy of the notice would be determined by the Board.² Respondent eventually complied with the subpoena and the Board, by order dated November 6, 2009, terminated the suspension of Respondent's license. The Board's order, however, did not relieve Respondent of the obligations placed on her by the October 6, 2009 order to comply with all of the requirements of ¶ 13-29.

² Part Six, Section IV, Paragraph 13 of the Rules of the Supreme Court of Virginia reads as follows:

After a Suspension against a Respondent is imposed by either a Summary or Memorandum Order and no stay of the Suspension has been granted by this Court, or after a Revocation against a Respondent is imposed by either a Summary Order or Memorandum Order, that Respondent shall forthwith give notice, by certified mail, of his or her Revocation or Suspension to all clients for whom he or she is currently handling matters and to all opposing Attorneys and the presiding Judges in pending litigation. The Respondent shall also make appropriate arrangements for the disposition of matters then in his or her care in conformity with the wishes of his or her clients. The Respondent shall give such notice within 14 days of the effective date of the Revocation or Suspension, and make such arrangements as are required herein within 45 days of the effective date of the Revocation or Suspension. The Respondent shall also furnish proof to the Bar within 60 days of the effective date of the Revocation or Suspension that such notices have been timely given and such arrangements made for the disposition of matters. The Board shall decide all issues concerning the adequacy of the notice and arrangements required herein, and the Board may impose a sanction of Revocation or additional Suspension for failure to comply with the requirements of this subparagraph 13-29

The Bar concluded its investigation and subsequent prosecution of Respondent by executing an agreement with Respondent date stamped April 29, 2011 and captioned “Agreed Disposition (Five-Year License Suspension With Terms)”. The agreement, signed by Respondent and a Bar representative, provided that Respondent’s Virginia law license be suspended for five years effective May 31, 2011 and for Respondent to pay restitution in the amount of \$37,000 to complainant Alfred V. Bowman in installments of \$800.00 per month until paid in full. Respondent further agreed that “[i]f ... the terms [of the agreement] are not met, ... the alternative disposition shall be the revocation of the Respondent’s license to practice law in the Commonwealth of Virginia.” The agreement was approved by a three-judge panel and its terms incorporated by an Agreed Disposition Summary Order of the Norfolk Circuit Court entered May 4, 2011 and a Memorandum Order signed by Respondent and entered on May 17, 2011. In its May 17, 2011 order, the Court ordered Respondent to comply with the requirements of ¶ 13-29 and specifically enumerated those requirements within the order.

Respondent, to date, has failed to satisfy her ¶ 13-29 obligations placed on her by the Board’s October 6, 2009 order or the Norfolk Circuit Court’s May 17, 2011 order. Additionally, the Bar presented competent evidence that Respondent continued to practice law after the suspension of her license, including her participation as counsel of record at a hearing in the Newport News Circuit Court on October 27, 2009 in the case styled Jasmine Russell Gore v. Rodrico Gore . This was after her license was suspended by the Board in its October 6, 2009 order and prior to the Board lifting her suspension in its November 6, 2009 order. She also during this time period actively participated in a case filed in the United States District Court for the Eastern District of Virginia,

Norfolk Division, styled Goodenow v. Kunkle and Bank of the Commonwealth. The Bar also presented evidence in the form of an October 16, 2011 email from Respondent to Mr. Bowman wherein Respondent informed Mr. Bowman that because of her employment situation, she was no longer in a position to make further restitution payments. Respondent has fallen woefully behind in her restitution payments and the Board finds that she has failed to satisfy her restitution obligations ordered by the Norfolk Circuit Court in its May 17, 2011 order.

The Board finds that Respondent had not satisfied her burden of proving that she had complied with her obligations under ¶13-29 or the restitution provision of the May 17, 2011 order of the Norfolk Circuit Court. It further finds that Respondent knowingly practiced law in violation of this Board's suspension of her law license by its order dated October 6, 2009. Accordingly, it is ORDERED that the license of Respondent, Tina Elizabeth Orr, to practice law in the Commonwealth of Virginia is hereby **REVOKED** effective October 28, 2011.

It is further ORDERED that Respondent must comply with the requirements of Part 6, §IV, Para. 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 revocation 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 clients. Respondent shall give such notice within 14 days of the effective date of the revocation and make such arrangements as are required herein within 45 days of the effective date of

the revocation. Respondent shall furnish proof to the Bar within 60 days of the effective date 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 Respondent is not handling any client matters on the effective date of the revocation, 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 Para. 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, pursuant to Part 6, §IV, Para. 13-9E of the Rules of the Supreme Court, the Clerk of the Disciplinary System shall assess all costs in this matter against the Respondent.

It is further ORDERED that the Clerk of the Disciplinary System shall send an attested copy of this Order by certified mail to the Respondent, Tina Elizabeth Orr, at her address of record, Janaf Office Building, Suite 208, 5900 East Virginia Beach Boulevard, Norfolk, Virginia 23502 and by regular mail to Kara McGehee, Assistant Bar Counsel, Virginia State Bar, 707 E. Main Street, Suite 1500, Richmond, Virginia 23219.

ENTERED this 6th day of December, 2011

VIRGINIA STATE BAR DISCIPLINARY BOARD

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