

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

**IN THE MATTER OF
DARRYL ARTHUR PARKER**

VS **Docket No. 15-000-100772**

MEMORANDUM ORDER

This matter was heard on May 20, 2015, before a duly convened panel of the Virginia State Bar Disciplinary Board (the "Board") on the matters listed above. The Board impaneled for these matters consisted of Tyler E. Williams, III, Chair, Peter A. Dingman, John A. C. Keith, Bretta Marie Zimmer Lewis, and Sandra W. Montgomery, Lay Member. The Virginia State Bar (the "Bar") was represented by Renu M. Brennan, Assistant Bar Counsel. The Respondent, Darryl Arthur Parker, ("Respondent") appeared in person, *pro se*. The Chair polled the members of the Board as to whether any of them had any personal or financial interest or bias which would prevent any of them from fairly hearing these matters and serving on the panel, and each member responded that the member had no such interest or conflict. Tracy J. Stroh, a certified court reporter, Chandler & Halasz, PO Box 9349, Richmond, Virginia 23227 (804) 730-1222, after duly being sworn, reported the hearing and transcribed the proceedings.

The matter came before the Board on the Rule to Show Cause and Order of Summary Suspension and Hearing entered on March 26, 2015, and the Clerk of the Disciplinary System's March 27, 2015 Notice letter to the Respondent served in accordance with the Rules of the Supreme Court of Virginia. In accordance with Part 6, § IV, ¶ 13-24 of the Rules of the Virginia Supreme Court, the purpose of the hearing was to provide the Respondent with an opportunity to show cause, by clear and convincing evidence, why the Board should not impose reciprocal discipline against him in accordance with a four month suspension from practice

with terms that was imposed upon him by the United States Bankruptcy Court of the Eastern District of Virginia, effective January 15, 2014, which suspension was affirmed by the United States District Court for the Eastern District of Virginia on September 26, 2014.

The Respondent had an opportunity to file a written response to the Rule to Show Cause within 14 days of the mailing of the Board's Order pursuant to ¶13-24 B. Respondent failed to file a timely response.

The Respondent argued that the case against him should be dismissed because the United States Bankruptcy Court for the Eastern District of Virginia and the United States District Court for the Eastern District of Virginia are not "jurisdictions" as that term is used in ¶13-24 and to impose a reciprocal suspension, would result in a grave injustice. The Respondent further argued that the previous decision of *In the matter of Sandy Yeh Chang*, VSB Docket No.: 13-000-094679 (2014) is dispositive on the legal question presented regarding interpretation of the Rule.

In response, the Bar asked the Board to take judicial notice of the Bar's correspondence, previous opinions and orders and offered in evidence Virginia State Bar Exhibit I, parts A through BB. The Bar argued that the United State Bankruptcy Court for the Eastern District of Virginia should be considered another jurisdiction and that previous cases before the Disciplinary Board had made that finding. The Bar pointed out that other states impose reciprocal discipline on the basis of Bankruptcy Court suspensions. The Bar alluded to the fact that in the case of *In the Matter of Allenbaugh*, VSB Docket No. 15-000-101186 (2015), the Board mentioned that there were insufficient facts in the record from which to ascertain whether or not due process had been afforded to the Respondent in the other proceeding; so evidence has

been presented to the Board in this case demonstrating the extent of the disciplinary procedure before the Bankruptcy Court.

Upon completion of the presentation of documentary evidence, argument of counsel and questioning by members of the Board, the Board retired to deliberate.

After deliberation, the Board announced its opinion. The Rule to Show Cause is **DISMISSED** because the Board does not have jurisdiction. To be clear, the Board rejects any argument that no Federal court can be “another jurisdiction” under ¶13-24.A. *Chang* cannot support such a sweeping interpretation of the Rules of the Supreme Court. *Chang* was based a painstaking analysis of the facts before it in that particular matter. The factors bearing upon what constitutes “another jurisdiction,” including considerations of due process, the extent of a suspension or revocation by the other disciplining entity, and the nature and function of the other disciplining entity, may vary and do require a case-by-case analysis until revision of the rules or there is a clarification by the Virginia Supreme Court. In this matter, the Board concludes that based upon the facts before it as to Respondent’s disciplinary proceedings in the United States Bankruptcy Court for the Eastern District of Virginia and the United States District Court for the Eastern District of Virginia, neither of those courts constitute “another jurisdiction” under ¶ 13-24.A in this matter. Accordingly, it is **ORDERED** that the Rule to Show Cause shall be and is hereby **DISMISSED**.

It is further **ORDERED** that this matter shall be removed from the Board’s docket.

It is further **ORDERED** that the Clerk of the Disciplinary System shall mail an attested copy of this Order by certified mail, return receipt requested, to Respondent, Darryl Arthur Parker, at his address of record with the Virginia State Bar, being 3113 W. Marshall Street, Suite 2A, Richmond VA 23230; and shall hand-deliver a copy to Renu M. Brennan, Assistant Bar

Counsel, at 1111 East Main Street, Suite 700, Richmond, Virginia 23219-3565.

ENTERED this 7th day of July, 2015.

VIRGINIA STATE BAR DISCIPLINARY BOARD

By: 
Tyler E. Williams, III, Chair

4811-1187-9717, v. 1