

VIRGINIA:

BEFORE THE SEVENTH DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

IN THE MATTER OF
BRADLEY GLENN POLLACK

VS. B Docket No. 09-070-077437

SUBCOMMITTEE DETERMINATION
(PUBLIC REPRIMAND WITH TERMS)

On August 20, 2009, a meeting in this matter was held before a duly convened Seventh District Subcommittee consisting of Lois G. Pearson, Esquire, Presiding Chair, D. Brock Green, Esquire, Member, and Randy Collins, Lay Member, convened to consider this matter and unanimously approved an Agreed Disposition in the above-referenced matter.

Pursuant to Part 6, Section IV, Paragraph 13-15.B.4.c and E of the Rules of the Supreme Court of Virginia, the Seventh District Subcommittee of the Virginia State Bar hereby serves upon the Respondent the following Public Reprimand with Terms:

I. FINDINGS OF FACT

1. At all times relevant hereto, Bradley Glenn Pollack (“Respondent”) has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. Grant A. Richardson, Esquire (“Richardson”), served on the Virginia State Bar Seventh District Committee from July 1, 2001 until June 30, 2007. While serving in that capacity, Richardson sat on subcommittees in 2004, 2005, 2006 and 2007 that certified bar complaints against attorney Walter F. Green, IV (“Green”), whom Richardson had represented in bar disciplinary matters several years prior to joining the Virginia State Bar Seventh District Committee.

3. On August 22, 2008, the Virginia State Bar Disciplinary Board suspended Green's license to practice law in the Commonwealth of Virginia for 18 months upon finding that Green had violated various provisions of the Virginia Rules of Professional Conduct.

4. Green subsequently asserted in multiple bar proceedings that the imposition of the 18 month suspension and his entire disciplinary record were void due to Richardson's participation in prior subcommittee proceedings that had led to the imposition of findings of misconduct against Green.

5. Green asked Respondent to assist him with his efforts to challenge the validity of his disciplinary record. Respondent prepared and sent a letter dated November 8, 2008 to Richardson on behalf of Green relative to the issue of Richardson's participation on the referenced subcommittees. In the letter, Respondent: i) noted that three (3) certifications issued against Green had been "attributed" to Richardson; ii) asserted that Richardson was disqualified from participating in "subcommittee action" against Green "under Virginia Supreme Court Rules, Part Six, Section IV, Paragraph 13 F. 3. e. (4)"; iii) demanded that Richardson issue a written statement that he did not knowingly participate in any subcommittee proceedings involving Green; and iv) notified Richardson that if he failed to do so, "it will be clear, sadly, that you have illegally and unethically conspired to destroy [Green], personally and professionally."

6. At the time he sent his November 8, 2008 letter to Richardson, Respondent knew that Richardson had participated in subcommittee proceedings that resulted in the issuance of certifications against Green, and further knew that Richardson had in fact chaired those subcommittee proceedings.

7. Richardson interpreted the letter as an effort on the part of Respondent to assist Green in attacking legitimate bar disciplinary proceedings and adjudications by intimidating Richardson

into signing a written statement containing false information pertaining to Richardson's prior service on the Virginia State Bar Seventh District Committee.

II. NATURE OF MISCONDUCT

Such conduct by Bradley Glenn Pollack constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

RULE 3.4 Fairness To Opposing Party And Counsel

A lawyer shall not:

- (i) Present or threaten to present criminal or disciplinary charges solely to obtain an advantage in a civil matter.
- (j) File a suit, initiate criminal charges, assert a position, conduct a defense, delay a trial, or take other action on behalf of the client when the lawyer knows or when it is obvious that such action would serve merely to harass or maliciously injure another.

III. PUBLIC REPRIMAND WITH TERMS

Accordingly, it is the decision of the Subcommittee to accept the Agreed Disposition of a Public Reprimand with Terms. The terms and conditions with which Respondent must comply are as follows:

Respondent shall, on or before September 15, 2009, issue and send to Grant A.

Richardson, Esquire, a written statement apologizing for the sending of the letter dated November 8, 2008, and shall provide a copy of the same to M. Brent Saunders, the Assistant Bar Counsel assigned to this case, by September 15, 2009.

Upon satisfactory proof that such terms and conditions have been met, this matter shall be closed. If, however, the terms and conditions are not met by the respective completion dates set out above, the Respondent agrees that the alternative disposition shall be a Certification for Sanction Determination pursuant to Rules of Court, Part Six, Section IV, Paragraph 13-15.G.

Pursuant to Part Six, Section IV, Paragraph 13-9.E. of the Rules of Court, the Clerk of the Disciplinary System shall assess costs.

SEVENTH DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

By Lois G. Pearson
Lois G. Pearson
Presiding Chair

CERTIFICATE OF SERVICE

I certify that on the 16th day of September, 2009, I mailed by Certified Mail, Return Receipt Requested, a true and correct copy of the Subcommittee Determination (Public Reprimand with Terms) to Bradley Glenn Pollack, Esquire, Respondent, at 148 North Main Street, Woodstock, VA 22664, Respondent's last address of record with the Virginia State Bar.

M. Brent Saunders
M. Brent Saunders, Assistant Bar Counsel