

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF
NEAL ORION REID

VS B Docket No. 09-033-080089

MEMORANDUM ORDER

This matter came on to be heard on October 21, 2010 by the Disciplinary Board of the Virginia State Bar (the Board) by telephone conference upon an Agreed Disposition between the parties, which was presented to a panel of the Board consisting of Robert W. Carter (lay member), Nancy C. Dickinson, Randall G. Johnson, Jr., Samuel R. Walker, and Martha JP McQuade, Second Vice Chair, presiding (the Panel).

Edward L. Davis, Bar Counsel, appeared as counsel for the Virginia State Bar, and Respondent Neil Orion Reid, appeared with his counsel, Michael L. Rigsby.

Pursuant to the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-6.H, the Bar and Respondent entered into a written proposed Agreed Disposition and presented same to the Panel.

The Vice Chair swore the Court Reporter and polled the members of the Panel to determine whether any member had a personal or financial interest that might affect or reasonably be perceived to affect his or her ability to be impartial in these matters. Each member, including the Vice Chair, verified they had no such interests.

The Panel heard argument from counsel and reviewed Respondent's prior disciplinary record with the Bar and thereafter retired to deliberate on the Agreed Disposition. Having considered all the evidence before it, a majority of the Panel accepted the Agreed Disposition.

I. FINDINGS OF FACT

The Disciplinary Board finds the following facts by clear and convincing evidence:

1. During all times relevant hereto, the Respondent, Neal Orion Reid, has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. On May 6, 2009, Marcell Anthony Patron, Jr., was arrested for possession of marijuana, fourth offense, and reckless driving. Both offenses are class one misdemeanors carrying a maximum sentence of 12 months in jail each in addition to fines and other penalties.
3. Mr. Patron hired Mr. Reid to defend him in the matters.
4. Trial was set for June 17, 2009, in the Henrico County General District Court.
5. Mr. Patron was unable to appear on that date because of an unrelated judicial proceeding in Hampton, Virginia.
6. Therefore, on June 16, 2009, Mr. Reid appeared without his client in the Henrico County General District Court and presented a letter to the court asking for a continuance.
7. The court informed Mr. Reid that since the case carried possible jail time, court policy required (1) for his client to appear in person to be advised of the next court date or (2) for an order to be provided to the court prior to the trial date showing the new court date and bearing the signatures of him, his client, and the Commonwealth's Attorney.
8. About forty-five minutes later, Reid returned to the court with an order apparently endorsed by Reid, his client, and the prosecuting attorney that continued the case to July 7, 2009.
9. The court continued the case accordingly.
10. Concerned about the short passage of time and the fact that the client's purported signature was dissimilar to his signature on all of the prior court records, the Court referred the matter to the Virginia State Bar for investigation
11. In response to the bar complaint, Reid explained that on June 16, 2009, he telephoned his client who was in Baltimore and, therefore, unavailable to sign the continuance order

12. Reid said that his client made a note of the new court date and authorized Reid to sign the order for him while they were on the telephone.
13. Reid said that he prepared the order at his office and affixed his signature and the purported signature of his client.
14. Reid explained that he was aware of powers of attorney that provide such authority, and provided a copy of a similar power of attorney from an unrelated matter with his response to the bar complaint.
15. Reid, however, did not have a written power of attorney authorizing him to act on behalf of this client, Mr. Patron.
16. In affixing his client's signature to the order, Reid made no annotations, such as "POA" or "by," to indicate that someone other than his client was signing the order on the client's behalf.
17. Further, the purported client signature is dissimilar to Reid's, making it appear as though someone other than Reid wrote it. (Reid explained that he did not try to make his signature look like Mr. Patron's in an effort to be deceitful.)
18. Reid then located the prosecuting attorney, had him sign, submitted the order to the Court, and had the case continued.
19. Reid acknowledged in his response to the bar complaint that the Court instructed him to have his client sign the order, and that he needed his client's signature to get the continuance.
20. Reid explained further that no one told him that he could not sign for his client if his client agreed to the new court date, but was unavailable to sign the order.
21. Both the presiding judge and the prosecuting attorney said that they consented to the continuance based upon their understanding that it was Reid's client who endorsed the order.

In reaching the proposed disposition, the parties considered it to be a mitigating factor that Mr. Reid cooperated fully with, and demonstrated a cooperative attitude towards, the investigation of this matter. The parties also considered the fact that Mr. Reid and his client appeared before the court on July 7, 2009, as agreed in the continuance order.

II. NATURE OF MISCONDUCT

The Disciplinary Board finds that such conduct by Neal Orion Reid constitutes misconduct in violation of the following Rules of Professional Conduct:

RULE 3.3 Candor Toward The Tribunal

- (a) A lawyer shall not knowingly:
 - (1) make a false statement of fact or law to a tribunal;

RULE 8.4 Misconduct

It is professional misconduct for a lawyer to:

- (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation which reflects adversely on the lawyer's fitness to practice law;

III. IMPOSITION OF SANCTION

Having considered all the evidence before it and determined to accept the Agreed Disposition, the Disciplinary Board **ORDERS** the suspension of the Respondent's license to practice law in the Commonwealth of Virginia for a period of fourteen (14) days, effective November 19, 2010, the date that this matter was scheduled to be heard by the Disciplinary Board.

It is further ORDERED that Respondent must 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 of his license to practice law in the Commonwealth of Virginia, to all clients for whom he 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 his care in conformity with the wishes of his client. Respondent shall give such notice within 14 days of the effective date of the suspension, and make such arrangements as are required herein within 45 days of the effective date of the suspension. The Respondent shall also furnish proof to the Bar within 60 days of the effective day of the suspension 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, he 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 court.

It is further **ORDERED** that costs shall be assessed by the Clerk of the Disciplinary System pursuant to the Rules of the Supreme Court of Virginia, Part Six, Section IV, Paragraph 13-9.E.

It is further **ORDERED** that the Clerk of the Disciplinary System shall send a certified copy of this order by certified mail, return receipt requested, to Neal Orion Reid at his last address of record with the Virginia State Bar, Law Offices of Neal O. Reid, P.C., Suite 308, 4914 Radford Avenue, Richmond, Virginia 23230, Michael L. Rigsby, Respondent's counsel, Michael L. PC, Forest Plaza II, Suite 310, 7275 Glen Forest Drive, Richmond, Virginia 23226, and hand delivered to Edward L. Davis, Bar Counsel, 707 E. Main Street, Suite 1500, Richmond, Virginia 23219.

Terry S. Griffith, Chandler & Halasz, Post Office Box 9349, Richmond, Virginia
232247 (804) 730-1222, was the court reporter for the hearing and transcribed the
proceedings.

ENTERED: October 22, 2010

VIRGINIA STATE BAR DISCIPLINARY BOARD

By: Martha McQuade
Martha JP McQuade, Second Vice Chair