

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF

BONAR MAYO ROBERTSON

VS B Docket No. 08-000-072344

ORDER OF SUSPENSION

This matter came before the Virginia State Bar Disciplinary Board (“Board”) for hearing on November 16, 2007, before a duly convened panel of the Board consisting of William H. Monroe, Jr., Vice Chair, presiding; Timothy A. Coyle; Thomas R. Scott, Jr.; David R. Schultz; and Theodore Smith, lay member. Harry M. Hirsch, Deputy Bar Counsel, appeared on behalf of the Virginia State Bar (“Bar”). Bonar Mayo Robertson (“Respondent”) appeared in person, *pro se*. The court reporter for the proceeding, Valarie L. Schmit May, Chandler & Halasz, P.O. Box 9349, Richmond, Virginia 23227, telephone number 804-730-1222, was duly sworn by the Chair. The Chair then inquired of each member of the panel as to whether any of them had any personal or financial interest or any bias which would preclude, or reasonably could be perceived to preclude, their hearing the matter fairly and impartially. Each member, including the Chair, answered in the negative.

The matter came before the Board as a result of the Respondent being indefinitely suspended from the practice of law in the state of Maryland, effective August 3, 2007, by order entered by the Court of Appeals of Maryland of the same date. Pursuant to Rules of Court, Part Six, Section IV, Paragraph 13.I.7., a Rule to

Show Cause and Order of Suspension and Hearing was entered by the Board on October 19, 2007, and properly served on the Respondent.

All legal notices of the date and place were timely sent by the Clerk of the Disciplinary System, in the manner prescribed by law.

Part Six, Section IV, Paragraph 13.I.7. of the Rules of the Supreme Court, specifies 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 of 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 following items were admitted into evidence as Board Exhibit #1 without objection: an affidavit of Barbara Sayers Lanier, Clerk of the Disciplinary System; the notice from the Clerk of the Disciplinary System sent by certified mail return receipt requested to the Respondent, dated October 24, 2007 with its enclosures including the Rule to Show Cause and Order of Suspension and

Hearing of the Board entered October 19, 2007, and the order of the Court of Appeals of Maryland entered August 3, 2007.

The Respondent filed a response to the Rule to Show Cause and Order of Suspension and Hearing.

The Bar made a motion to declare the answer of the Respondent to the Rule to Show Cause and Order of Suspension and Hearing as having been filed late and therefore the Board must impose the same sanction as was imposed by the Court of Appeals of Maryland.

The following items were admitted as Bar Exhibit #2 without objection: an affidavit from Diana L. Balch, custodian of the membership records of the Virginia State Bar with attachment.

The following items were collectively admitted as Bar Exhibit #4<sup>1</sup> without objection: an e-mail from the Respondent to Barbara Lanier dated November 8, 2007, with an unsigned document entitled “Response To Rule To Show Cause and Order Of Suspension and Hearing, and a signed document entitled “Response To Rule To Show Cause and Order Of Suspension and Hearing” with a certificate of service date of November 8 2007, and on which is displayed a VSB Clerk’s Office received date of November 14, 2007.

Copies of the following cases were collectively admitted without objection as Bar Exhibit #5: *Cummings v. Virginia State Bar*, 233 Va. 363 (1987); *In the*

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<sup>1</sup> Counsel for the Virginia State Bar pre-marked all VSB exhibits prior to the beginning of the hearing. Documents pre-marked as “Exhibit 3” were not intended to provide support for the Bar’s Motion and were therefore never introduced.

*Matter of Denny Pat Dobbins*, VSB Docket No. 04-010-1580 (2005); and *Robinson v. Virginia State Bar*, Record No. 052638, 2006, unpublished.

After receiving the evidence and hearing the argument of counsel, the Board retired to deliberate in closed session. The Board reconvened in open session and the Chair announced that the Board found, by clear and convincing evidence that the answer filed by the Respondent was filed late. Paragraph 13.I.7.b. and 13.E.1. The Respondent was required to file his response with the Clerk of the Disciplinary System within 14 days of the service of the Rule to Show Cause and Order of Suspension and Revocation. This is a jurisdictional requirement. The Board finds by clear and convincing evidence that the Respondent did not file his response within the 14 day time period.

Accordingly, it is hereby ORDERED that Bonar Mayo Robertson's license to practice law in the Commonwealth of Virginia be, and hereby is, indefinitely suspended effective November 16, 2007. Such suspension shall continue until Respondent presents satisfactory evidence to this Board that the Court of Appeals of Maryland has removed all impediments to Respondent's practice of law in the state of Maryland and that Respondent has fully established his rights to practice law in that State.

It is further ORDERED that the Respondent must 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 indefinite 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 clients. The Respondent shall give such notice within 14 days of the effective date of the indefinite suspension, and shall make such arrangements as are required herein within 45 days of the effective date of the revocation. The Respondent shall also furnish proof to the Virginia State Bar within 60 days of the effective date of the indefinite suspension that such notices have been timely given and such arrangements made for the disposition of these matters.

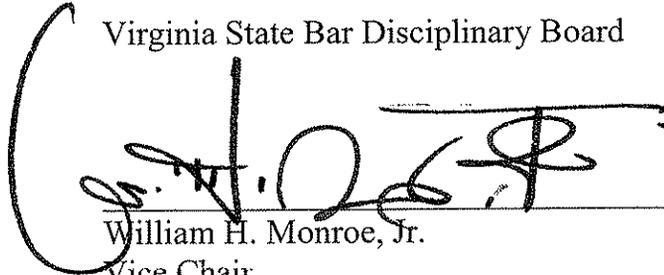
It is further ORDERED that if the Respondent is not handling any client matters on the effective date of the indefinite suspension, he shall submit an affidavit to that effect to the Clerk of the Disciplinary System at the Virginia State Bar. All issues concerning the adequacy of the notice and arrangements required by Paragraph 13.M. shall be determined by the Board, unless the Respondent makes a timely request for a hearing before a three-judge circuit court.

It is further ORDERED that the Clerk of the Disciplinary System shall mail an attested copy of this Order to the Respondent, Bonar Mayo Robertson, at his address of record with the Virginia State Bar, P.O. Box 157, Glen Dale, MD 20769, by certified mail return receipt requested and by hand delivery to Harry M. Hirsch, Suite 1500, 707 East Main Street, Richmond, VA 23219.

Pursuant to Part Six, Section IV, Paragraph 13.B.8.c. of the Rules of Court,  
the Clerk of the Disciplinary System shall assess costs.

ENTERED this 27~~th~~ day of November, 2007

Virginia State Bar Disciplinary Board



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William H. Monroe, Jr.  
Vice Chair