VIRGINIA: BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF
JASON CHRISTOPHER ROPER VSB Docket No.: 14-000-098401

**ORDER AND OPINION**

This matter came before the Virginia State Bar Disciplinary Board ("Board") for hearing on Friday, March 28, 2014 at 9:00 AM in Courtroom A at the State Corporation Commission, 1300 East Main Street, Richmond, Virginia upon a Notice to Show Cause why the alternative sanction of a six-month suspension, beginning at the conclusion of a current suspension, provided by Order of the Board entered June 25, 2013, should not be imposed against Respondent Jason Christopher Roper ("Respondent") by reason of Respondent's failure to fulfill the term imposed by the Board.

A duly-convened panel of the Board consisting of Whitney G. Saunders, 2nd Vice Chair Presiding; R. Lucas Hobbs; Jeffrey L. Marks; Esther J. Windmueller; and Rev. W. Ray Inscoe, lay member, heard the matter. The Chair asked the members of the Board whether any of them had any personal or financial interest or bias which would preclude any of them from fairly hearing this matter and serving on the panel, and each member responded that there were no such conflicts.

M. Brent Saunders, Assistant Bar Counsel, appeared on behalf of the Virginia State Bar ("Bar"). The Respondent did not appear. The clerk called Respondent's name three times in the foyer outside the courtroom and the Respondent did not answer. The court reporter for the proceeding, Tracy J. Stroh, Chandler and Halasz, P.O. Box 9349, Richmond, Virginia 23227, telephone 804-730-1222, was duly sworn by the chair. All legal notices of the date and place

were timely sent by the Clerk of the Disciplinary System ("Clerk") in the manner prescribed by law.

Part Six, § IV, ¶ 13-18(O) of the Rules of the Supreme Court ("Rules") provides, in relevant part, that whenever it appears that a respondent has not complied with a Term imposed in a prior disposition, Bar Counsel shall serve notice requiring such respondent to appear and show cause why the alternative disposition stated in the prior disposition should not be imposed. The burden of proof shall be on such respondent to show compliance by clear and convincing evidence. If the Board finds that such respondent has failed to comply with a Term of the prior disposition, "the alternative disposition shall be imposed."

Procedural Background

By order of this Board entered on June 25, 2013 in VSB Docket No. 12-021-092135 (the "Prior Order"), the Respondent was found, by clear and convincing evidence, to have engaged in misconduct, specifically violating Rule of Professional Conduct 8.4. In the Prior Order, the Board issued Respondent a Public Reprimand, with the following Term: that the Respondent complete an anger management class, which must be a non-internet, classroom-type course acceptable to the Bar – and provide verification that he has completed same, by December 31, 2013. The Prior Order further provided that, in the event Respondent failed to comply with that Term, Respondent's license to practice law in the Commonwealth of Virginia shall be suspended for a period of six months, effective at the conclusion of his current suspension.

Proceedings and Findings of Fact

Bar Counsel made an opening statement, agreeing that certain electronic mail exchanges between Bar Counsel and Respondent, including a March 17, 2014 letter from Paul D. Dalton

which was submitted by Respondent, were part of the record and could be considered by the Board.

The Board then recessed to deliberate. The Board finds that Respondent failed to prove by clear and convincing evidence that he had complied with the Term of the Prior Order. Specifically, the Board finds that Respondent provided no evidence that the outpatient counseling services reported in Mr. Dalton's letter were part of a classroom-type anger management course, or that they were acceptable to the Bar.

Accordingly, it is

ORDERED that the Respondent's license to practice law in the Commonwealth of Virginia is SUSPENDED for six months, effective at the conclusion of Respondent's current three-year suspension. It is further

ORDERED that pursuant to ¶ 13-9 Of the Rules, the Clerk of the Disciplinary System shall assess all costs against the Respondent. Finally, it is further

ORDERED that the Clerk of the Disciplinary System shall mail an attested copy of this Order to the Respondent at his address of record with the Virginia State Bar, being 702 Lakeview Court, Mars, Pennsylvania 16046 by certified mail, shall mail an attested copy of this Order to Respondent by regular mail to 2237 Pokeberry Park, Lexington, Kentucky 40509, and shall deliver an attested copy of this Order via hand delivery or regular mail to M. Brent Saunders, Assistant Bar Counsel, 1111 East Main Street., Suite 700, Richmond, VA 23219-3565.

SO ORDERED, this 17th day of April, 2014.

VIRGINIA STATE BAR DISCIPLINARY BOARD

By _____
Whitney G. Saunders, 2nd Vice Chair