

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF CHARLES MATTHEW RUST-TIERNEY

VSB DOCKET NO. 08-000-073609

ORDER OF REVOCATION

THIS MATTER came before the Virginia State Bar Disciplinary Board (Board) for hearing on April 25, 2008, upon the Virginia State Bar (VSB) having been notified that the Respondent Charles Matthew Rust-Tierney (Mr. Rust-Tierney or Respondent had pled guilty to a crime, and a Rule to Show Cause and Order of Suspension and Hearing (Show Cause) having been served on the Respondent on February 28, 2008 and certified notice of same having been sent by the Clerk of the Disciplinary System to the Respondent on February 28, 2008, all pursuant to Part 6, Section IV, Paragraph 13.I.5.b of the Rules of the Supreme Court of Virginia.

A panel was duly convened to hear this matter, such panel consisting of Robert E. Eicher, 1st Vice Chair, presiding; lay member Dr. Theodore Smith, and lawyer members Paul M. Black, Sandra L. Havrilak and Martha JP McQuade. The Virginia State Bar (VSB) was represented by Assistant Bar Counsel Paulo E. Franco, Jr. (Mr. Franco). Respondent did not appear but was represented by counsel, Jonathan Shapiro (Mr. Shapiro). The proceedings were recorded and reported by Tracy J. Johnson, Chandler & Halasz, P.O. Box 9349, Richmond, Virginia, 23227, telephone number (804) 730-1222, after she was duly sworn by the Chair.

The Chair opened the hearing by polling the Board members to ascertain whether any of them had any personal or financial interest or bias which would interfere

with or influence his or her determination, and each member responded that there were no such conflicts.

The Chair explained that, pursuant to Part 6, Section IV, Paragraph 13.1.5.b of the Rules of the Supreme Court of Virginia, if the Board were to find that the Respondent has been found guilty or convicted of a crime by a judge or jury, pled guilty or entered a plea wherein the facts found by a court would justify a finding of guilt, an Order would be entered either continuing the Respondent's Suspension for a period not in excess of five years or revoking Respondent's license to practice law in the Commonwealth of Virginia.

Mr. Franco recommended revocation of Mr. Rust-Tierney's license. The Chairman admitted into evidence, without objection, the Show Cause and all attachments including the Judgment Order from the United States District Court of the Eastern District of Virginia, which showed that Respondent had pled guilty to receipt of child pornography, a felony under 18 U.S.C. 2252(a)(2) and 2256(8)(A) on September 7, 2007.

Mr. Shapiro informed the panel that the Respondent did not object to the revocation. With leave of the Chair, Mr. Shapiro also made a statement of personal knowledge of Mr. Rust-Tierney and Mr. Rust-Tierney's many years as a lawyer.

DISPOSITION:

After due deliberation in closed session, the Board reconvened to announce the sanction imposed. The Chair announced the Board's sanction that Mr. Rust-Tierney's license to practice law in the Commonwealth of Virginia be revoked effective immediately.

Accordingly, and in conformance with the Board's April 25, 2008 decision in this matter, it is:

ORDERED that the Respondent's license to practice law in the Commonwealth of Virginia be and hereby is REVOKED effective April 25, 2008.

It is FURTHER ORDERED that the Respondent comply with the requirements of Part 6, Section IV, Paragraph 13(M) of the Rules of the Supreme Court of Virginia. He shall forthwith give notice of the revocation of his license to practice law in the Commonwealth of Virginia, by certified mail, return receipt requested, to all clients for whom he is handling matters and to all opposing attorneys and presiding judges in pending litigation. He shall also make appropriate arrangements for the disposition of matters currently in his care in conformity with the wishes of each client. He shall give such notice within fourteen (14) days of the effective date of the revocation and make such arrangements as are required within forty-five (45) days of the effective date of revocation. Within sixty (60) days of the effective date of the revocation, he shall also furnish proof to the Bar that such notices have been timely given and such arrangements made for the disposition of matters. If the Respondent is not handling

any client matters on the effective date of his revocation, he must submit an affidavit to that effect to the Clerk of the Disciplinary System.

It is FURTHER ORDERED that 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 hearing before a three-judge court.

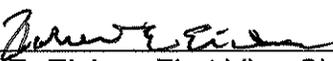
It is FURTHER ORDERED that the Respondent's license shall not be reinstated unless and until the Respondent shall have fully complied with the provisions of Part 6, Section IV, Paragraph 13.I.8.b of the Rules of the Supreme Court.

It is FURTHER ORDERED that pursuant to Part 6, Section IV, Paragraph 13.B.8(c) of the Rules, the Clerk of the Disciplinary System shall assess all costs in this matter against the Respondent; and

The Clerk of the Disciplinary System shall mail an attested copy of this Order, by certified mail, to the Respondent, care of his Counsel, Jonathan Shapiro, Esq., Greenspun, Shapiro, Davis & Leary, P.C., and shall also hand deliver a copy to Mr. Franco at the following address: Paulo E. Franco, Jr., Assistant Bar Counsel, Virginia State Bar, 707 East Main Street - Suite 1500, Richmond, Virginia 23219-2800.

ENTERED THIS 8th DAY OF May, 2008.

VIRGINIA STATE BAR DISCIPLINARY BOARD



Robert E. Eicher, First Vice Chair