

**VIRGINIA:**

**BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD**

**IN THE MATTER OF  
PETER CAMPBELL SACKETT**

**VSB Docket No. 09-000-080072**

**MEMORANDUM ORDER**

This matter came on to be heard on August 25, 2009, by the Disciplinary Board of the Virginia State Bar (the Board) by teleconference upon an Agreed Disposition between the parties, which was presented to a panel of the Board consisting of Thomas R. Scott, Jr., (2<sup>nd</sup> Vice Chair), Robert E. Eicher, J. Casey Forrester, Sandra L. Havrilak, and Jody D. Katz, Lay Member (the Panel).

Renu Mago Brennan, Assistant Bar Counsel, appeared as counsel for the Virginia State Bar, and Respondent, Peter Campbell Sackett appeared *pro se*.

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 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 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, the Panel unanimously accepted the Agreed Disposition.

### **I. FINDINGS OF FACT**

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

1. By summary order issued on September 26, 2008, in VSB Docket Numbers 07-090-2130 and 07-090-070324, the Board suspended Respondent's license to practice law for thirty (30) days. On September 26, 2008, the Clerk of the Disciplinary System (Clerk) forwarded the Summary Order to Respondent. The Summary Order stated as follows:

The Board notes that concerning Paragraph 13(M) that: Respondent shall comply with all requirements of ¶ 13(M) of the Rules, including but not limited to sending the required notices, making the required arrangements, and providing the required proof to the Bar.

2. The Clerk's September 26, 2008, letter to Respondent further reminded Respondent of his duty:

Please note your duty under the Rules of Court, Part Six, Section IV, and Paragraph 13.M. which states as follows:

Duties of Disbarred or Suspended Attorney: Any attorney who is disbarred or suspended as a result of a proceeding under this paragraph 13 shall forthwith give notice, by certified mail, of his disbarment or suspension to all clients for whom he is currently handling matters. . .The Attorney shall give such notice within fourteen (14) days of the effective date of the disbarment or suspension order. . .The Attorney shall also furnish proof to the bar within sixty (60) days of the effective date of the disbarment or suspension order that such notices have been timely given and such arrangements for the disposition of matters made. Issues concerning the adequacy of the notice and arrangements required herein shall be determined by the Disciplinary board, which may impose a sanction of revocation or suspension for failure to comply with the requirements of this subparagraph.

3. The Clerk's September 26, 2008, letter also directed Respondent to provide the Clerk with proof of his compliance on or before November 25, 2008, and the Clerk enclosed forms acceptable to the Board in order to be in compliance with the Rules of Court, Part Six, Section IV, and Paragraph 13.M.
4. On October 2, 2008, the Board entered the Memorandum Order suspending Respondent's license to practice law for thirty (30) days, with suspension to begin on October 6, 2008. The Clerk forwarded the Memorandum Order to Respondent on October 6, 2008. The Board ordered Respondent to comply with Paragraph 13.M.
5. Respondent failed to provide proof of compliance with Paragraph 13.M. by November 25, 2008, as required.
6. At the time Respondent was suspended, he was counsel of record for Ms. Sandra Green, Ms. Rosemary Shupe Wilson, Ms. Linda Adams, and Ms. Kathy McLane in *Adams v. Kegley*, Case No. CH99000270-00, pending in the Circuit Court for the County of Campbell.
7. On or about December 8, 2008, Ms. Sandra Green complained to the Bar that Respondent did not advise her or her sisters of his suspension while he represented them. Ms. Green asserted that she learned of the suspension through the newspaper, and upon learning of the suspension, she and her sisters contacted the Court for an extension of time due to Respondent's suspension.
8. Respondent maintains he notified Ms. Green and her sisters of his suspension, as required.

9. In connection with the investigation of Ms. Green's complaint, on April 7, 2009, Assistant Bar Counsel subpoenaed a copy of the suspension letter, which Respondent maintained he sent to Ms. Green and her sisters.
10. Beginning April 8, 2009, bar counsel also communicated with Respondent via e-mail regarding production of the proof of compliance.
11. Respondent did not and cannot provide a copy of the notice of suspension to the Bar.
12. Respondent did not notify Frank Wright, Esq., opposing counsel in *Adams v. Kegley*, Case No. CH99000270-00, of the suspension.
13. Respondent did not notify the Court, the Clerk, or the Honorable John T. Cook, presiding Judge in *Adams v. Kegley*, Case No. CH99000270-00, in the Circuit Court for the County of Campbell, of his suspension.
14. Upon learning of Respondent's suspension, Ms. Green and her sisters tried in vain to contact Respondent. When Respondent did not return their calls, Ms. Green and her sisters contacted opposing counsel and the Court because of their concern regarding an impending deadline in their case. Ms. Green and her sisters were concerned that Respondent's suspension would affect or compromise their ability to meet the deadline. Opposing counsel also tried in vain to contact Respondent. Respondent did not respond to his clients' or Mr. Wright's attempts to contact him.
15. With the assistance of opposing counsel and the Judge's secretary, Ms. Green and her sisters obtained an extension of the deadline, and they eventually obtained leave of Court to hire new counsel. Ms. Green and her sisters contacted Respondent upon the lifting of his thirty-day suspension to advise him of a hearing on their motion for leave

to hire new counsel. Respondent declined to appear.

## II. NATURE OF MISCONDUCT

The Disciplinary Board finds that such conduct by Peter Campbell Sackett constitutes misconduct in violation of the Board's Order entered October 2, 2008, and the Rules of the Supreme Court, Part 6, Section IV, and Paragraph 13-29.

## III. IMPOSITION OF SANCTION

Having considered all the evidence before it and determined to accept the Agreed Disposition, the Disciplinary Board **ORDERS** that Respondent is hereby suspended for eighteen (18) months effective October 1, 2009, on the condition that Respondent not accept any new cases or clients other than those identified on the record at the hearing on August 25, 2009.

It is further ORDERED that Respondent must comply with the requirements of Part 6, 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 6, 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, to Peter Campbell Sackett at his last address of record with the Virginia State Bar at 800 Court Street, Lynchburg, VA 24504, and by hand delivery to Renu Mago Brennan, Assistant Bar Counsel, 707 East Main Street, Suite 1500, Richmond, VA 23219.

Tracy Johnson, Chandler & Halasz at (804) 730-1222, was the court reporter for the hearing and transcribed the proceedings.

ENTERED: August 27, 2009

VIRGINIA STATE BAR DISCIPLINARY BOARD

By: Thomas R. Scott, Jr.  
Thomas R. Scott, Jr., 2<sup>nd</sup> Vice Chair