

VIRGINIA: BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

**IN THE MATTER OF
TAWANA DENISE SHEPHARD**

**VSJ Docket Number
16-000-103697**

ORDER OF REVOCATION

THIS MATTER came to be heard on Friday, November 20, 2015, before a panel of the Virginia State Bar Disciplinary Board which consisted of Robert W. Carter (Lay Member), John A. C. Keith (Acting Chair), Esther J. Windmueller, Lisa A. Wilson, and Jeffrey L. Marks (collectively, the “Board”). The Virginia State Bar (“Bar”) was represented by Edward J. Dillon, Jr., Assistant Bar Counsel. The Respondent, Tawana Denise Shephard (“Respondent”) appeared *pro se*. Angela N. Sidener, Registered Professional Court Reporter with Chandler & Halasz, Post Office Box 9349, Richmond, Virginia 23227, (804) 730-1222, after being duly sworn, reported the hearing and transcribed the proceedings.

The Chair opened the hearing by calling the case in the hearing room and polling the members of the Board Panel as to whether any of them was conscious of any personal or financial interest or bias which would preclude any of them from fairly hearing this matter and serving on the Panel. Each member responded to the inquiry in the negative.

The matter came before the Board on the *Rule to Show Cause and Order of Summary Suspension and Hearing* (“Rule to Show Cause”) entered on September 24, 2015, which included a copy of the *Opinion and Order* (“Order”) filed on August 6, 2015 by the Court of Appeals of Maryland in which the Court of Appeals of Maryland issued an opinion in which it ordered that the Respondent’s license to practice law in the state of Maryland be revoked. Also before the Board was the certified Notice Letter from the Clerk of the Disciplinary System to

the Respondent dated September 24, 2015 which was served in accordance with the Rules of the Supreme Court of Virginia (“Notice”).

In accordance with Part 6, § IV, ¶ 13-24 of the Rules of the Virginia Supreme Court (the “Rules”), the purpose of the hearing was to provide the Respondent with an opportunity to show cause, by clear and convincing evidence as to why the same discipline that was imposed upon her by the Court of Appeals of Maryland should not be imposed by this Board.

All legal notices of the date and place were timely sent by the Clerk of the Disciplinary System (Clerk) in the manner prescribed by Part 6, § IV, ¶ 13-18 of the Rules of Court.

Prior to the Court considering the Rule to Show Cause, the Board conducted a hearing on the *Virginia State Bar’s Motion to Strike Respondent’s Response to Rule to Show Cause as Untimely Filed* (“Motion to Strike”) in which the Bar moved to strike the Respondent’s *Response to Rule to Show Cause* (“Response”) as being untimely filed pursuant to the Rules. With respect to the Motion to Strike, the Bar introduced and the Board considered and admitted without objections Bar Exhibit A (Affidavit), Respondent Exhibit B (E-mails), Respondent Exhibit C (E-mails), and Board Exhibit 1 (Certified Show Cause Notice to Shephard). The Respondent argued against the Motion to Strike and argued in favor of her Response being allowed.

Upon a review and consideration of the pleadings filed, exhibits introduced, and respective arguments made by the Bar and the Respondent, the Board finds that the Bar sustained its burden of proof and accordingly GRANTS the Motion to Strike.

The Rule to Show Cause and Notice were then received into evidence collectively as VSB Exhibit 1 (Certified Show Cause Notice to Shephard). The Bar further introduced VSB Exhibit 2 (Transcript from Ms. Shephard’s Maryland disciplinary hearing) and VSB Exhibit 3

(Disciplinary Certification) (these exhibits are collectively referred to as the “Exhibits”) which were accepted into evidence without objection.

The Respondent did not file a written response to the Rule to Show Cause in accordance with Part 6, § IV, ¶ 13-24(B) of the Rules. The Respondent did not provide *ore tenus* testimony during the hearing.

After the Board accepted into evidence the Exhibits, considered the arguments of Respondent and Bar Counsel, and duly deliberated on this matter, the Board found that the Respondent had failed to show cause by clear and convincing evidence as to why the Board should not impose the same discipline imposed by the Court of Appeals of Maryland.

Accordingly, by this Memorandum Order, and in accordance with the Summary Order entered on November 20, 2015, it is ORDERED that the license of the Respondent, Tawana Denise Shephard, to practice law in the Commonwealth of Virginia is revoked effective November 20, 2015.

It is further ORDERED that the Respondent must comply with all other terms and conditions imposed by the Court of Appeals of Maryland in its Order filed August 6, 2015.

WHEREFORE, in accordance with Part Six, § IV, ¶ 13-29 of the Rules, it is further ORDERED that Tawana Denise Shephard shall forthwith give notice, by certified mail, return receipt requested, of the revocation of her license to practice law in the Commonwealth of Virginia, to all clients for whom she is currently handling matters and for all opposing attorneys and presiding Judges in pending litigation. The Respondent shall also make appropriate arrangements for the disposition of matters then in her care in conformity with the wishes of her clients. Respondent shall give such notice within fourteen (14) days of the effective date of the revocation, and makes such arrangements as now required herein within forty-five (45) days of

the effective date of this Order. The Respondent shall also furnish proof to the Bar within sixty (60) days of the effective date of the revocation that such notices have been timely given and such arrangements made for the disposition of matters.

It is further ORDERED that if Respondent is not handling any client matters on the effective date of the revocation, she 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 ¶ 13-29 shall be determined by the Virginia State Bar Disciplinary Board.

It is further ORDERED that pursuant to Part 6, § IV, ¶ 13-9E. of the Rules, the Clerk of the Disciplinary System shall assess all costs against the Respondent.

It is further ORDERED that the Clerk of the Disciplinary System shall mail an attested copy of this Order by certified mail, return receipt requested to the Respondent, Tawana Denise Shephard, at her address of record with the Virginia State Bar of P.O. Box 6473, Alexandria, Virginia 22306, and by hand-delivery to Edward J. Dillon, Jr., Assistant Bar Counsel, Virginia State Bar, 1111 E. Main Street, Suite 700, Richmond, Virginia, 23219.

ENTERED this 8th day of January, 2016.

VIRGINIA STATE BAR DISCIPLINARY BOARD

By: 
John A. C. Keith, Acting Chair