

**VIRGINIA :**

**BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD**

**IN THE MATTER OF THEODORE SCOTT SILVA, JR.  
VSB Docket Number 08-000-073253**

**ORDER OF PUBLIC REPRIMAND, WITH TERMS**

This matter came on January 23, 2008, to be heard on the Agreed Disposition of the Virginia State Bar and the Respondent, relative to the matter contained in the Rule to Show Cause and Order of Hearing issued by this Board on the 27<sup>th</sup> day of December, 2007. The Agreed Disposition was considered by a duly convened panel of the Virginia State Bar Disciplinary Board consisting of W. Jefferson O’Flaherty, lay member, Paul M. Black, Glenn M. Hodge, and David R. Schultz, and James L. Banks, Jr., Chair, presiding.

Seth M. Guggenheim, Senior Assistant Bar Counsel, representing the Bar, and the Respondent, Theodore Scott Silva, Jr., Esquire, by and through his attorney, Timothy J. Battle, Esquire, presented an endorsed Agreed Disposition, dated January 22, 2008, reflecting the terms of the Agreed Disposition. The conference was recorded by Intercall. Having considered the Agreed Disposition, it is the decision of the Board that the Agreed Disposition be accepted, and the Virginia State Bar Disciplinary Board finds by clear and convincing evidence as follows:

1. Theodore Scott Silva, Jr., Esquire, (hereafter “Respondent”), is an associate member of the Virginia State Bar, not authorized to practice law in the Commonwealth of Virginia by reason of both his class of bar membership and administrative suspensions for nonpayment of dues and failure to meet Mandatory Continuing Legal Education requirements.

2. On December 12, 2002, the Respondent personally appeared in the Circuit Court of Arlington County, Virginia, and entered a plea of guilty to a felony charge brought upon an indictment, alleging that on or about July 13, 2002, the Respondent “did knowingly or intentionally possess cocaine, a Schedule II controlled substance, in violation of [Section] 18.2-250 of the Code of Virginia (1950), as amended.”

3. The Court suspended imposition of sentence in the matter, and on March 4, 2005, vacated its finding of “guilty” in the matter and dismissed the charge against the Respondent contained in the indictment because the Respondent complied with the court-imposed conditions of his suspended imposition of sentence.

The Board finds by clear and convincing evidence that the Respondent has pled guilty to a crime as defined in the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13.A., and is thus subject to the imposition of discipline by the Virginia State Bar Disciplinary Board pursuant to the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13.I.5.c.

Upon consideration whereof, it is ORDERED that the Respondent, Theodore Scott Silva, Jr., receive, and the Board hereby imposes upon him, a **PUBLIC REPRIMAND, WITH TERMS**. The terms and conditions of such discipline are as follows:

1. The Respondent shall comply fully with the terms and conditions imposed upon him by Orders entered on December 4 and 10, 2007, by the District of Columbia Court of Appeals Board on Professional Responsibility in a case styled *In the Matter of: Theodore S. Silva, Jr.*, Bar Docket No. 077-06, which said Orders are attached hereto and incorporated herein

by reference as Exhibits A and B, respectively.

2. Within five (5) days following entry of this Order the Respondent shall furnish the Virginia State Bar c/o Seth M. Guggenheim, Senior Assistant Bar Counsel, 100 North Pitt Street, Suite 310, Alexandria, Virginia 22314, with written confirmation that he has authorized and requested the District of Columbia Office of Bar Counsel to notify Mr. Guggenheim of any finding of noncompliance with the terms of the aforesaid Orders made by the said Board on Professional Responsibility.

3. The Terms contained in this Order shall be deemed satisfied in the event no finding of noncompliance with the aforesaid Orders has been made on or before January 25, 2010, by the said Board on Professional Responsibility, or upon termination of the conditions contained in the said Orders, whichever date or event sooner occurs.

4. Should the Respondent fail to comply with the terms set forth in the preceding Paragraphs 1 and 2, he shall receive a one (1) year suspension of his license to practice law in the Commonwealth of Virginia, as an alternative disposition of this matter.

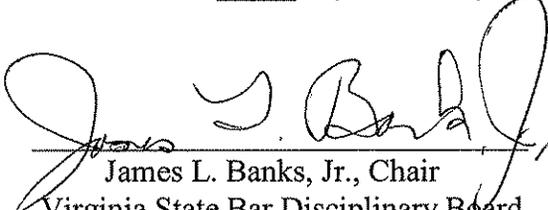
5. Should the Virginia State Bar allege that Respondent has failed to comply with the terms of discipline referred to herein and that the alternative disposition should be imposed, a "show cause" proceeding pursuant to the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13.I.2.g. will be conducted, at which proceeding the burden of proof shall be on the Respondent to show the disciplinary tribunal by clear and convincing evidence that he has complied with terms of discipline referred to herein.

6. Pursuant to Part 6, Section IV, Paragraph 13.B.8.c. of the Rules of the Supreme

Court of Virginia, the Clerk of the Disciplinary System shall assess costs against the Respondent.

It is further ORDERED that a copy *teste* of this Order shall be mailed by Certified Mail, Return Receipt Requested, to the Respondent, at his address of record with the Virginia State Bar, Holland & Knight, LLP, Suite 400, 2100 Pennsylvania Avenue, NW, Washington, DC 20034-3202 and by first class, regular mail, to Timothy J. Battle, P.O. Box 19631, Alexandria, VA 22320-9631, and to Seth M. Guggenheim, Senior Assistant Bar Counsel, Virginia State Bar, 100 North Pitt Street, Suite 310, Alexandria, VA 22314-3133.

ENTERED this 31<sup>st</sup> day of January, 2008.

  
James L. Banks, Jr., Chair  
Virginia State Bar Disciplinary Board

DISTRICT OF COLUMBIA COURT OF APPEALS  
BOARD ON PROFESSIONAL RESPONSIBILITY

In the Matter of:

THEODORE S. SILVA, JR.,

Respondent.

A Member of the Bar of the  
District of Columbia Court of Appeals  
(Bar Registration No. 412894)

Bar Docket No. 077-06

ORDER

Before the Board for consideration is the imposition of appropriate conditions of practice upon Respondent, based upon his Notice of Intent to Raise Disability in Mitigation filed pursuant to Board Rule 7.6(a).

On November 13, 2007, the Board issued an Order directing the parties to submit proposed conditions of practice pursuant to Board Rule 7.6(c) within seven (7) days of the date of the Order. On November 20, 2007, Bar Counsel submitted three proposed conditions of practice, and Respondent submitted a statement agreeing to the conditions of practice proposed by Bar Counsel.

The Board, acting through its Chair and pursuant to Board Rule 7.6(c), concurs with Bar Counsel's proposed conditions of practice, subject to the following modifications, requiring Respondent to: (i) abstain from the use of alcohol and the recreational use of any drugs during the pendency of these disciplinary proceedings; (ii) file quarterly reports with the Board, with a copy to Bar Counsel, of the results of his random drug testing; and (iii) provide 30 days' notice to the Board and Bar Counsel of



Respondent's intent to resume the practice of law so that the Board can consider the appointment of a monitor to supervise his practice at that time.

Upon consideration of the foregoing and pursuant to Board Rule 7.6(c), it is hereby

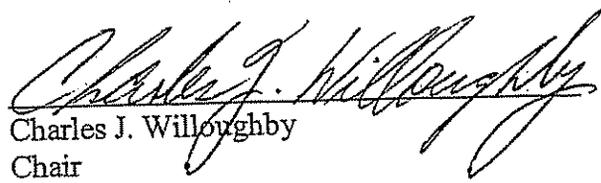
ORDERED that Respondent shall, as conditions of practice while this case remains pending in the disciplinary system, abide by the following terms and conditions:

1. Respondent shall abstain from the use of alcohol or the recreational use of any drug, pending the resolution of these disciplinary proceedings;
2. Respondent shall continue the counseling he currently receives from Alcoholics Anonymous, Narcotics Anonymous, and/or Second Genesis;
3. Respondent shall provide the results of random drug testing to the Board with a copy to Bar Counsel, on a quarterly basis, with the first report due on or before February 28, 2008; and
4. If Respondent intends to resume the practice of law, he shall provide 30 days' notice to the Board and Bar Counsel so that the Board can consider the appointment of a monitor to supervise his practice at that time.

Respondent's failure to comply with the conditions of practice set forth above may subject Respondent to revocation of the conditions of practice and suspension pending final disposition of these disciplinary proceedings, pursuant to Board Rule 7.6(e).

BOARD ON PROFESSIONAL RESPONSIBILITY

By:

  
Charles J. Willoughby  
Chair

Dated: **DEC** -4 2007

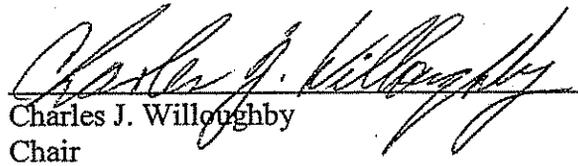


Board's December 4, 2007, Order shall remain in full force and effect.

It is so ORDERED.

BOARD ON PROFESSIONAL RESPONSIBILITY

By:

  
Charles J. Willoughby  
Chair

Dated: DEC 10 2007