

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF  
DWAYNE BERNARD STROTHERS

VS. DOCKET NO. 07-000-1016

**ORDER OF REVOCATION**

This matter came before the Virginia State Bar Disciplinary Board on December 15, 2006, pursuant to a Notice of Noncompliance issued in accordance with the Rules of the Supreme Court of Virginia Part Six, Section IV, Paragraph 13.M. The hearing was held before a duly convened panel of the Board consisting of David R. Schultz, William C. Boyce, Jr., John W. Richardson, Dr. Theodore Smith, Lay member, and James L. Banks, Jr., 1<sup>st</sup> Vice Chair.

All required notices were sent by the Clerk of the Disciplinary System. The Virginia State Bar was represented by Richard E. Slaney, Assistant Bar Counsel. Neither the Respondent nor any counsel action on his behalf appeared. Donna T. Chandler, Chandler & Halasz, P.O. Box 9349, Richmond, VA 23227, (804) 730-1222, having been duly sworn, reported the hearing.

The Chair opened the hearing by calling the case both in the hearing room and in the adjacent hall. The Respondent did not answer or appear. The panel was then polled as to whether any member had any conflict of interest or other reason why the member should not participate in the hearing. Each member, including the Chair, answered in the negative.

**The Prior Proceedings**

This matter arises out of a Notice of Noncompliance and Request for Revocation of Respondent's License to Practice Law for Failure to Comply with Paragraph 13.M filed with the Board by Bar Counsel on November 15, 2006, based upon Respondent's failure to comply with several orders of this Board and the aforesaid provisions of Part Six, Section IV, Paragraph 13.M of the Rules of Court. More particularly the Bar in its Notice of Noncompliance, alleged as follows:

### The First Order

1. On May 3, 2006, the Board entered a Memorandum Order (the First Order) suspending Strothers' license to practice law in the Commonwealth of Virginia for two years, effective June 12, 2006. The First Order represented acceptance by the Board of an Agreed Disposition between Strothers and the Bar.

2. The Clerk's Office sent the First Order to Strothers' then address of record by certified mail, return receipt requested on May 4, 2006. Both the First Order and the cover letter from the Clerk referenced Strothers' duty to comply with Paragraph 13(M). This certified mailing was returned to the Clerk as "unclaimed." A copy of that mailing to Strothers, including the cover letter, the First Order, sample notice of affidavit forms and the mailing receipt and envelope are attached collectively as Exhibit A.

3. The Clerk then re-mailed the Exhibit A by regular mail to Strothers' new and current address of record on June 2, 2006. A copy of that cover letter is attached as Exhibit B.

4. On August 22, 2006, the Clerk also sent a reminder letter to Strothers, a copy of which is attached as Exhibit C.

### The Second Order

5. On August 23, 2006, the Board entered an Order of Administrative Suspension (the Second Order) suspending Strothers' license for failure to pay costs associated with the First Order.

6. The Clerk's Office sent the Second Order to Strothers' address of record by certified mail, return receipt requested on August 23, 2006. Both the Second Order and the cover letter from the Clerk referenced Strothers' duty to comply with Paragraph 13(M). A copy of that mailing to Strothers, including the cover letter, the Second Order and sample notice and affidavit forms are attached collectively as Exhibit D. This certified mailing was also returned to the Clerk as "unclaimed."

7. The Clerk re-mailed Exhibit D by regular mail to Strothers' current address of record by regular mail on September 14, 2006. A copy of that letter is attached as Exhibit E.

No Proof of Compliance with Either Order:

8. In October, the Bar asked the Clerk whether she received any materials from Strothers purporting to demonstrate compliance with Paragraph 13(M). The Clerk responded that nothing had been received. An affidavit from the Clerk attesting to the fact Strothers filed nothing demonstrating compliance with Paragraph 13(M) in regard to either Order is attached as Exhibit F.

Proof of Non-Compliance

9. Since his suspension on June 12<sup>th</sup>, the Bar received additional complaints about Strothers from clients. In at least two of those cases, the clients were not contacted by Strothers, nor did he provide them with their file or make arrangements for the handling of their cases. See affidavit of Juliana Freeman, attached as Exhibit G, and affidavit of Joseph Booth, attached as Exhibit H.

10. An affidavit from the Membership Department of the Bar confirming Strothers current address of record as P.O. 3540, Suffolk, VA 23439 is attached as Exhibit I.

Evidence Presented to the Board

In addition to the Exhibits set forth in Bar Counsel's Notice of Noncompliance (A-I), Bar Counsel introduced an additional Exhibit J, which consisted of an affidavit from one of Respondent's clients stating he had not received notice from Respondent of his license suspension. The Board, after receiving into evidence Exhibits A-J and hearing arguments of Bar Counsel, adjourned to determine whether Respondent had failed to comply with Rule 13(M).

Findings

The Board finds that the Bar has furnished uncontroverted clear and convincing evidence to substantiate the allegations set forth in its Notice of Noncompliance and the Board further finds that the Respondent has failed to show cause as to why his license to practice law should not be revoked.

Sanction

Because of the Respondent's total disregard of the Board's prior orders and non-compliance with the Rules of Court over an extended period of time and his prior disciplinary record which was introduced after the Board's finding of noncompliance, the Board believes the appropriate sanction to protect the public and the integrity of the Bar is the revocation of the Respondent's license, and it is so ORDERED that the license of Dwayne Bernard Strothers to practice law in the Commonwealth of Virginia is hereby REVOKED, effective December 15, 2006.

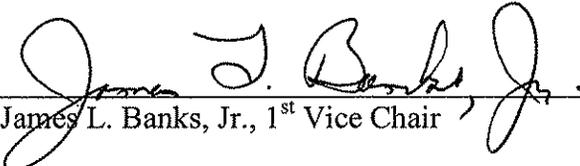
It is further ORDERED that, pursuant to Part Six, Section IV, Paragraph 13(M) of the Rules of the Supreme Court of Virginia, Respondent shall forthwith give notice, by certified mail, return receipt requested, of the revocation of his license to practice law in the Commonwealth of Virginia to all clients for whom he is currently handling any matters, to all Judges and the Clerk of the Court before which Respondent may have any pending cases and to opposing counsel in all such cases. Respondent shall also make appropriate arrangements for the disposition of matters not in his care, in conformity with the wishes of his clients.

It is further ORDERED that pursuant to Part Six, § IV, ¶ 13.B.8.c. of the Rules of the Supreme Court of Virginia, 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 to respondent at his address of record with the Virginia State Bar, being P.O. Box 3540, Suffolk, VA 23439, by certified mail, return receipt requested, and by regular mail to Richard E. Slaney, Assistant Bar Counsel, Virginia State Bar, 707 East Main Street, Suite 1500, Richmond, Virginia 23219.

ENTERED this 21<sup>st</sup> day of December 2006

VIRGINIA STATE BAR DISCIPLINARY BOARD

  
James L. Banks, Jr., 1<sup>st</sup> Vice Chair