

VIRGINIA :

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN RE: ALAN S. TOPPELBERG

VSB. DOCKET Nos. 07-000-1375

ORDER

This matter came before the Virginia State Bar Disciplinary Board pursuant to Part Six, Section IV, Paragraph 13.I.7, of the Rules of the Supreme Court of Virginia, "Proceedings Upon Disbarment, Revocation, or Suspension in Another Jurisdiction".

On November 17, 2006 the Disciplinary Board issued a Rule to Show Cause to Alan S. Toppelberg in which it was alleged that Mr. Toppelberg's license to practice law in the District of Columbia had been suspended for a period of sixty (60) days, with thirty (30) days stayed, effective October 21, 2006, and in which Mr. Toppelberg was required to show cause why the Board should not impose the same discipline. The hearing was held on December 15, 2006, in Courtroom A of the Virginia Workers's Compensation Commission, 1000 DMV Drive, Richmond, Virginia 23220, at 9:00 a.m.

The Disciplinary Board Panel consisted of James L. Banks, Jr., 1st Vice Chair, William C. Boyce, Jr., John W. Richardson, David R. Schultz, and Theodore Smith (lay member). The Bar was represented by Bar Counsel George W. Chabalewski, and the Respondent did not appear and was not represented by counsel. The proceedings were recorded by Donna T. Chandler, Chandler & Halasz, P.O. Box 9349, Richmond, Virginia 23227, (804) 730-1222.

Chairman Banks convened the hearing and polled the Panel as to whether any conflicts or biases existed which would prevent them from hearing the matter fairly and objectively. All members answered in the negative, including the Chair.

It being apparent that Mr. Toppelberg was not present, Chair Banks asked the Clerk to call Mr. Toppelberg's name three times in the hall. The Clerk did so with no response.

Mr. Chabalewski then informed the Board that he had spoken with Mr. Toppelberg and that Mr. Toppelberg had stipulated to the accuracy of the allegations in the Rule to Show Cause and that he did not plan to attend the hearing.

Evidence was then presented by the State Bar consisting of a certified copy of an Order of the District of Columbia Court of Appeals in which the Court suspended Mr. Toppelberg's license to practice law for sixty days and held in abeyance thirty days of the suspension in lieu of one year of supervised probation. The State Bar also introduced the report and recommendation of the Board of Professional Responsibility of the District of Columbia Court of Appeals.

The Board finds as follows:

1. All notices required by the Rules of the Supreme Court were issued and properly served. Mr. Toppelberg's license to practice law was suspended by the District of Columbia Court of Appeals effective thirty days from the Court's Order which is dated September 21, 2006. Thirty days of the suspension was held in abeyance in lieu of one year of supervised probation, during which Mr. Toppelberg was required to consult with the Practice Management Advisory Service, implement its recommendations, and submit a compliance report to the D.C. Board and Bar Counsel.

2. The Court's ruling was final.

3. Mr. Toppelberg presented no evidence which would establish that: (i) the record of the proceeding in the other jurisdiction would clearly show that such proceeding was so lacking in notice or opportunity to be heard as to constitute a denial of due process; (ii) the imposition by the Board of the same discipline, upon the same proof, would result in a grave

injustice; or (iii) the same conduct would not be grounds for disciplinary action or for the same discipline in Virginia.

Accordingly, the Board hereby suspends Respondent's license to practice law in the Commonwealth of Virginia for a period of sixty (60) days with thirty (30) days held in abeyance under the same conditions as enumerated in the Order of the District of Columbia Court of Appeals, effective December 15, 2006.

The Respondent must comply with the requirements of Part 6, Section IV, Paragraph 13.M of the Rules of the Supreme Court of Virginia and notify all appropriate persons about the suspension of his license if he is handling any client matters at the time. If the Respondent is not handling any client matters on the effective date of his license 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.M shall be determined by the Virginia State Disciplinary Board, unless the Respondent makes a timely request for hearing before a three-judge court.

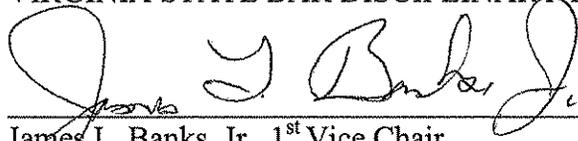
COSTS

Pursuant to Part 6, Section IV, Paragraph 13.B.8(c) of the Rules, the clerk of the Disciplinary System shall assess costs.

It is further ORDERED that the Clerk of the Disciplinary System shall mail an attested copy of this order to the respondent at his address of record with the Virginia State Bar, being Alan S. Toppelberg, 6236 Mary Meindi Court, Alexandria, Virginia 22312, by certified mail, return receipt requested, and by regular mail to George W. Chabalewski, Bar Counsel, Virginia State Bar, 707 East Main Street, Suite 1500, Richmond, Virginia 23219.

ENTERED this 4th day of January, 2007.

VIRGINIA STATE BAR DISCIPLINARY BOARD



James L. Banks, Jr., 1st Vice Chair