

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF  
ALAN SHERWIN TOPPELBERG

VS  
VSB Docket No.: 09-000-078935

**ORDER OF SUSPENSION**

This matter came to be heard on Friday, April 24, 2009, at 9:00 a.m., before a panel of the Virginia State Bar Disciplinary Board convening at the Lewis F. Powell, Jr. United States Courthouse, Tweed Courtroom - Fourth Floor, Tenth & Main Street, 1000 East Main Street, Richmond, Virginia 23219. The Board was comprised of William E. Glover, 2<sup>nd</sup> Vice Chair, Glenn M. Hodge, Sandra L. Havrilak, Russell W. Updike, and Stephen A. Wannall, lay member. Marian L. Beckett, Assistant Bar Counsel, appeared on behalf of the Virginia State Bar ("VSB"), Alan Sherwin Toppelberg ("Respondent") did not appear. The court reporter for the proceeding, Valarie L. Schmit May, Chandler & Halasz, P.O. Box 9349, Richmond, Virginia 23227, (804) 730-1222, was duly sworn by the Chair.

All legal notices of the date and place were timely sent by the Clerk of the Disciplinary System ("Clerk") in the manner prescribed by law. Part Six, §IV, ¶13(I)(7)(a) of the Rules of the Supreme Court, *Disbarment or Suspension in Another Jurisdiction* provides, in relevant part, that following the issuance of a Show Cause Order and Order of Suspension, the Board shall serve upon the Respondent by certified mail a copy of the suspension or revocation notice, a copy of the Board's Order, and a notice fixing the time and place of a hearing to determine what action should be taken in response to the suspension or revocation notice and stating the purpose of the hearing. The Board finds

that the Clerk's office has complied with these requirements by forwarding a certified letter dated April 3, 2009, return receipt requested to Respondent's address of record. The Respondent was called three times by the Clerk, and the Respondent neither answered the docket call nor appeared to defend his interests. Respondent did not file a response to the Rule as required by ¶13(l)(7)(b).

The Chair opened the hearing by polling the members of the Board as to whether any of them were conscious of any personal or financial interests or bias which would preclude them from fairly hearing this matter and serving on the panel, to which inquiry each member responded in the negative.

This matter came before the Disciplinary Board as a result of the Respondent being suspended from practicing law in the District of Columbia for a period of one year effective April 24, 2009, by Order of the District of Columbia Court of Appeals, docket number 09-BG-85, decided March 5, 2009. A Rule to Show Cause and Order of Suspension and Hearing was entered on April 3, 2009. The Respondent failed to assert a defense as provided in Part Six, §IV, ¶13(l)(7)(b) of the Rules of the Supreme Court of Virginia. Accordingly, the Board must impose the same discipline imposed by the District of Columbia Court of Appeals, to-wit: suspension of Respondent's license to practice law for one year effective April 24, 2009.

Upon consideration of the matters before this panel of the Board, it is hereby ORDERED that pursuant to Part Six, §IV, ¶13(l)(7) of the Rules of the Supreme Court of Virginia, the license of the Respondent, Alan Sherwin Toppelberg, in the Commonwealth of Virginia shall be, and is hereby, SUSPENDED for one year effective April 24, 2009.

It is further ORDERED that, as directed in the Board's April 3, 2009, Summary

Order in this matter, a copy of which was served on Respondent by certified mail, Respondent must comply with the requirements of Part Six, §IV, ¶13(M) 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 give notice within fourteen (14) days of the effective date of the Order and make such arrangements as are required within forty-five (45) days of the effective date of the Order. The Respondent shall also furnish proof to the Bar within sixty (60) days 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 matters on the effective date of the suspension, he shall submit an Affidavit to that effect to the Clerk. All issues concerning the adequacy of the notice and arrangements required by ¶13(M) shall be determined by the Board, unless Respondent makes a timely request for a hearing before a three judge court. It is ordered that as provided in Part Six, §13(B)(8)(c) of the Rules of the Supreme Court of Virginia, the Clerk shall assess all costs against 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, that being 2727 South Quincy Street, Apartment 707, Arlington, Virginia 22206, by certified mail, return receipt requested, and by regular mail to Marian L. Beckett, Assistant Bar Counsel, Virginia State Bar, 707 East Main Street, Suite 1500, Richmond, Virginia 23219.

ENTERED THIS 21<sup>st</sup> DAY OF May, 2009.

VIRGINIA STATE BAR DISCIPLINARY BOARD

A handwritten signature in black ink, appearing to be 'W E', written over a horizontal line.

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William E. Glover, 2<sup>nd</sup> Vice Chair