

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF
GREGORY ROBERT WRIGHT, SR.

VSB Docket No. 11-021-088060

MEMORANDUM ORDER

This matter came on to be heard on September 20, 2012 by the Disciplinary Board of the Virginia State Bar (the Board) by teleconference upon an Agreed Disposition between the parties, which was presented to a panel of the Board consisting of Pleasant S. Brodnax, III, First Vice Chair, Paul M. Black, Michael S. Mulkey, Esther J. Windmueller, and Werner H. Quasebarth, Lay Member (the Panel).

M. Brent Saunders, Assistant Bar Counsel, appeared as counsel for the Virginia State Bar, and Respondent appeared with his counsel, Michael L. Rigsby.

Pursuant to the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-6.H, the Bar and Respondent entered into a written proposed Agreed Disposition and presented same to the Panel.

The First Vice Chair swore the court reporter and polled the members of the Panel to determine whether any member had a personal or financial interest that might affect or reasonably be perceived to affect his or her ability to be impartial in these matters. Each member, including the First Vice Chair, verified they had no such interests.

The Panel heard argument from counsel and reviewed Respondent's prior disciplinary record with the Virginia State Bar and thereafter retired to deliberate on the Agreed Disposition.

Having considered all the evidence before it, the Panel reconvened and announced its unanimous acceptance of the Agreed Disposition.

I. FINDINGS OF FACT

The Disciplinary Board finds the following facts by clear and convincing evidence as stipulated by the parties:

1. At all relevant times, Respondent was licensed to practice law in the Commonwealth of Virginia.

2. In November 1998, Sheldon S. Parker ("Mr. Parker"), filed a complaint for divorce in the Virginia Beach Circuit Court against his wife, Cynthia R. Parker ("Ms. Parker")(Sheldon S. Parker v. Cynthia R. Parker, Case No. CH98-2818). Many issues were contested, including the custody and support of the parties' two minor children. A Pendente Lite Order was entered on January 29, 1999, pursuant to which Ms. Parker was awarded primary physical custody of the children and Mr. Parker was ordered to pay Ms. Parker \$500.00 per month as spousal support and \$886.00 per month as child support.

3. In March 2001, Mr. Parker hired Respondent to represent him in the divorce case. By letter dated March 23, 2001, Respondent filed a notice of appearance as Mr. Parker's counsel in the Virginia Beach Circuit Court. Respondent subsequently filed motions to compel discovery responses and for the reduction of Mr. Parker's support obligations and represented Mr. Parker's interests.

4. On July 3, 2001, while attending the Commissioner's Hearing, the parties entered into a property settlement agreement which provided, *inter alia*, that: 1) Ms. Parker would have primary physical custody of the parties' two minor children; 2) Mr. Parker would pay \$879.00

per month as child support; and 3) both parties waived spousal support. On July 23, 2001, the separation agreement was filed with the Virginia Beach Circuit Court along with the report of the Commissioner in Chancery previously appointed in the case.

5. By letter dated July 3, 2002, Respondent filed with the Virginia Beach Circuit Court a notice that a hearing for entry of a final divorce decree would be held on July 19, 2002. Respondent sent a copy of the hearing notice to Mr. Parker, who claims that Respondent told him he did not need to appear at the hearing, as it was simply for entry of the final decree of divorce. Respondent did not secure entry of a final divorce decree or take any further action on behalf of Mr. Parker.

6. Respondent remained Mr. Parker's counsel of record until August 5, 2005, when an Order was entered dismissing the divorce case due to no orders or proceedings in the case for more than three years.

7. Respondent did not notify Mr. Parker that no final divorce decree had been entered or that the case had been dismissed due to inactivity.

8. Based on Respondent's earlier representations of what would occur at the July 19, 2002 hearing, and having not heard any further from Respondent, Mr. Parker believed that he had been divorced in July 2002. Based on that assumption, he purported to remarry in 2005.

9. Mr. Parker did not discover that a final divorce decree had never been entered until he attempted to have his child support obligation reduced in 2011. After learning that he had not in fact been divorced, Mr. Parker submitted an Inquiry Form dated May 27, 2011, to the Virginia State Bar, concerning the above sequence of events. It was from this Inquiry Form that Mr. Wright first learned that a Final Divorce Decree had not been entered following the July 19,

2002 hearing date.

Mr. Parker hired new counsel in or about June 2011. On June 24, 2011, the Court reinstated Chancery No. CH98-2818 (now CL11-4048) on its docket. On August 12, 2011, a final divorce decree was entered granting Mr. Parker a no-fault divorce and affirming and ratifying the separation agreement entered into on July 3, 2001. Samuel R. Brown, II represented Mr. Parker with regard to the reinstatement of CH98-2818 (now CL11-4048) on the Court's docket and entry of the Final Divorce Decree on August 12, 2011. Upon learning of Mr. Parker's complaint, Mr. Wright offered to, and did, pay the legal fees and costs incurred by Mr. Parker to obtain the Final Divorce Decree.

10. In January 2002, Mr. Wright gave notice to his staff that he intended to close his law office at the end of 2002. By November 2002, Mr. Wright had transferred most of his files to storage and Mr. Wright closed his law office at the end of calendar year 2002. Mr. Wright's action was prompted by medical reasons. Mr. Wright finished the remainder of his cases from his home in early 2003 and did not work again until the end of calendar year 2003, when he obtained an associate professorship at Tidewater Community College, paralegal division.

II. NATURE OF MISCONDUCT

The Disciplinary Board finds that such conduct by Gregory Robert Wright, Sr. constitutes misconduct in violation of the following Rules of Professional Conduct as stipulated by the parties:

RULE 1.3 Diligence

(a) A lawyer shall act with reasonable diligence and promptness in representing a client.

RULE 1.4 Communication

(a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly

comply with reasonable requests for information.

(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

(c) A lawyer shall inform the client of facts pertinent to the matter and of communications from another party that may significantly affect settlement or resolution of the matter.

III. IMPOSITION OF SANCTION

Having considered all the evidence before it and determined to accept the Agreed Disposition, the Disciplinary Board **ORDERS** that effective September 20, 2012, Respondent hereby receive a **PUBLIC REPRIMAND WITH TERMS**. The terms with which Respondent must comply are as follows:

Respondent shall, within 30 days of issuance of this Memorandum Order, pay to Sheldon S. Parker the amount of \$1,500.00 and provide proof of compliance with the foregoing to M. Brent Saunders, the Assistant Bar Counsel assigned to this case.

Upon satisfactory proof that such terms and conditions have been met, this matter shall be closed. If, however, the terms and conditions are not met, the alternative disposition shall be the suspension of Respondent's license to practice law in the Commonwealth of Virginia for a period of thirty (30) days.

It is further **ORDERED** that costs shall be assessed by the Clerk of the Disciplinary System pursuant to the Rules of the Supreme Court of Virginia, Part Six, Section IV, Paragraph 13-9.E.

It is further **ORDERED** that the Clerk of the Disciplinary System shall send a certified copy of this order by certified mail to Gregory Robert Wright, Sr. at his last address of record with the Virginia State Bar, 409 53rd Street, Virginia Beach, Virginia 23451, a copy by regular to Michael L. Rigsby, Counsel for Respondent, Michael L. Rigsby, P.C., P. O. Box 29328, Henrico, Virginia 23242 and a copy hand delivered to M. Brent Saunders, Assistant Bar

Counsel, Virginia State Bar, 1500 East Main Street, Suite 1500, Richmond, Virginia 23219.

Valarie L.S. May of Chandler & Halasz, P.O. Box 9349, Richmond, Virginia 23227

(804) 730-1222, was the court reporter for the hearing and transcribed the proceedings.

ENTERED: October 15, 2012

VIRGINIA STATE BAR DISCIPLINARY BOARD

By: PSB III
Pleasant S. Brodnax, III
First Vice Chair