

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF
MARY ELLEN SLUGG (Estate of Barbara A. Flower)

VSB Docket No. 10-052-082298

MEMORANDUM ORDER

(12 Month Suspension)

On the 28th day of December, 2011, this matter came on to be heard 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 Tyler E. Williams, Mr. Robert W. Carter, lay member, Nancy C. Dickenson, William H. Atwill, Jr., and Paul M. Black, Acting Chair.

Paul D. Georgiadis, Assistant Bar Counsel, appeared as counsel for the Virginia State Bar, and Respondent Mary Ellen Slugg appeared via telephone with counsel David R. Rosenfeld.

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 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 Chair, verified they had no such interests.

The Panel heard argument from counsel and reviewed Respondent's prior disciplinary record of no prior discipline with the Bar and thereafter retired to deliberate on the Agreed Disposition. Having considered all the evidence before it, the Panel unanimously accepted the Agreed Disposition.

I. FINDINGS OF FACT

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

1. At all times relevant hereto, Mary Ellen Slugg, hereinafter "Respondent", has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. On January 5, 2006, Respondent qualified as Co-Executor with Patricia Avery Flower for the Estate of Barbara A. Flower. In said capacity, §26-12 of the Code of Virginia and §26-17.5 of the Code of Virginia required that Respondent file an initial inventory within four months of qualification and within 16 months of qualification an accounting to be repeated annually.
3. Receiving no response to previous delinquency notices, the Commissioner issued a summons to Respondent on August 13, 2009 for both unanswered exceptions and delinquent accountings.
4. On September 18, 2009, Respondent filed documents supplementing the Inventory and filed the delinquent First –Third Accountings.
5. On October 31, 2009, the Commissioner's Office issued exceptions to Respondent to the First-Third Accountings that included the failure to provide documentation of the assets and the failure to have the Co-Executor Patricia Flower sign the accountings. The Office requested a response within 30 days.
6. On January 4, 2010, the Commissioner petitioned the Fairfax Circuit Court to issue a Rule to Show Cause upon the Respondent.

7. On January 27, 2010 and February 1, 2010, Respondent responded to the Commissioner to advise of her inability to contact Co-Executor Flower and requested the Commissioner to specify the documents needed to complete the accountings. At this time she filed an amended First Accounting. Thereafter, Respondent filed amended accountings on March 31, 2010 without the signature of Co-Executor Flower and on May 4, 2010, Respondent filed amended Accountings 1-3 with the Co-Executor's signature.

II. NATURE OF MISCONDUCT

The Disciplinary Board finds that such conduct by Mary Ellen Slugg constitutes misconduct in violation of the following Rules of Professional Conduct:

RULE 1.1 Competence

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

RULE 1.3 Diligence

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

III. IMPOSITION OF SANCTION

Having considered all the evidence before it and determined to accept the Agreed Disposition, the Disciplinary Board **ORDERS** that the license of Respondent Mary Ellen Slugg to practice law in the Commonwealth of Virginia be and is hereby suspended for a period of 12 months effective January 1, 2012. The 12 month suspension shall be concurrent with the 12 month suspensions imposed in the each of the following cases: VSB Docket No. 10-052-082218 (Estate of Francis P. O'Connell), VSB Docket No. 10-052-082297 (Estate(s) of Warhurst), and

VSJ Docket No. 10-052-083016 (Estate of David L. Bridges).

It is further ORDERED that Respondent must comply with the requirements of Part Six, Section IV, Paragraph 13-29 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 her license to practice law in the Commonwealth of Virginia, to all clients for whom she is currently handling matters and to all opposing attorneys and presiding judges in pending litigation. The Respondent shall also make appropriate arrangements for the disposition of matters then in her care in conformity with the wishes of her clients. Respondent shall give such notice within 14 days of the effective date of the suspension, and make such arrangements as are required herein within 45 days of the effective date of the suspension. The Respondent shall also furnish proof to the Bar within 60 days of the effective day of the suspension 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 client matters on the effective date of the suspension, she 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 13-29 shall be determined by the Virginia State Bar Disciplinary Board, unless the Respondent makes a timely request for hearing before a three-judge court.

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 to Mary Ellen Sluggat her last address of record with the Virginia State Bar, Ragland & Slugg, P.C., Post Office Box 410, Centreville, Virginia 20122, and by regular mail to Respondent's Counsel David Ross Rosenfeld, Esquire, David Ross Rosenfeld, P.C., 1602 Belle View Boulevard, #655, Alexandria, VA 22307, and to Assistant Bar Counsel Paul D. Georgiadis, 707 East Main Street, Suite 1500, Richmond, Virginia 23219.

Angela N. Sidener, Chandler & Halasz, P.O. Box 9349, Richmond, VA 23227, 804.730.1222, was the court reporter for the hearing and transcribed the proceedings.

ENTERED: January 3, 2012

VIRGINIA STATE BAR DISCIPLINARY BOARD

By: Paul M. Black, Acting Chair
Paul M. Black, Acting Chair