
VIRGINIA LAWYER REGISTER

The Official Publication of the Virginia State Bar | www.vsb.org

Vol. 60/No. 10 | May 2012

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The Virginia State Bar publishes the *Virginia Lawyer Register* five times annually. The *Register* is primarily a compilation of disciplinary actions against attorneys licensed to practice law in the commonwealth; administrative suspensions; legal ethics opinions; and proposed amendments to the Rules of the Virginia Supreme Court. All documents submitted to the state bar for inclusion in the *Register* are subject to alteration as to typography and formatting, in order to conform to the requirements of the *Register*, without changing the intent of any document.

DISCIPLINARY PROCEEDINGS

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Disciplinary Board				
Richard Scott Gordon	Newport News, VA	Suspension – 3 months	February 17, 2012	3
Sara Davis Harman	Glen Allen, VA	Suspension w/Terms – 1 year	December 10, 2013	3
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Theodore Scott Silva, Jr.	Vienna, VA	Suspension – 3 years	November 10, 2011	3
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John Arthur Sutherland, Jr.	Fairfax, VA	Revocation	December 9, 2011	3
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Timothy James Wall	Fredericksburg, VA	Suspension w/Terms – 30 Days	February 17, 2012	4

District Committees

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Carl Herman Bundick	Accomac, VA	Public Reprimand	December 29, 2011	4
Elizabeth Margaret Fischer	Alexandria, VA	Public Reprimand w/Terms	March 26, 2012	4
Andrea Celestine Long	Richmond, VA	Public Admonition	March 29, 2012	4
John Anthony Nowacki	Alexandria, VA	Public Admonition	February 16, 2012	4
David Benjamin Weinberg	Alexandria, VA	Public Reprimand	December 9, 2011	4

Suspension – Failure to Pay Disciplinary Costs

	Address of Record	Effective Date	Lifted	
Christopher Jason Agresto	Leesburg, VA	March 8, 2012		n/a
		February 2, 2012		n/a
Michael J. Biddinger	Spotsylvania, VA	March 8, 2012		n/a
James Andrew Carter, II	Hampton, VA	January 31, 2012		n/a
Brett Nathan Dorny	Arvada, CO	February 3, 2012		n/a
Owaiian Maurice Jones	Fredericksburg, VA	March 1, 2012		n/a
Mark Michael Kantro	Norfolk, VA	February 1, 2012		n/a
Francis Allen Minor	Springfield, VA	February 28, 2012		n/a
Tina Elizabeth Orr	Norfolk, VA	March 5, 2012		n/a
Harry Tun	Washington, DC	January 31, 2012		n/a
Bradley Douglas Wein	Richmond, VA	January 26, 2012		n/a
Carl V. Williams	New Orleans, LA	February 7, 2012		n/a

Suspension – Failure to Comply with Subpoena

	Address of Record	Effective Date	Lifted	
Randall Bertron Campbell	Roanoke, VA	February 7, 2012		n/a
Gwen Anne Carpenter	Alexandria, VA	February 7, 2012	February 21, 2012	n/a
Jin-Ho Cynn	Fairfax, VA	March 13, 2012		n/a
Olaf Francis Gebhart, Jr.	Tifton, GA	February 7, 2012		n/a
Richard Lawrence McGarry	Roanoke, VA	February 7, 2012		n/a
David Garrett Mullins	Bristol, TN	December 16, 2011		n/a
		April 3, 2012		n/a
		April 5, 2012		n/a
Tonja Michelle Roberts	Danville, VA	April 3, 2012		n/a
David Samir Saliba	Wytheville, VA	December 16, 2011	December 20, 2011	n/a
Robert Henry Smallenberg	Ashland, VA	January 5, 2012	January 6, 2012	n/a
Sandra Mae Ward	Grundy, VA	March 6, 2012	March 13, 2012	n/a

Virginia Lawyer Register

The Official Publication of the Virginia State Bar

Editor: Rodney A. Coggin
Assistant Editor: Gordon R. Hickey
Design & Production: Madonna G. Dersch

Virginia Lawyer (USPS 660-120, ISSN 0899-9473) is published ten times a year in alternating formats by the Virginia State Bar, Eighth & Main Building, 707 East Main Street, Suite 1500, Richmond, Virginia 23219-2800;

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The following are summaries of disciplinary actions for violations of the Virginia Rules of Professional Conduct (RPC) (Rules of the Virginia Supreme Court Part 6, ¶ II, eff. Jan. 1, 2000) or another of the Supreme Court Rules.

Copies of disciplinary orders are available at the Web link provided with each summary or by contacting the Virginia State Bar Clerk's Office at (804) 775-0539 or clerk@vsb.org. VSB docket numbers are provided.

DISCIPLINARY BOARD

RICHARD SCOTT GORDON

Newport News, Virginia

10-010-081800

On February 17, 2012, the Virginia State Bar Disciplinary Board suspended Richard Scott Gordon's license to practice law for three months for violating rules that govern diligence, communications, and fairness to opposing party and counsel. RPC 1.3(a)(b)(c); 1.4(a)(b)(c); 3.4(e)

<http://www.vsb.org/docs/Gordon-022212.pdf>

SARA DAVIS HARMAN

Glen Allen, Virginia

10-032-083590, 11-032-086311, 11-032-086318

Effective December 10, 2013, the Virginia State Bar Disciplinary Board suspended Sara Davis Harman's license to practice law for one year with terms for violating rules of professional conduct that govern diligence, communication, declining or terminating representation, bar admission and disciplinary matters, and misconduct. The suspension is effective upon termination of Ms. Harman's current three-year suspension, which was effective December 10, 2010. This was an agreed disposition of misconduct charges. RPC 1.3(a)(b); 1.4(a)(b); 1.16(d); 8.1(c); 8.4(c)

<http://www.vsb.org/docs/Harman-032712.pdf>

RACHEL HEATHER MACKNIGHT

Chevy Chase, Maryland

11-080-086501

On February 29, 2012, the Virginia State Bar Disciplinary Board suspended with terms Rachel Heather MacKnight's license to practice law for one year and one day for violating professional rules that govern candor toward the tribunal, truthfulness in statements to others, and misconduct. This was an agreed disposition of misconduct charges. RPC 3.3(a)(1)(4); 4.1(a); 8.4(b)(c)

<http://www.vsb.org/docs/MacKnight-022912.pdf>

THEODORE SCOTT SILVA JR.

Washington D.C.

12-000-089362

On December 9, 2011, the Virginia State Bar Disciplinary Board suspended Theodore Scott Silva Jr.'s license to practice law for at least three years with his reinstatement being contingent upon showing reinstatement by the District of Columbia Bar. The suspension was effective November 10, 2011.

<http://www.vsb.org/docs/silva-011012.pdf>

JAN C. SMITH

White Stone, Virginia

10-060-080411, 11-060-086108, 11-060-085701

On March 20, 2012, the Virginia State Bar Disciplinary Board issued a public reprimand to Jan C. Smith for violating professional rules that govern diligence and communication. This was an agreed disposition of misconduct charges. RPC 1.3(a); 1.4(a)

<http://www.vsb.org/docs/Smith-041612.pdf>

BRIAN KEITH STEVENS

Henrico County, Virginia

10-032-081361, 11-000-087268

On January 27, 2012, the Virginia State Disciplinary Board suspended Brian Keith Stevens's license to practice law for sixty days for violating rules that govern diligence, safekeeping property, and responsibilities regarding nonlawyer assistants, and for violating the Virginia Consumer Real Estate Settlement Protection Act. RPC 1.3(a); 1.15(c)(4), (f)(4)(i)(ii), (5)(i)(ii)(iii); 5.3(a)(b)(c)(2); Va. Code §55.525.24(B)(1) and (2); 15 VAC 5-80-50(B)

<http://www.vsb.org/docs/Stevens-030112.pdf>

JOHN ARTHUR SUTHERLAND JR.

Fairfax, Virginia

09-053-079278

On December 9, 2011, the Virginia State Bar Disciplinary Board revoked John Arthur Sutherland Jr.'s license to practice law for violating professional rules that govern diligence, communication, declining or terminating representation, bar admission and disciplinary matters, and misconduct. RPC 1.3(a)(b)(c), 1.4(a), 1.16(d)(e), 8.1(c), 8.4(a)

<http://www.vsb.org/docs/Sutherland-021512.pdf>

RICHARD DONALD TRALA JR.

Richmond, Virginia

11-031-087414, 12-031-089642, 12-031-090739

On March 1, 2012, the Virginia State Bar Disciplinary Board revoked Richard Donald Trala Jr.'s license to practice law. In consenting to the revocation, Mr. Trala admitted that the disciplinary charges against him are true and that he could not successfully defend against them. He stipulated that he violated rules that govern diligence, communication, and conflict of interest: prohibited transactions. RPC 1.3(a); 1.4(a)(b)(c); 1.8(e)(1)(2)

<http://www.vsb.org/docs/Trala-022912.pdf>

TIMOTHY JAMES WALL

Fredericksburg, Virginia

10-060-082012, 11-060-087939

Effective February 17, 2012, the Virginia State Bar Disciplinary Board suspended Timothy James Wall's license to practice law for thirty days with terms for violating professional rules that govern safekeeping property and declining or terminating representation. This was an agreed disposition of misconduct charges. RPC 1.15(c)(3), (c)(4), (e)(1)(i-v), (f)(4)(i-ii), (f)(5)(i-iii), (f)(6); 1.16(d)

<http://www.vsb.org/docs/Wall-021012.pdf>

DISTRICT COMMITTEES

CURTIS TYRONE BROWN

Chesapeake, Virginia

10-021-083956

On January 17, 2012, a Virginia State Bar Second District Subcommittee issued a public admonition to Curtis Tyrone Brown for violating professional rules that govern diligence and meritorious claims and contentions. This was an agreed disposition of misconduct charges. RPC 1.3(a); 3.1

<http://www.vsb.org/docs/brown-011712.pdf>

CARL HERMAN BUNDICK

Accomac, Virginia

11-021-085549

On December 29, 2011, a Virginia State Bar Second District Subcommittee issued a public reprimand to Carl Herman Bundick for violating professional rules that govern diligence and communication. This was an agreed disposition of misconduct charges. RPC 1.3(a); 1.4(a)(b)(c)

<http://www.vsb.org/docs/Bundick-122911.pdf>

ELIZABETH MARGARET FISCHER

Alexandria, Virginia

10-042-083573

On March 26, 2012, a Virginia State Bar Fourth District—Section II Subcommittee issued a public reprimand with terms to Elizabeth Margaret Fischer for violating professional rules that govern diligence, communication, declining or terminating representation, and misconduct. This was an agreed disposition of misconduct charges. RPC 1.3(a)(b); 1.4(a); 1.16(d)(e); 8.4(b)

<http://www.vsb.org/docs/Fischer-041612.pdf>

ANDREA CELESTINE LONG

Richmond, Virginia

12-032-089315

On March 29, 2012, a Virginia State Bar Third District—Section II Subcommittee issued a public admonition to Andrea Celestine Long for violating the professional rule that governs safekeeping property. This was an agreed disposition of misconduct charges. RPC 1.15(a)(1), (d)(3)(i)(ii)(iii)(iv)

<http://www.vsb.org/docs/Long-041612.pdf>

JOHN ANTHONY NOWACKI

Alexandria, Virginia

09-042-076256

On February 16, 2012, a Virginia State Bar Fourth District—Section II Subcommittee imposed a public admonition on John Anthony Nowacki for violating a professional rule that governs engaging in conduct involving dishonesty, fraud, deceit or misrepresentation which reflects adversely on the lawyer's fitness to practice law. This was an agreed disposition of misconduct charges. RPC 8.4(c)

<http://www.vsb.org/docs/Nowacki-021612.pdf>

DAVID BENJAMIN WEINBERG

Alexandria, Virginia

10-042-081186

On December 9, 2011, a Virginia State Bar Fourth District—Section II Subcommittee issued a public reprimand to David Benjamin Weinberg for violating professional rules that govern communication, declining or terminating representation, and bar admission and disciplinary matters. RPC 1.4(a); 1.16(e); 8.1(c)

<http://www.vsb.org/docs/weinberg-120911.pdf>

PROPOSALS FOR PUBLIC COMMENT

The following proposals are published for public comment, which should be submitted in writing to Karen A. Gould, Executive Director, Virginia State Bar, 707 E. Main Street, Suite 1500, Richmond, VA 23219, no later than the end of the business day on the day of the deadline.

PROPOSED AMENDMENTS TO RULE 1.11 SPECIAL CONFLICTS OF INTEREST

Deadline for comment: June 15, 2012

The Virginia State Bar's Standing Committee on Legal Ethics is seeking public comment on proposed amendments to Rule 1.11 of the Rules of Professional Conduct.

The amendment to Rule 1.11(d)(1) parallels the existing provision in paragraph (b)(1) and provides that a conflict created by a move from private to public employment can be cured with the consent of both the private client and the appropriate government agency. Currently, a lawyer may represent a private client in connection with a matter in which the lawyer participated personally and substantially as a public employee with the consent of the private client and the government agency, but the reverse conflict cannot be cured with consent from both affected clients. The Committee proposes to address this disparity by providing for waiver of the conflict in both situations.

Second, the proposed amendment moves the definition of "confidential government information" from paragraph (g) to section (c), which is the only place in the Rule where the term is used. The Committee also made minor grammatical changes to that definition. Finally, the proposal adopts ABA Model Rule Comment [3], to explain why paragraphs (b) and (d) are not limited to circumstances in which the lawyer would be adverse to a former client, but rather apply to any matter in which the lawyer was involved prior to her move to or from government employment.

Details:

http://www.vsb.org/docs/Rule-1.11_prop031612.pdf

Virginia Lawyer Register Online

For easier access to the documents cited in this magazine, the *Virginia Lawyer Register* is posted with live Internet links at http://www.vsb.org/docs/valawyer magazine/ Register_2012-05.pdf.

PROPOSED AMENDMENTS TO PARAGRAPH 13-26 APPEALS FROM DISCIPLINARY BOARD DETERMINATIONS

Deadline for comment: May 31, 2012

On March 7, 2012, the Committee on Lawyer Discipline approved the proposed amendments. New language adds a cross-reference to Rule 5:28 of the Rules of Court which allows the Virginia State Bar to file assignments of cross-error in the event that a respondent appeals a disciplinary action to the Supreme Court of Virginia. Also added is a cross-reference to Rule 5:21(b) of the Rules of Court which sets forth specific procedures for perfecting and prosecuting appeals from the Disciplinary Board and three-judge circuit courts. Because Supreme Court Rule 5:21(b) overrides existing language in Paragraph 13-26, that language has been removed.

Details:

<http://www.vsb.org/docs/prop-13-26-appeal-board-030912.pdf>

PROPOSED AMENDMENT TO PARAGRAPH 13 DEFINITION OF "BAR COUNSEL"

Deadline for comment: May 31, 2012

On March 7, 2012, the Committee on Lawyer Discipline approved the proposed amendment which corrects the cite to the Code of Virginia, concerning appointment of Bar Counsel.

Details:

<http://www.vsb.org/docs/prop-13-1-definititon-bc-030912.pdf>

APPROVED CHANGE TO PROFESSIONAL GUIDELINES

RULES OF THE SUPREME COURT AMENDMENT TO PROFESSIONAL GUIDELINES PARAGRAPH 13-6, PROCEDURES FOR DISCIPLINING, SUSPENDING, AND DISBARRING ATTORNEYS

Effective: April 13, 2012

The Supreme Court of Virginia approved the Virginia State Bar Standing Committee on Lawyer Discipline's amendment that requires service as a district committee member as a prerequisite for nomination for Disciplinary Board service.

Details:

<http://www.vsb.org/docs/13-6-SCV-order-041312.pdf>



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Contact the VSB Membership Department at membership@vsb.org or (804) 775-0530 with questions.



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Provides links to a Virginia attorney's public disciplinary orders.

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A database of lawyers who have certified that they represent clients drawn from the public and do not carry legal malpractice insurance.

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- Over 300 attorneys, paralegals, government employees, military personnel and community advocates received training in a wide-variety of legal issues affecting the low-income population in Virginia thru the Virginia Poverty Law Center's Annual Legal Aid Conference
- Thousands of Virginia students and countless others became better citizens through participation in the VBA Rule of Law Program by having gained a clear understanding that the rule of law in America is the source of their individual rights and the collective rights of all citizens
- Rule of Law programming has been introduced in 32 public school divisions in Virginia and will expand to 10 more in 2012
- 32 first and second year Virginia law students experienced work in public service law as they interned throughout the Commonwealth
- Up to 250 lawyers received training in forensics and litigation to help them meet standards for the defense of capital cases in Virginia
- A Conclave on the Education of Lawyers in Virginia will convene in 2012 to provide a forum for stakeholders in legal education to review the current state of legal education and discuss current trends and developments in Virginia and nationally, in order to identify areas for improvement in the continuum of legal education in Virginia for the next twenty years

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