

VIRGINIA:

**BEFORE THE FOURTH DISTRICT SUBCOMMITTEE, SECTION I
OF THE VIRGINIA STATE BAR**

**IN THE MATTERS OF
WILLIAM PETER WITTIG**

VS B Docket Nos. 11-041-088104, 11-041-088265, and 12-041-088933

SUBCOMMITTEE DETERMINATION
(PUBLIC REPRIMAND WITH TERMS)

On December 9, 2011 a meeting in this matter was held before a duly convened Fourth District Subcommittee, Section I consisting of Jason S. Rucker, Esq., presiding Chair, Elizabeth L. Tuomey, Esq., member, and Edward M. Johnson, lay member.

Pursuant to Part 6, Section IV, Paragraph 13-15.E. of the Rules of the Virginia Supreme Court, the Fourth District Subcommittee, Section I of the Virginia State Bar hereby serves upon the Respondent the following PUBLIC Reprimand with Terms:

- I. VSB Docket No. 11-041-088104, Complainant: Commissioner of Accounts, William Gordon Murray and
VSB Docket No. 11-041-088265, Complainant: Mark R. Lindstrom**

A. STIPULATIONS OF FACT

1. At all times referenced herein Respondent William Peter Wittig (Respondent) was an attorney licensed to practice law in the Commonwealth of Virginia.
2. On June 29, 2007, Respondent qualified as Conservator for the Conservatorship of Jean McKinney Lang, an incapacitated adult.
3. As of June 29, 2007, Jean McKinney Lang was Trustee of the Trust of Jean M. Lang (Lang Trust).
4. On April 17, 2009, Respondent was appointed Trustee of the Lang Trust, in place of Jean McKinney Lang.
5. Respondent failed to file the Fourth Account due to be filed in the Conservatorship for Jean McKinney Lang (Fourth Account) on or before February 28, 2011.
6. By letter dated March 7, 2011, William G. Murray, Commissioner of Accounts, instructed Respondent to file the Fourth Account within thirty (30) days.

7. Respondent did not file the Fourth Account on or before April 6, 2011.
8. No account having been filed, the Commissioner of Accounts issued a summons against Respondent.
9. On April 26, 2011, the summons was personally served on Respondent.
10. Respondent did not comply with the summons.
11. Pursuant to Va. Code Section 26-13, the Commissioner of Accounts filed a Report regarding Respondent's failure to file the Fourth Account and to respond to the summons in the Circuit Court of Arlington County, and the Commissioner of Accounts submitted an Order that a Rule, returnable August 5, 2011, at 9:30 a.m., be issued against Respondent to show cause why he failed to file the Fourth Account; why Respondent should not be fined in a sum not to exceed \$500.00; why Respondent should not be found in contempt of court for failure to comply with the summons; and why Respondent should not be removed as Conservator for the Conservatorship of Jean McKinney Lang.
12. On May 27, 2011, the Circuit Court of Arlington County entered the Order directing issuance of the Rule to Show Cause against Respondent. The Rule to Show Cause was returnable on August 5, 2011.
13. On August 3, 2011, two days before the return date on the Rule to Show Cause, Respondent resigned as Conservator for the Conservatorship of Jean McKinney Lang.
14. On August 4, 2011, the Circuit Court of Arlington County entered an Order granting Respondent's resignation and appointing a Substitute Conservator.
15. During the time Respondent served as Conservator, Respondent did not respond to the inquiries of Mark Lindstrom, Ms. Jean Lang's nephew, regarding the disbursement of funds in the Conservatorship.
16. On October 17, 2011, Mark R. Lindstrom was appointed as Successor Trustee of the Lang Trust.

B. NATURE OF MISCONDUCT

Such conduct by William Peter Wittig constitutes misconduct in violation of the following provision of the Rule of Professional Conduct:

RULE 1.3 Diligence

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

II. VSB Docket No. 12-041-088903, Complainant: Commissioner of Accounts, Linda J. Lonas

A. STIPULATIONS OF FACT

1. At all times referenced herein Respondent William Peter Wittig (Respondent) was an attorney licensed to practice law in the Commonwealth of Virginia.
2. On August 20, 2008, Respondent qualified as the Executor of the Estate of Mabel Kay Leiter.
3. Respondent failed to timely file the Second Account due December 31, 2010.
4. By letter dated January 27, 2011, the Commissioner of Accounts, Linda J. Lonas, advised Respondent of the delinquency.
5. Respondent did not respond to the Commissioner's January 27, 2011, letter.
6. The Commissioner of Accounts issued a summons to Respondent, which was personally served on Respondent on April 13, 2011.
7. Respondent did not comply with the summons.
8. On July 31, 2011, the Commissioner of Accounts requested the Circuit Court for Prince William County issue a summons to Respondent to appear at the Court's next fiduciary docket, October 7, 2011.
9. On September 7, 2011, the Circuit Court for Prince William County issued a summons for Respondent to appear on October 7, 2011, to show cause why Respondent should not be held in contempt of court for failing to perform his legal duties as a fiduciary.
10. Two days before the return date, by letter dated October 5, 2011, Respondent finally provided the Commissioner of Accounts with the Second Account, due ten (10) months earlier.
11. The Circuit Court for Prince William County dismissed the Rule to Show Cause.

B. NATURE OF MISCONDUCT

Such conduct by William Peter Wittig constitutes misconduct in violation of the following provision of the Rule of Professional Conduct:

RULE 1.3 Diligence

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

III. PUBLIC REPRIMAND WITH TERMS

Accordingly, it is the decision of the subcommittee to offer the Respondent an opportunity to comply with certain terms and conditions, compliance with which will be a predicate for the disposition of a PUBLIC Reprimand with Terms of this complaint. The terms and conditions are:

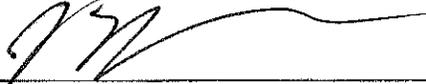
1. Respondent shall timely submit all accounts on all matters in which he acts as a fiduciary. If a Rule to Show Cause is issued against Respondent in the next year, from the date of this disposition to January 1, 2013, Respondent agrees that he will be deemed to have violated this term.
2. Respondent shall submit the Third and Final Account in the Leiter Estate on or before December 30, 2011.

Upon satisfactory proof that such terms and conditions have been met, this matter shall be closed. If the terms and conditions are not met by the specified dates, the alternate disposition to be imposed against Respondent is a ninety (90) day suspension of his license to practice pursuant to Rules of Court, Part Six, Section IV, Paragraph 13-15.F.

Pursuant to Part Six, Section IV, Paragraph 13-9.E. of the Rules of Court, the Clerk of the Disciplinary System shall assess costs.

FOURTH DISTRICT SUBCOMMITTEE, SECTION I
OF THE VIRGINIA STATE BAR

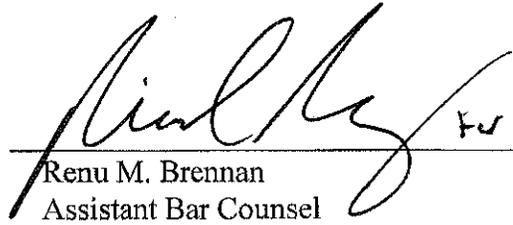
By



Jason S. Rucker, Esq.
Subcommittee Chair

CERTIFICATE OF SERVICE

I certify that on December 29, 2011, I mailed by certified mail a true and correct copy of the Subcommittee Determination (PUBLIC Reprimand with Terms) to William Peter Wittig, Esquire, Respondent, at Arlington Legal Associates, PLC, Suite 315, 2500 Wilson Boulevard, Arlington, VA 22201, Respondent's last address of record with the Virginia State Bar.



Renu M. Brennan
Assistant Bar Counsel