

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF BURMAN AARON BERGER

VSB DOCKET NO. 06-000-1312

ORDER OF REVOCATION

THIS MATTER came on to be heard on November 18, 2005, before a panel of the Disciplinary Board consisting of Joseph R. Lassiter, Jr. Chair Designate, Roscoe B. Stephenson, III, William M. Moffett, Bruce T. Clark, and Werner Q. Quasebarth. Harry M. Hirsch, Deputy Bar Counsel appeared on behalf of the Virginia State Bar. The Respondent, Burman Aaron Berger did not appear, the Clerk having called the case three times in the hallway without response. The Chair polled the members of the Board panel as to whether any of them were conscious of any personal or financial interest or bias which would preclude any of them from fairly hearing this matter and serving on the panel, to which inquiry each member responded in the negative. Victoria V. Halasz, court reporter, Chandler & Halasz, P.O. Box 9349, Richmond, Virginia 23227, phone number 804/730-1222, after being duly sworn, reported the hearing and transcribed the proceedings.

The matter came before the Board on a Rule to Show Cause and Order of Suspension and Hearing entered by the Board on October 21, 2005.

The Board found that all legal notices of the date and time and place of the hearing were timely sent by the Clerk of the Disciplinary System in the manner prescribed by law.

Part Six, §IV, Paragraph 13.I.7 of the Rules of the Supreme Court of Virginia specifies how the Board is to proceed upon receiving notice of disbarment of a Virginia attorney in another jurisdiction. The Rule states that the Board shall impose the same discipline as was imposed in the other jurisdiction unless the Respondent proves by clear and convincing evidence one or more of the following three grounds for an alternative or no sanction being imposed:

(1) That the record of the proceeding in the other jurisdiction clearly shows that such proceeding was so lacking in notice or opportunity to be heard as to constitute a denial of due process;

(2) That the imposition by the Board of the same discipline upon the same proof would result in a grave injustice; or

(3) That the same conduct would not be grounds for disciplinary action or for the same discipline in Virginia.

The following items were admitted into evidence:

1. A certified copy of the order of disbarment by consent, entered by the Court of Appeals of Maryland in the case styled, *Attorney Grievance Commission of Maryland v. Burman Aaron Berger*, Misc. Docket AG, Nos. 6 & 38, entered September Term, 2005.
2. A copy of the Joint Petition for Disbarment by Consent filed in Court of Appeals of Maryland in the above referenced proceeding.
3. A letter dated November 18, 2005 from the Respondent to Mr. Hirsch.

After hearing the evidence and the argument of counsel, the Board found by clear and convincing evidence that the license of Burman Aaron Berger to practice law in the State of Maryland has been revoked and that such action has become final. The Board also found that Respondent failed to prove by clear and convincing evidence any of the three grounds which would permit this Board to impose any sanction other than revocation.

Accordingly, it is hereby ORDERED that Burman Aaron Berger's license to practice law in the Commonwealth of Virginia be, and hereby is, revoked, effective November 18, 2005.

It is further ORDERED that Respondent must comply with the requirements of Part Six §IV, Paragraph 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 revocation 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 also make appropriate arrangements for the disposition of matters then in his care in conformity with the wishes of his clients. Respondent shall give such notice within 14 days of the effective date of the revocation, and shall make such arrangements as are required herein within 45 days of the effective date of the revocation. The Respondent shall also furnish proof to the Virginia State Bar within 60 days of the effective day of the revocation that such notices have been timely given and such arrangements made for the disposition of these matters.

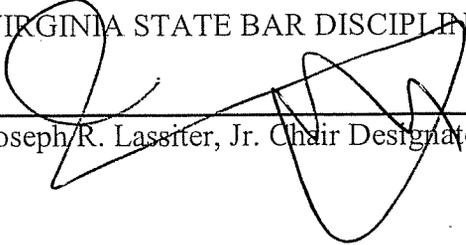
It is further ORDERED that if the Respondent is not handling any client matters on the effective date of the revocation, he shall submit an affidavit to that effect to the Clerk of the Disciplinary System at the Virginia State Bar. All issues concerning the adequacy of the notice and arrangements required by Paragraph 13.M shall be determined by the Virginia State Bar Disciplinary Board, unless the Respondent makes a timely request for hearing before a three-judge court.

And it further appearing that the Respondent has filed a petition for voluntary bankruptcy relief which is currently pending, the Board takes note that the actions taken herein are not subject to the automatic stay of § 362(a) of the Bankruptcy Code, as provided by § 362(b)(2). However, the Clerk of the Disciplinary System is directed not to assess costs against the 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, being Burman Aaron Berger, 51 Monroe Street, Suite 1605, Rockville, MD 20850, by certified mail, return receipt requested, with a copy provided to Harry M. Hirsch, Deputy Bar Counsel.

ENTERED this 6 day of December, 2005.

VIRGINIA STATE BAR DISCIPLINARY BOARD



Joseph R. Lassiter, Jr. Chair Designate