

**VIRGINIA:**

**BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD**

**IN THE MATTER OF ROBERT GERALD SCOGIN, JR**  
**VSB Docket No. 06-000-0156**

**ORDER OF SUSPENSION OF FOUR MONTHS WITH TERMS**

Pursuant to Pt. 6, Sec. IV, Para. 13.I.5 of the Rules of the Virginia Supreme Court, the Board issued a Rule To Show Cause on February 24, 2006, following its receipt of information that Respondent Robert Gerald Scogin, Jr. had entered guilty pleas to the crime of Possession of Cocaine under a first offender statute. On March 21, 2006, this matter was presented by teleconference for approval of an agreed disposition to a duly convened panel consisting of James Leroy Banks, Jr., Esquire, 2<sup>nd</sup> Vice Chair, Bruce Taylor Clark, Esquire, Leonard L. Brown, Jr., Esquire, William M. Moffet, Esquire, and Mr. Werner H. Quasebarth, lay member. The Virginia State Bar appeared through its Assistant Bar Counsel, Paul D. Georgiadis, and the Respondent, who was present, appeared by counsel Craig S. Cooley.

Pursuant to Virginia Supreme Court Rules of Court Part 6, Section IV, &13.B.5.c., the Virginia State Bar, by Paul D. Georgiadis, Assistant Bar Counsel, and the Respondent, by counsel Craig S. Cooley, entered into a proposed agreed disposition and presented it to the convened panel.

The Chair polled the panel members to determine whether any member had a personal or financial interest in this matter that might affect or reasonably be perceived to affect his or her ability to be impartial in this proceeding. Each member, including the Chair, verified that he had no conflicts.

## I. FINDINGS OF FACT

1. At all times material to these allegations, Robert Gerald Scogin, Jr., hereinafter "Respondent," has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. On or about July 1, 2005, Respondent entered into a plea agreement pursuant to Va. Code Sec. 18.2-251 in the City of Roanoke Circuit Court. Therein, Respondent pled guilty to first time possession of cocaine in violation of Virginia Code Sec. 18.2-250 arising out of an arrest on January 7, 2005. The Court accepted said agreement and plea.
3. On or about October 14, 2005, Respondent entered into a plea agreement pursuant to Va. Code Sec. 18.2-251 in the Roanoke County Circuit Court. Therein, Respondent pled guilty to first time possession of cocaine in violation of Virginia Code Sec. 18.2-250 arising out of arrests on December 28, 2004, and January 13, 2005. The Court accepted said agreement and plea.
4. Prior to entering into the City of Roanoke Circuit Court plea agreement on July 1, 2005, Respondent entered into substance abuse treatment programs.
5. Both the Roanoke County Circuit Court and the City of Roanoke Circuit Court have ordered Respondent to enter into and comply with the terms of the Twenty-Third Judicial Drug Court Program.
6. In compliance with said orders, Respondent has entered into said Drug Court Program and is in compliance with the orders and terms of the Drug Court Program.

## II. NATURE OF MISCONDUCT

The Board finds that such conduct on the part of the Respondent violates Rule 8.4 (b):

RULE 8.4 Misconduct

It is professional misconduct for a lawyer to:

- (b) commit a criminal or deliberately wrongful act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer;

### **III. IMPOSITION OF SANCTION OF FOUR-MONTH SUSPENSION WITH TERMS**

The Board considered all evidence before it, considered the nature of the Respondent's actions, and considered the mitigating evidence in this matter. In mitigation, it found that Respondent has been fully cooperative with law enforcement and with the Virginia State Bar in admitting to his misconduct and seeking healthcare assistance.

Pursuant to Part 6, Sec. IV, Para. 13.I.2.f. of the Rules of the Virginia Supreme Court, the Board ORDERS that the license of the Respondent, Robert Gerald Scogin, Jr., to practice law in the Commonwealth of Virginia be, and the same is, hereby suspended for Four Months, effective April 1, 2006.

Pursuant to the terms of the parties' Agreed Disposition, it is further

ORDERED that Respondent comply with the following terms, and written proof of compliance with terms 1, 2, and 4 shall be provided to Assistant Bar Counsel Paul D. Georgiadis on or before April 1, 2006:

1. Respondent shall execute a Consent to Release Confidential Information or such further releases as may be requested by the Virginia State Bar to authorize Lawyers Helping Lawyers ("LHL") to release information regarding Respondent's compliance with LHL's Rehabilitation and Monitoring Agreement;
2. Respondent shall enter into an agreement of rehabilitation and monitoring with LHL with a duration of two (2) years commencing April 1, 2006 and terminating March 31, 2008.

3. Respondent shall comply with all terms and conditions of the LHL agreement and monitoring agreement for a period of two (2) years commencing April 1, 2006, and terminating March 31, 2008.
4. Respondent shall direct LHL to provide a quarterly report to Assistant Bar Counsel Paul D. Georgiadis and/or his designee in which LHL certifies Respondent's compliance or lack thereof with the terms and conditions of LHL's monitoring and rehabilitation agreement. The first such report shall be due on or before July 1, 2006.

If, however, Respondent fails to meet the aforesaid terms within the time periods specified, Respondent, as agreed in the aforementioned Agreed Disposition, shall be suspended under the alternate sanction of a three-year suspension to be imposed by the Disciplinary Board, subject only to a show cause hearing.

In the event of alleged failure to meet the terms as set forth above, the Virginia State Bar shall issue and serve upon the Respondent a Notice of Hearing to Show Cause why the alternate sanction of a three-year suspension should not be imposed. The sole factual issue will be whether the Respondent has violated the terms of this Agreed Disposition without legal justification or excuse. As set forth in the parties' Agreed Disposition, Respondent has agreed and has waived his right to demand a hearing before a three-judge circuit court panel and has consented to any such hearing being solely before the Virginia State Bar Disciplinary Board. All issues concerning the Respondent's compliance with the terms of this Agreed Disposition shall be determined by the Virginia State Bar Disciplinary Board. At said hearing, the burden of proof shall be on the Respondent to show timely compliance and timely Certification of such compliance by clear and convincing evidence.

It is further ORDERED that Respondent must comply with the requirements of Part 6, Section IV, Paragraph 13.M., of the Rules of the Supreme Court of Virginia. The time for

compliance with said requirements runs from April 1, 2006, the effective date of this Order. All issues concerning the adequacy of the notice and arrangements required by the Order shall be determined by the Board. Pursuant to Part 6, Sec. IV, Para.13.B.8.c. of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess costs.

It is further ORDERED that a copy *teste* of this Order shall be mailed by certified mail, return receipt requested, to the Respondent, Robert Gerald Scogin, Jr., at 1515 Longview Road, Roanoke, Virginia 24018, his last address of record with the Virginia State Bar; by first class mail, postage prepaid, to his counsel of record, Craig S. Cooley, 3000 Idlewood Avenue, P.O. Box 7268, Richmond, Virginia 23221-0268, and hand delivered to Paul D. Georgiadis, Assistant Bar Counsel, Virginia State Bar, 707 East Main Street, Suite 1500, Richmond, Virginia 23219-2800.

Jennifer L. Hairfield, Chandler and Halasz, Inc., Court Reporters, P.O. Box 9349, Richmond, Virginia 23227, 804.730.1222, was the reporter for the hearing and transcribed the proceedings.

ENTERED: March 22<sup>nd</sup>, 2006

VIRGINIA STATE BAR DISCIPLINARY BOARD

By: \_\_\_\_\_

James Leroy Banks, Jr., 2<sup>nd</sup> Vice Chair