

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF ALBERTO RAOUL COLL

VSB DOCKET NO. 05-000-4245

**ORDER OF SUSPENSION**

**THIS MATTER** came on to be heard on Friday, June 24, at 9:00 a.m., in the Lewis F. Powell, Jr., U.S. Courthouse, Tweed Courtroom, at Tenth and Main Street, Fourth Floor, Richmond, Virginia, 23219, before a panel consisting of James L. Banks, Jr., Chair Designate, Glenn M. Hodge, Ann N. Kathan, Russell W. Updike and Dr. Theodore Smith, lay member.

The Virginia State Bar was represented by Noel D. Sengel, Senior Assistant Bar Counsel. Respondent appeared in person and with his counsel, Michael L. Rigsby.

The court reporter, Victoria V. Halasz, of Chandler & Halasz, Post Office Box 9349, Richmond, Virginia, 23227, (804) 730-1222, was duly sworn by the Chair Designate and thereupon reported the hearing and transcribed the proceedings.

The Chair Designate inquired of the members of the panel of the Board whether any of them had any personal or financial interest or any bias that would preclude their hearing this matter fairly impartially, to which inquiry each member and the Chair Designate answered in the negative.

This matter came before the Board on the Board's Rule to Show Cause and Order of Suspension and Hearing dated May 26, 2005.

Bar counsel made an opening statement and thereafter VSB Exhibits 1 and 2

were admitted without objection. Respondent's counsel made an opening statement and thereafter Respondent's Exhibits 1 through 12 were admitted without objection. Bar counsel did not call any witnesses. Respondent presented other evidence by witnesses testifying *ore tenus*.

### **I. FINDINGS OF FACT**

The Board makes the following findings of fact on the basis of clear and convincing evidence, to wit:

1. At all times relevant hereto, the Respondent has been an associate member of the Virginia State Bar, in good standing, and his address of record with the Virginia State Bar has been 55 Washington Street, Newport, Rhode Island, 02840.
2. The Rule to Show Cause and Order of Suspension and Hearing was properly issued and duly served on the Respondent by certified mail on May 27, 2005, at his address of record with the Virginia State Bar.
3. That an Information was filed in the United States District Court for the District of Rhode Island on February 14, 2005, by Assistant United States Attorney, Lee H. Vilker, alleging that on or about December 12, 2003, in the District of Rhode Island and elsewhere, Respondent did knowingly and willfully make materially false, fictitious and fraudulent statements and representations in a matter within the jurisdiction of the Executive Branch of the United States, in that Respondent knowingly

made materially false statements and representations to representatives of the United States Department of State and the United States Department of Defense concerning the purpose of his proposed visit to the nation of Cuba in violation of 18 U.S.C. §1001.

4. That Respondent, pursuant to Rule 8.3 of the Virginia Rules of Professional Conduct, reported that he pled guilty on March 15, 2005, to a felony charge of violating 18 U.S.C. §1001 in the United States District Court for the District of Rhode Island.

5. That a judgment was entered by the Honorable Ronald R. Laguex on June 7, 2005, finding that the Respondent had pled guilty to a felony charge of violating 18 U.S.C. §1001.

6. That Respondent, who was born and raised in Communist Cuba and could not speak English, fled the country at the age of thirteen (13) at his parents request and came to the United States after his father was imprisoned for his active opposition to Fidel Castro.

7. Respondent attended public schools in South Florida before earning a scholarship to Princeton University. After graduating from Princeton with honors, Respondent attended the University of Virginia Law School and received his law degree as well as a Ph.D. in Foreign Affairs and began teaching international law in 1982 at Georgetown University. Thereafter, Respondent was appointed to the Charles H. Stockton Chair of International Law at the Naval War College. Subsequently, Respondent

served in the office of the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict, where Respondent assisted in the development and use of Special Operations Forces around the world. After receiving the Distinguished Service Award from the Secretary of Defense, Dick Cheney, Respondent returned to the Naval War College where he ultimately became Dean in 1999.

8. In December, 2003, Respondent sought permission from the State Department to visit Cuba as he had done on numerous other occasions. When responding to a specific question on the written application required seeking such permission, Respondent indicated that the primary purpose of his visit was to visit a family member who was ill, which is deemed a legitimate purpose by the State Department. In actuality, Respondent visited a relative while traveling to Cuba but the primary purpose of his visit was to see a friend which is not deemed a legitimate purpose. Upon his return to the United States after his thirteen (13) day trip to Cuba, Respondent was interviewed by Federal Agents concerning the facts and circumstances surrounding his trip. During the interrogation, the Respondent acknowledged the actual reason for his trip and, in effect, admitted to making a misrepresentation on the application. As a result of such admission, federal authorities filed the Information on February 14, 2005, charging a violation of 18 U.S.C. §1001. It appears, however, that the vast majority of such cases are handled through the

mechanism of a civil fine.

9. A Plea Agreement was signed by the Respondent, his counsel and the Assistant United States Attorney in February, 2005. The Plea Agreement provided that the Respondent would plead guilty to the felony charge of 18 U.S.C. §1001. At the sentencing hearing held before the Honorable Ronald R. Lagueur on June 7, 2005, the Plea Agreement was accepted by the court and the Respondent was fined \$5,100.00 and given a one (1) year term of probation.

10. Following the guilty plea (and with full knowledge thereof), the Naval War College retained Respondent in his teaching position at the institution. In addition, Respondent has been offered and accepted a teaching position at the DePaul University College of Law subsequent to his guilty plea (with the full knowledge of such plea by the administration of DePaul University College of Law).

## **II. MISCONDUCT**

### **Rule 8.4**

It is professional misconduct for a lawyer to:

(b) Commit a criminal or deliberately wrong act that reflects adversely on the trustworthiness or fitness to practice law.

## **III. DISPOSITION**

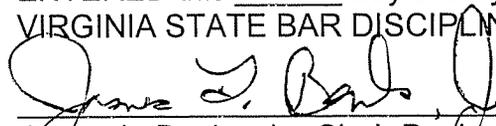
**AFTER DUE CONSIDERATION** of the evidence and the nature of the ethical misconduct committed by the Respondent, it is the unanimous opinion of The Board that the Respondent's license to practice law in the Commonwealth of Virginia should be suspended for a period of one (1) hour, which suspension is effective May 26, 2005, midnight through 1:00 a.m., it is therefore;

**ORDERED** that the license of Respondent, Alberto Raoul Coll, to practice law in the Commonwealth of Virginia be, and the same hereby is, **SUSPENDED** for a period of one (1) hour, effective May 26, 2005, midnight through 1:00 a.m. and it is further;

**ORDERED** that pursuant to Part 6, § IV, Para. 13(B)(8)(c) of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess all costs against the Respondent and it is further;

**ORDERED** that the Clerk of the Disciplinary System will mail an attested copy of this Order to the Respondent's counsel, Michael L. Rigsby, at Carrell, Rice & Rigsby, Forest Plaza II, Suite 309, 7275 Glen Forest Drive, Richmond, Virginia, 23226, by certified mail, return receipt requested, and by regular mail to Noel D. Sengel, Senior Assistant Bar Counsel, Virginia State Bar, 100 North Pitt Street, Suite 310, Alexandria, Virginia, 22314-3133.

ENTERED this 12<sup>th</sup> day of July, 2005  
VIRGINIA STATE BAR DISCIPLINARY BOARD

  
James L. Banks, Jr., Chair Designate