

VIRGINIA: BEFORE THE DISCIPLINARY BOARD OF THE VIRGINIA STATE BAR

IN THE MATTER OF DENNY PAT DOBBINS

VSB Docket No. 04-010-1580

ORDER DISMISSING APPEAL

On the 12th day of April, 2005, the Virginia State Bar Disciplinary Board convened a telephone conference to consider whether the Notice of Appeal filed by the Respondent, Denny Pat Dobbins (Mr. Dobbins), was timely filed, as well as other issues raised by Bar Counsel in the Bar's Motion to Dismiss Appeal. Karen A. Gould, Chair of the Disciplinary Board, presided. The Bar was represented by Richard E. Slaney, Assistant Bar Counsel. Mr. Dobbins appeared *pro se*, and the matter was argued.

It appears to the Board the District Committee Determination was mailed to Mr. Dobbins by certified mail on March 14, 2005. Mr. Dobbins then sent his Notice of Appeal by certified mail on March 24, 2005, which was received in the Clerk's Office on March 28, 2005.

As in the Curtis Tyrone Brown case (Docket No. 00-010-2346), the Board finds that the postmark on Mr. Dobbins' Notice of Appeal is irrelevant, and that Paragraph 13.E.4(a)(2) of Part Six of the Rules of Court provides that the appeal must be filed with the Clerk, which means that filing is achieved when a pleading or other document is received by the Clerk, not when mailed. The Board also finds that the ten day time period for filing a Notice of Appeal is jurisdictional under Paragraphs 13.E.1 and 13.H.4 of the Rules of the Supreme Court of Virginia, Part Six, and the Board has no authority under the Rules to waive the jurisdictional requirement. As such, the

Notice of Appeal filed by Mr. Dobbins was not timely filed, and the appeal is dismissed, and the First District Committee's imposition of a Public Reprimand is AFFIRMED, effective upon entry of this Order. The Board did not consider or rule upon the remaining issues raised by the Bar's Motion to Dismiss Appeal.

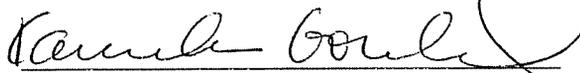
An attested copy of this Order will be sent by Certified Mail, Return Receipt Requested, to the Respondent, Denny Pat Dobbins, Esq., at his address of record with the Virginia State Bar, P.O. Box 1442, Chesapeake, Virginia 23327, and by hand delivery to Richard E. Slaney, Assistant Bar Counsel, at 707 E. Main Street, Suite 1500, Richmond, Virginia 23219.

The Court Reporter for this hearing was Tracy J. Stroh with Chandler & Halasz, P.O. Box 9349, Richmond, Virginia 23227, (804) 730-1222.

In accordance with Part Six, Section IV, ¶13.B.8.c of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess costs against the Respondent.

THE VIRGINIA STATE BAR DISCIPLINARY BOARD

Enter this the 13th day of April, 2005

A handwritten signature in cursive script, appearing to read "Karen A. Gould". The signature is written in black ink and is positioned above a horizontal line.

Karen A. Gould, Chair