

VIRGINIA:

BEFORE THE SECOND COMMITTEE--SECTION I
OF THE VIRGINIA STATE BAR

IN THE MATTER OF
WILBER THURSTON HARVILLE VSB Docket No. 03-021-0331 (Hicks)

DISTRICT COMMITTEE DETERMINATION
(DISMISSAL)

Pursuant to Virginia Supreme Court Rules of Court Part Six, Section IV, Paragraph 13 H.2.n, the Second District Committee - Section I, of the Virginia State Bar hereby serves upon the Respondent, Wilber Thurston Harville, the following Dismissal of this matter.

On February 12, 2004, a hearing in this matter was held before a duly convened panel from the Second District Committee--Section I, consisting of Paul Kevin Campsen, Esquire, Croxton Gordon, Esquire, Mr. Robert Carter, lay member, William Hanes Monroe, Jr., Esquire, Robert William McFarland, Esquire, Mr. David J. McDonald, lay member, Afshin Farashahi, Esquire, LaRhonda Jean Carer, Esquire, and Ray Webb King, Esquire, Chair Presiding. The bar appeared by its Assistant Bar Counsel, Paul D. Georgiadis. The Respondent, Wilber Thurston Harville, appeared with counsel Andrew A. Protogyrou.

This matter proceeded upon due notice of the Notice of Hearing dated December 8, 2003, referring the matter from the Subcommittee of the Second District Committee--Section I. The Notice of Hearing set forth allegations that Respondent's conduct violated Rules of Professional Conduct 1.5(a), Reasonable Fees, and 1.5(b), Adequately Explaining Fees.

The Chair polled each member of the hearing panel as to whether any member had any personal or financial interest that might affect or reasonably be perceived to affect his or her ability to be impartial. Upon receiving answers in the negative, and upon the Chair affirming that he had no such interest, the Chair advised the parties of the hearing procedures.

Without objection, the bar introduced and moved into evidence six (6) exhibits, including the Notice of Hearing referring the matter from the Subcommittee of the Second District Committee - Section I. The bar and Respondent agreed to stipulate that as of June 5, 2000, Respondent was required by the bar to “develop and adopt a written policy to issue retainer or letter agreements of representation to each client.”

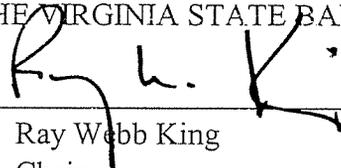
Upon the conclusion of the bar’s evidence, Respondent moved to strike the bar’s case. The Committee deferred ruling on the motion. With Respondent presenting no further evidence than that presented from Respondent on his direct examination and cross examination as the bar’s adverse witness, the parties presented closing arguments.

Following argument and consideration of the evidence, the Committee found, pursuant to Virginia Supreme Court Rules of Court Part Six, Section IV, Paragraph 13 H.21(1)(b), that the evidence did not reasonably support any allegation of Misconduct under a clear and convincing evidentiary standard.

While the Committee found no violation of the Rules of Professional Conduct cited in the Notice of Hearing, the Committee expressed its concerns to Mr. Harville regarding the absence of formal documentation and record-keeping in this case. The Committee specifically noted

concerns with Mr. Harville's deficiencies in client communications, file management, and documentation of time spent and billed, and work performed. The Committee urged Mr. Harville to adopt a more formal and systematic manner of record-keeping, communication, and documentation.

SECOND DISTRICT COMMITTEE--SECTION I
OF THE VIRGINIA STATE BAR

By: 
Ray Webb King
Chair

CERTIFICATE OF SERVICE

I certify I have this the 4th day of March, 2004, mailed by first class U.S. Mail, postage prepaid, a true and correct copy of the District Committee Determination (Dismissal) to the Respondent, Wilber Thurston Harville, Esquire, One Columbus Center, Suite 600, Virginia Beach, Virginia 23462, his last address of record with the Virginia State Bar; to Respondent's counsel, Andrew A. Protogyrou, Protogyrou & Rigney, 215 City Hall Avenue, P.O. Box 3205, Norfolk, VA 23514-3205; and to Ms. Lynette Hicks, #305175, Pocahontas Correctional Center, 6900 Courthouse Rd, Chesterfield, VA 23832.


Paul D. Georgiadis
Assistant Bar Counsel