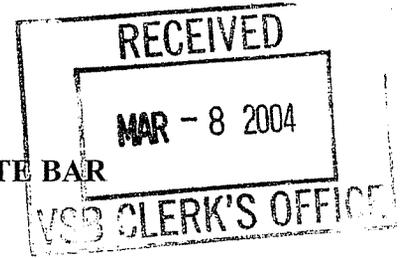


**VIRGINIA:  
BEFORE THE DISCIPLINARY BOARD OF THE VIRGINIA STATE BAR  
IN THE MATTERS OF MARY MEADE, ESQUIRE  
VSB Docket Numbers 02-052-1241 and 03-052-0062**



**OPINION & ORDER OF SUSPENSION**

THIS MATTER came to be heard on February 27, 2004, before a duly convened panel of the Virginia State Bar Disciplinary Board, consisting of Robert L. Freed, Second Vice Chair, Peter A. Dingman, Janipher W. Robinson, Bruce T. Clark and V. Max Beard, Lay Member.

The Respondent, Mary Meade, appeared with her counsel, Daniel M. Gray. Yvonne D. Weight, Special Assistant Bar Counsel, appeared on behalf of the Virginia State Bar. The proceedings were recorded by Donna T. Chandler, a registered court reporter with Chandler & Halasz, Post Office Box 9349, Richmond, Virginia 23227, (804) 780-1222, she having been duly sworn by the Chair.

The chair made inquiry of all Panel members as to whether they had any personal or financial interest or any bias that would preclude them from hearing this matter fairly and impartially. Each member and the Chair answered such inquiry in the negative.

**STATEMENT OF FACTS**

1. At all times relevant hereto, Mary Meade, Esquire (hereinafter the Respondent), has been an attorney licensed to practice law in the Commonwealth of Virginia. The Panel was charged with consideration of three matters involving the Respondent as follows:

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2. The Respondent represented the husband in a divorce case, *Garcia v. Garcia*. The Complainant, Carol L. Ehlenberger, Esquire, represented Ms. Garcia.
3. Subsequent to a trial held in the Garcias' divorce, negotiations were undertaken and motions were filed by both parties regarding the terms of the final decree of divorce to be entered in the cause. As part of these actions, Ms. Ehlenberger received a letter from the Respondent dated April 2, 2001 addressing six issues concerning the contents of the proposed final decree several of which were items still in dispute and others which were ministerial in nature. Subsequently, Ms. Ehlenberger filed a motion to reconsider on behalf of her client to which, on May 1, 2001, Respondent filed a response. In such

response, Respondent attempted to characterize the opposing parties as being unresponsive to efforts undertaken by the Respondent and her client to reach an accord without requiring further intervention by the court. In support of this position, Respondent quoted at length portions of her letter of April 2, 2001. Respondent stated that Ms. Ehlenberger had refused to respond to the issues raised in the quoted passages thereby placing Ms. Ehlenberger and her client in an unfavorable light. However, the passages quoted by the Respondent were not in the version of the letter of April 2, 2001 which had been sent to Ms. Ehlenberger.

4. Subsequently, on June 28, 2001, Ms. Ehlenberger received a motion for entry of a final decree of divorce from the Respondent which incorporated additional references to the letter of April 2, 2001 citing such letter to demonstrate the willingness of the Respondent's client to agree upon the terms of a final order in the matter. The Respondent's letter of April 2<sup>nd</sup> was attached as a supporting exhibit to Respondent's pleading. When Ms. Ehlenberger examined the letter filed, she realized for the first time that it was substantially different from the original version she had received in April. In the version filed with the court, a paragraph regarding child support had been added to the bottom of the first page which had not been in the version sent to her. This paragraph appeared as a footnote squeezed on the bottom of the first page of the letter typed in a different font than the remainder of the letter using spacing which was also different from the balance of the letter. In addition, the second page of the letter filed with the court incorporated another lengthy additional paragraph, addressing a motion to reconsider. It was this paragraph which had been quoted in Respondent's pleading of May 1st. While this second version of the letter did not alter the final outcome in the case, it constituted a misrepresentation to the court concerning the ongoing dialogue between the parties in a manner which placed Ms. Ehlenberger's client in a less favorable light.
5. During her testimony before the Panel, the Respondent stated that her original draft of the letter of April 2<sup>nd</sup> had contained the paragraphs which were missing from the version sent to opposing counsel and that upon reflection she had decided to remove them before posting the letter. She then testified that the draft had inadvertently been referred to in the two pleadings. However, the exhibit filed with the pleading of June 28<sup>th</sup> was not marked as a draft, and was signed by the Respondent.

6. Ms. Ehlenberger also testified that upon checking the court file, she discovered copies of numerous letters and notices which were addressed to her that the Respondent had filed with the Court but which she had never received. In all, Ms. Ehlenberger identified six letters dated from June 9, 2000 through May 21, 2001 and one change of address notice filed among the court's records which she had no record of receiving.

7. The Panel finds that the above actions of the Respondent violated the following Disciplinary rules:

RULE 3.3 Candor Toward The Tribunal

(a) A lawyer shall not knowingly:

(1) make a false statement of fact or law to a tribunal.

RULE 4.1 Truthfulness In Statements To Others

In the course of representing a client a lawyer shall not knowingly:

(a) Make a false statement of fact or law;

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;

**As to VSB Docket Number 03-052-0062**

8. In 2001, the Respondent represented Matthew James Smith, the defendant in a divorce action, *Smith v. Smith*, In Chancery No. 01-281.

9. On July 20, 2001, the Plaintiff's attorney, Amy Hadley, Esquire, responding to demands made by the Respondent in a letter dated July 18, 2001, delivered discovery to the Respondent's office shortly after three in the afternoon, which discovery materials she believed to be fully responsive to a request for the same she had previously received. Whether such response was, in fact, complete is open to question, but such issue has no impact on the matters before this Panel.

10. By letter dated July 20, 2001 and received by Ms. Hadley on Monday, July 23, 2001, the Respondent notified the Lewis Law Firm where Ms. Hadley was employed that one of Respondent's staff, under instructions given by the Respondent, had sent a motion to the court by courier to compel additional discovery and seeking sanctions which motion was to be heard that Friday, July 27, 2001. Ms. Hadley, believing that her response and Respondent's notice had crossed, then sent a letter, dated July 23, 2001, to the

Respondent, requesting that the motion to compel be removed from the Court's docket, since her office had delivered the discovery documents to the Respondent on July 20, 2001.

11. After hearing nothing further from the Respondent regarding the motion, Ms. Hadley, on July 26, 2001, called the Arlington County Circuit Court Clerk's Office to find out which judge would be hearing the motion, at which time she was informed that the motion was not on the docket. Ms. Hadley assumed that the Respondent had removed the motion after she realized that she had received the Plaintiff's discovery on July 20<sup>th</sup> and had read her letter of July 23<sup>rd</sup>. Later that afternoon, however, Ms. Hadley spoke with someone who identified herself as Ms. Janie Hunt, the Respondent's purported long-time legal assistant. Ms. Hunt informed Ms. Hadley that she had confirmed with the Clerk's Office that their Motion was, in fact, still on the Court's docket for July 27, 2001. Ms. Hadley's conversation with Ms. Hunt took place after the Clerk's Office had closed, so Ms. Hadley herself could not call to confirm whether the motion was actually on the docket. She then expressed her concern over this matter to Glenn C. Lewis, Esquire, senior partner of her firm, who was able to reach a law clerk still at the courthouse. This clerk checked each judge's docket for Friday motions and again found no listing for the case.
12. After Ms. Hadley's conversation with Ms. Hunt, Ms. Hadley received a fax from Ms. Hunt, dated July 26, 2001, stating that the Arlington County Circuit Court Clerk's Office "confirmed to me that they do have our Motion when I called to see if your firm had filed a response, thus our offic (sic) will be there tomorrow for this Motion."
13. The next morning, July 27, 2001, Ms. Hadley drove from her office in Washington, D.C. to the Arlington County Circuit Court for the sole purpose of checking the Court's docket for herself. The Respondent's motion was not on the Court's docket for that day. Ms. Hadley returned to her office, where, a few minutes after 10:00 a.m., she received a phone call from Lori Lewis, Esquire, who was employed by and was standing in for the Respondent at the hearing on the motion to compel. Ms. Lewis told Ms. Hadley that she did not know what had happened but that the Respondent's motion was supposed to be on the Court's docket for that day. Ms. Lewis requested that Ms. Hadley return to court so that they could make a joint request to the Court that the motion be heard that day. Ms. Hadley refused the request since she believed that she and Mr. Lewis, her co-counsel, had already complied with discovery. Thereafter, Ms. Lewis went ahead and motioned

- the sitting judge, Judge Sheridan, to hold the hearing despite the fact that it was not on the Court's docket. Judge Sheridan continued the matter until July 31, 2001.
14. At the July 31, 2001 hearing, a dialogue occurred between the bench and counsel concerning the missing motion. A search of the clerk's office had been undertaken, including both a search of the computer records to determine whether a filing was logged in and a physical search to determine if the filing had inadvertently been improperly handled. Both searches revealed nothing.
  15. When the judge questioned the Respondent concerning the missing motion, she again asserted that it had been filed. When asked where the motion might have gone, the Respondent stated that the motion had been filed, that she had not touched the file, but that counsel for the opposing party, Ms. Hadley, had certainly gone through the file the following Friday. Such statements were taken by the bench as an accusation by the Respondent that Ms. Hadley was responsible for the removal of the motion. Were this true, Ms. Hadley would be guilty of a felony. Due to the serious nature of the accusation, the judge scheduled a full hearing on the issue of the missing motion advising everyone involved to bring any and all witnesses with them for that hearing. The judge also instructed the Honorable David Bell, Clerk of the Arlington County Circuit Court, and his staff to conduct an extensive search for the Respondent's missing motion. They did not find it.
  16. At the hearing before Judge Alper on October 2, 2001, Janie Hunt, the Respondent's legal assistant, whom the Respondent had said made arrangements for the filing of the motion, did not appear. Instead, the Respondent produced what she said was a courier's receipt which indicated that an envelope had been signed for by a deputy clerk in the Clerk's Office. That deputy clerk testified that the signature appeared to be hers. She also testified that she signs for many deliveries during a given day without knowing exactly what is being delivered.
  17. After hearing all the testimony, Judge Alper ruled that the Respondent had never filed the motion to compel and sanctioned her \$5,000.00, to be paid by her, not by her client. Judge Alper later filed this complaint with the Virginia State Bar.
  18. The Panel notes without further comment that, as in the *Garcia* case, Ms. Hadley testified that upon reviewing the court's file, she discovered correspondence which had been filed therein which had been addressed to her, but which she had never received.

19. The Panel finds the above actions of the Respondent violate the following Disciplinary rules:

RULE 3.4 Fairness To Opposing Party And Counsel

A lawyer shall not:

- (i) File a suit, initiate criminal charges, assert a position, conduct a defense, delay a trial, or take other action on behalf of the client when the lawyer knows or when it is obvious that such action would serve merely to harass or maliciously injure another.

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;

**ORDER AND IMPOSITION OF SANCTION**

It goes without saying that litigation, especially litigation in the practice of domestic relations, are intensely contested matters. However, no matter how intense a litigated matter may be, the foundation of our trial system demands that counsel at all times be fully candid with the court and opposing counsel. Misrepresentations, whether through acts of commission or omission, cannot be tolerated.

For these reasons, it is ORDERED that the Respondent's license to practice law within the Commonwealth be **SUSPENDED** for a period of four months commencing on February 28, 2004 or the last day of any suspension of the Respondent's license which may currently be in effect, whichever last occurs.

It is further ORDERED that the Respondent comply with the requirements of Part Six, Section IV, Paragraph 13(M) of the Rules of the Supreme Court of Virginia.

It is further ORDERED pursuant to Part Six, Section IV, Paragraph 13(M) of the Rules of the Supreme Court of Virginia, that the Respondent shall forthwith give notice by certified mail, return receipt requested, of the Suspension of her license to practice law in the Commonwealth of Virginia, to all clients for whom she is currently handling matters and to all opposing attorneys and presiding judges in pending litigation. The Attorney shall also make appropriate arrangements for the disposition of matters then in her care in conformity with the wishes of her

client. Respondent shall give such notice within 14 days of the effective date of the Suspension, and make such arrangements as are required herein within 45 days of the effective date of the Suspension. The Respondent shall also furnish proof to the Bar within 60 days of the effective date of the Suspension that such notices have been timely given and such arrangements made for the disposition of matters.

It is further ORDERED that if the Respondent is not handling any client matters on the effective date of her suspension, she 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.

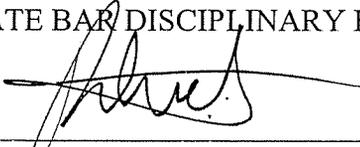
It is further ORDERED that the Clerk of the Disciplinary System shall mail an attested copy of this order to the Respondent, Mary Meade, 2010 Corporate Ridge, Suite 700, McLean, Virginia 22102 by certified mail, return receipt requested and by regular mail to Daniel M. Gray, Esquire, 7617 Virginia Avenue, Falls Church, Virginia 22042 and to Yvonne D. Weight, Esquire, Special Bar Counsel, 221 South Fayette Street, Alexandria, Virginia 22314.

It is further ORDERED that pursuant to Part Six, Section IV, Paragraph 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.

ENTERED this 5<sup>th</sup> day of March, 2004

VIRGINIA STATE BAR DISCIPLINARY BOARD

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

  
Robert L. Freed, Second Vice Chair