



VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF STEPHEN JOHN PERRELLA

VSB DOCKET NO. 05-000-0025

ORDER OF REVOCATION

On August 27, 2004, this matter came on for a hearing upon the Show Cause Order and Order of Suspension and Hearing dated July 29, 2004, before a panel of the Virginia State Bar Disciplinary Board consisting of Peter A. Dingman, 2nd Vice-Chair, David R. Schultz, James L. Banks, Jr., Glenn M. Hodge and V. Max Beard, Lay Member. The Virginia State Bar was represented by Richard E. Slaney. The Respondent, Stephen John Perrella, did not appear nor was he represented at the hearing, by counsel. The Chair polled the members of the Board as to whether any of them was conscious of any personal or financial interest or bias which would preclude any of them from fairly hearing this matter and serving on the panel, to which inquiry each member responded in the negative. Victoria V. Halasz, court reporter, Chandler & Halasz, P.O. Box 9349, Richmond, VA 23227, (804) 730-1222, after being duly sworn, reported the hearing and transcribed the proceedings.

I. FINDINGS OF FACT

Having considered the VSB Exhibits entered into evidence by Bar Counsel, the Board unanimously found by clear and convincing evidence as follows:

1. At all times relevant hereto, Stephen John Perrella, hereinafter the “Respondent”, has been an attorney licensed to practice law in the Commonwealth of Virginia on October 12, 1989, and his address of record with the Virginia State Bar has been 917 F Avenue, #3, Coronado, CA 92118. The Respondent received proper notice of this proceeding as required by Part Six, § IV, Paragraph 13.E and I.2 of the Rules of the Virginia Supreme Court.
2. Respondent was convicted of burglary 2nd degree on October 25, 2003; petty theft with prior on December 18, 2002; and possession of a controlled substance on February 18, 2002 in the Superior Court of California, County of San Diego.
3. Respondent has been convicted of a crime, as defined by the Rules of Court, Part 6, Section IV, p. 13.I.5.b.
4. By Rule to Show Cause and Order of Suspension and Hearing dated July 29, 2004, Respondent’s license to practice law in Virginia was immediately suspended pursuant to the Rules of Court, Part Six, § IV, Paragraph 13.I.5.b and the Respondent was ordered to appear before the Virginia State Bar Disciplinary Board at 9:00 a.m. on August 27, 2004, to show cause why his license to practice law within the Commonwealth of Virginia should not be further suspended or revoked.

II. DISPOSITION

Paragraph 13.I.5.b and c, Part Six, § IV of the Rules of the Supreme Court of Virginia, entitled “Guilty Plea or Adjudication of a Crime” and “Action by the Board” provide in relevant part:

(b) Whenever the Clerk of the Disciplinary System receives written notification from any court of competent jurisdiction stating that an Attorney (the “Respondent”) has been found guilty or convicted of a Crime by a Judge or jury, pled guilty to a Crime or entered a plea wherein the facts found by a court would justify a finding of guilt, irrespective of whether sentencing has occurred, a member of the Board shall forthwith and summarily issue an order of Suspension on behalf of the Board against the Respondent and shall forthwith cause to be served upon the Respondent: a copy of the written notification from the court; a copy of the Board member’s order; and a notice fixing the time and place of a hearing to determine whether Revocation or further Suspension is appropriate.

(c) Action by the Board at the Hearing

If the Board finds at the hearing that the Respondent has been found guilty or convicted of a Crime by a Judge or jury, pled guilty to a Crime or entered a plea wherein the facts found by a court would justify a finding of guilt, an order shall be issued, and a copy thereof served upon the Respondent in which the Board shall:

- (1) continue the Suspension or issue an order of Suspension against the Respondent for a stated period not in excess of five years; or
- (2) issue an order of Revocation against the Respondent.

The Board finds that Respondent has committed a crime and has not furnished any evidence or reasons as to why it should not issue an Order of Revocation against the Respondent.

It is therefore ORDERED pursuant to Paragraph 13.I.5.b and c of the Rules of the Supreme Court of Virginia that the license of the Respondent, Stephen John Perrella, to practice

law in the Commonwealth of Virginia be, and the same is hereby revoked effective August 27, 2004.

It is further ORDERED that, as directed in the Board's July 29, 2004, Summary Order in this matter, Respondent must comply with the requirements of Part Six, § IV, Paragraph 13.M of the Rules of the Supreme Court of Virginia. The Respondent shall forthwith give notice by certified mail, return receipt requested, of the suspension of his license to practice law in the Commonwealth of Virginia, to all clients for whom he is currently handling matters and to all opposing attorneys and presiding judges in pending litigation. The Respondent shall also make appropriate arrangements for the disposition of matters then in his care in conformity with the wishes of the client. Respondent shall give such notice within 14 days of the effective date of the suspension order, and make such arrangements as are required herein within 45 days of the effective date of the Summary Order. The Respondent shall also furnish proof to the Bar within 60 days of the effective date of the Summary Order that such notices have been timely given and such arrangements made for the disposition of matters. Issues concerning the adequacy of the notice and arrangements required herein shall be determined by the Disciplinary Board, which may impose a sanction of revocation or suspension for failure to comply with the requirements of this subparagraph, unless the Respondent makes a timely request for a hearing before a three-judge court.

It is further ORDERED that if the Respondent is not handling any client matters on the effective date of suspension, he shall submit an affidavit to that effect to the Clerk of the Disciplinary System at the Virginia State Bar.

It is further ORDERED that the Clerk of the Disciplinary System shall mail an attested copy of this order to Respondent, Stephen John Perrella, at his address of record with the Virginia State Bar, 517 F Avenue, #3, Coronado, CA 92118, by certified mail, return receipt requested and a copy hand-delivered to Richard E. Slaney, Virginia State Bar, 707 East Main Street, Suite 1500, Richmond, Virginia 23219.

It is further ORDERED that pursuant to Part Six, § 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 20th day of September, 2004

A handwritten signature in black ink, appearing to read "Peter A. Dingman", written over a horizontal line.

Peter A. Dingman, 2nd Vice-Chair

VIRGINIA STATE BAR DISCIPLINARY BOARD