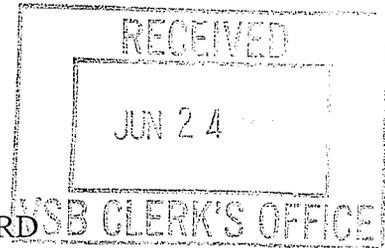


VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD



*IN THE MATTER OF:*           JEFFREY BOURKE RICE

VSB DOCKET NO. 02-052-0197

ORDER

THIS MATTER came on to be heard on March 28, 2003, before a panel of the Disciplinary Board consisting of Roscoe B. Stephenson, III, Esquire, First Vice Chair, Larry B. Kirksey, Esquire, Chester J. Cahoon, Lay member, Joseph R. Lassiter, Jr., Esquire, and H. Taylor Williams, IV, Esquire. The Virginia State Bar (hereinafter referred to as "the Bar") was represented by Noel D. Sengel, Senior Assistant Bar Counsel. The respondent, Jeffrey Bourke Rice (hereinafter referred to as "the Respondent"), appeared in person and represented himself. Comiller T. Boyd, court reporter, 105 St. Claire Lane, Richmond, Virginia, (804)644-2581, after being duly sworn, reported the hearing and transcribed the proceedings.

The findings of fact are set forth in the order of the Disciplinary Board entered May 5, 2003. The Panel determined that the Bar proved by clear and convincing evidence the Respondent violated Rule 1.3(a) for failing to act with reasonable diligence and promptness in representing a client, and that the Bar proved by clear and convincing evidence the Respondent violated Rule 8.1(a) for his failure to respond to a lawful demand for information from a disciplinary authority. Based upon its findings that Respondent was in violation of Rule 1.3(a) and Rule 8.1(a) the Disciplinary Board suspended Respondent's license to practice law in the Commonwealth of Virginia for one year effective March 28, 2003. These determinations by the Panel were appealed by Respondent to the Supreme Court of Virginia.

The Supreme Court of Virginia rendered its opinion by entry of an order on February 20, 2004. The Court's opinion upheld the finding of the Disciplinary Board that Respondent failed to exercise proper diligence as required by Rule 1.3(a). The Court's opinion reversed the finding of the Disciplinary Board that Respondent violated Rule 8.1(a) by failing to respond to a lawful demand for information from a disciplinary authority. Because the Supreme Court's opinion upheld in part and reversed in part the decision of the Disciplinary Board, it remanded the matter back to the Disciplinary Board to reconsider the sanctions imposed by the Disciplinary Board upon Respondent for a one-year suspension for violation of Rule 1.3(a) and Rule 8.1(a).

On May 21, 2004 this matter came to be heard solely on the issue of what sanction to impose upon Respondent for the violation of Rule 3.1(a). The Panel of the Disciplinary Board consisted of Roscoe B. Stephenson, III, Esquire, Chair, Robert E. Eicher, Esquire, Chester J. Cahoon, Lay member, Joseph R. Lassiter, Jr., Esquire, and H. Taylor Williams, IV, Esquire. The Bar was represented by Noel D. Sengel, Senior Assistant Bar Counsel. The Respondent appeared in person and was represented by Michael L. Rigsby, Esquire. The Chair polled the members of the Panel 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. Tracy J. Stroh, court reporter, Post Office Box 9349, Richmond, Virginia, 23227, (804) 730-1222, after being duly sworn, reported the hearing and transcribed the proceedings.

The remand being for the determination of sanction only, no additional evidence was received by the Board. In accordance with Part Six, Section IV, Paragraph 13.I.2.h.(2) of the Rules of the Supreme Court of Virginia, a transcript of the prior proceedings in this matter was

furnished to Robert E. Eicher, Esquire, the member of the Board substituted to sit in the place of Larry B. Kirksey, Esquire, who is no longer a member of the Board.

The Board heard argument from the Bar and Respondent, and then recessed to deliberate what sanction to impose upon its finding of misconduct by Respondent for his violation of Rule 1.3(a). After due deliberation, the Board unanimously determined that the Rule 1.3(a) violation, standing alone, merits a one-year suspension of Respondent's license to practice law in the Commonwealth of Virginia, effective May 21, 2004. In making this determination the Board placed great emphasis on Respondent's lengthy prior disciplinary record, with prior findings of similar types of misconduct. The Board also recognized the existence of numerous aggravating factors as identified by the American Bar Association, *Standards for Imposing Lawyer Sanctions* and the general lack of mitigating circumstances.

Accordingly, it is ORDERED that the license to practice law in the Commonwealth of Virginia of Respondent, Jeffrey Bourke Rice, shall be suspended for one year effective May 21, 2004.

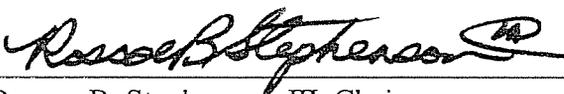
It is further ORDERED that the Clerk of the Disciplinary System shall mail an attested copy of this order to respondent at his address of record with the Virginia State Bar, being 10521 Judicial Drive, Fairfax, Virginia 22030, by certified mail, return receipt requested, and by regular mail to Noel D. Sengel, Senior Assistant Bar Counsel, Virginia State Bar, Suite 310, 100 North Pitt Street, Alexandria, Virginia, 22314-3133, and by regular mail to Michael L. Rigsby, Respondent's counsel, Carrell, Rice and Rigsby, Forest Plaza II, Suite 309, 7275 Glen Forest Drive, Richmond, Virginia, 23226.

It is further ORDERED that pursuant to Part Six, § IV, ¶ 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.

It is further ORDERED that, as directed in the Panel's May 21, 2004, Summary Order in this matter, Respondent must comply with the requirements of Part Six, § IV, ¶ 13(M) of the Rules of the Supreme Court of Virginia. All issues concerning the adequacy of the notice and arrangements required by the Summary Order shall be determined by the Board, which may impose a sanction of revocation or suspension for failure to comply with the requirements of this subparagraph.

ENTERED this 22<sup>nd</sup> day of June, 2004.

VIRGINIA STATE BAR DISCIPLINARY BOARD

By:   
Roscoe B. Stephenson, III, Chair