

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF

WILLIAM P. ROBINSON, JR.

VSB Docket Nos. 05-022-1133, 05-022-1185, 05-022-1190, 05-022-1183, 05-022-3986, 05-022-1189, 05-022-1187, 05-022-1188, 05-022-1192, 05-022-1193, 05-022-1195, 05-022-1196, 05-022-1201, 05-022-1204, 05-022-1219, 05-022-1208, 05-022-1214, and 05-022-4281

ORDER

On August 26, 2005 this matter came before the Virginia State Bar Disciplinary Board upon a Notice of Noncompliance and Request for Suspension of Respondent's License to Practice Law filed by the office of Bar Counsel under date of August 8, 2005, before a panel consisting of Joseph R. Lassiter, Jr. (Acting Chair); Dennis P. Gallagher (Lay Member); J. Rudy Austin; Gordon P. Peyton, Jr.; and Leonard L. Brown, Jr. The Respondent, William P. Robinson, Jr., was present and was represented by counsel, Michael L. Rigsby. Paul D. Georgiadis, Assistant Bar Counsel, represented the Virginia State Bar. Donna Chandler, Registered Professional Reporter of Chandler and Halasz, reported the hearing and transcribed the proceedings P.O. Box 9349, Richmond, Virginia, 23227 (804) 730-1222.

The Chair polled the panel members to determine whether any member had a personal or financial interest in this matter that would affect or reasonably be perceived to affect his or her ability to be impartial in this proceeding. Each member, including the Chair, verified that he had no conflicts. The Notice of Noncompliance and Request for Suspension of Respondent's License to Practice Law filed herein by the Virginia State Bar alleges that Respondent has failed to comply with eighteen subpoenas *duces tecum* in connection with the cases represented by the captioned VSB docket numbers in that the

Bar alleged that Respondent neither objected to nor produced any documents in response to the outstanding subpoenae, which required the production of client files and, in some instances, Respondent's escrow account records. The underlying cases arise from allegations of neglect and failure to communicate with clients.

Respondent does not contest the validity of the subpoenae nor the timely receipt of the subpoenae by him. The evidence presented at the hearing showed that the bulk of the subpoenae duces tecum were served during the period June 21 through June 24, with three of them served May 10, June 7 and June 8. Responses were due at various times on or before July 20, 2005.

Respondent testified that he personally photocopied all of the requested files, and that they were hand-delivered to the VSB office on August 19, 2005. Bar counsel acknowledged receipt of the client files, with the exception of the Maurice Brown file, Docket #1193. (The panel makes no finding as to whether this file was produced, but simply orders that Respondent produce a copy of the file as set forth below.)

On the morning of August 26, 2005, shortly before the beginning of the hearing, Mr. Rigsby, on behalf of Mr. Robinson, exhibited to Mr. Georgiadis thirteen of the fourteen client trust account subsidiary ledgers in issue, but had not yet prepared photocopies of the client subsidiary ledgers to give to bar counsel.

Mr. Robinson testified that he had produced all of the client files his staff could find. Mr. Robinson testified as to the means used by his office to store client files, fee agreements, intake sheets, client subsidiary ledgers, trust account records and trust account bank statements, and admitted that the filing system in his office leaves a lot to be desired. In particular, trust account records for closed files do not appear to be readily

available, and in fact many of the files in question are actually open files, Mr. Robinson having been reappointed as habeas corpus counsel for appeals that had been dismissed.

Mr. Robinson testified that he had not been able to locate fee agreements for many of the files, but indicated that he thought they existed. Mr. Robinson also testified that each new client file should have an "intake sheet" which might reflect fee agreements, but that no intake sheets had been produced.

The panel finds from the evidence presented that the respondent has woefully inadequate filing systems, particularly in regard to indexing of closed files and trust account documents, but that he has, albeit belatedly, has made an effort to comply with the Bar's subpoenae requests, which are numerous. In the weeks prior to the hearing and on the morning of the hearing, Respondent has produced a substantial portion of the subpoenaed documents. The evidence shows that there are other responsive documents which, in all probability, do exist, and are under the control of the Respondent.

Accordingly, it is ORDERED that Respondent, on or before September 12, 2005,

produce at the offices of the VSB the following documents:

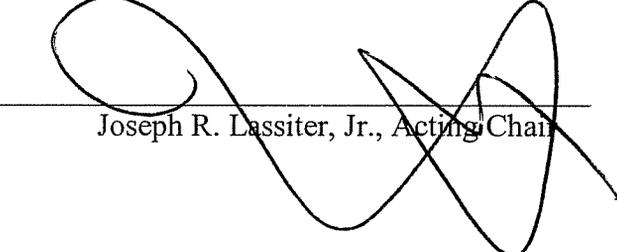
1. The trust account bank statements in question
2. The client intake sheets for the files in question.
3. The written fee agreements for the files in question.
4. The trust account receipt and distribution ledgers for the files in question.
5. The client subsidiary ledgers in question.
6. The Maurice Brown file (VSB Docket No. 05-022-1193).

It is further ORDERED that the failure of the Respondent to supply to Mr. Georgiadis the documents set forth hereinabove by close of business September 12, 2005, will result in the indefinite suspension on of the Respondent's license to practice law in Virginia, the suspension to take place on September 13, 2005. The panel delegates to

the Chair, Joseph R. Lassiter, Jr., any decision which may arise regarding the adequacy of the production of the additional documents set forth hereinabove.

It is further ORDERED that the Clerk of the Disciplinary System shall mail an attested copy of this Order to the Respondent, by certified mail, return receipt requested, to his address of record with the Virginia State Bar, 256 West Freemason Street, Norfolk, Virginia 23510; to Respondent's attorney, Michael L. Rigsby, Esq., by regular mail; and shall deliver a copy of this Order to Paul D. Georgiadis, Assistant Bar Counsel, Virginia State Bar, 707 East Main Street, Suite 1500, Richmond, Virginia 23219-2800.

ENTERED this 2 day of September, 2005.



Joseph R. Lassiter, Jr., Acting Chair