

VIRGINIA :

BEFORE THE DISCIPLINARY BOARD OF THE VIRGINIA STATE BAR

IN THE MATTER OF )  
 )  
WILLIAM MARK RUSSELL ) VSB DOCKET NO. 04-000-2446

**ORDER**

This matter came on to be heard before the Virginia State Bar Disciplinary Board on March 26, 2004, at 9:00 a.m., in Courtroom A of the State Corporation Commission, 1300 East Main Street, Second Floor, Richmond, Virginia 23219, pursuant to a Rule to Show Cause why the license of William Mark Russell (the “Respondent”) to practice law in the Commonwealth of Virginia should not be suspended due to the disciplinary suspension of his license to practice law in the State of Tennessee for a period of one year effective October 1, 2003.

The members of the Board were Karen A. Gould, First Vice Chair, Peter A. Dingman, Ann N. Kathan, Robert E. Eicher, and Chester J. Cahoon, Jr., lay member. Richard E. Slaney, Assistant Bar Counsel, represented the Virginia State Bar. The respondent was not represented by counsel. The hearing was recorded by Tracy J. Stroh, RPR, of Chandler & Halasz, Post Office Box 9349, Richmond, Virginia 23227, (804) 730-1222, after having been duly sworn.

Neither the Respondent nor any one for him responded when the matter was called to be heard. The Clerk entered the corridor adjacent to the courtroom and called the Respondent’s name three times; she did not receive a response.

The Rule to Show Cause, mailed by certified mail on February 27, 2004, to the Respondent at his address of record with the Bar, designated the place of the hearing as Hearing Room A at the Supreme Court of Virginia. An Order changing the place of hearing was mailed

by certified mail and UPS Overnight on March 23, 2004, to the Respondent at his address of record with the Bar. Because of the change in the place of hearing, a member of the Clerk's Office of the Disciplinary System went to the Virginia Supreme Court, remained past 9:00 a.m., and reported that, based on her observation and confirmation by the Security Officer at the entrance to the building, the Respondent had not appeared there.

The Chair inquired of the members of the Board whether any of them had personal or financial interest or bias that would affect, or could be perceived to affect, his/her ability to hear the matter fairly and impartially. All members and the Chair answered in the negative.

Bar Counsel made an opening statement and offered Bar Exhibits 1 and 2, which were received in evidence.

The Board notes that it is required to issue a Rule to Show Cause upon a notification that another jurisdiction has suspended or revoked the license to practice law of a member of the Virginia State Bar. Rules of the Supreme Court of Virginia, Pt. 6, § IV, Para. 13.I.6.a. The Rule to Show Cause was duly served on the Respondent. The Board also notes that if the Respondent does not file a timely written response to the Rule to Show Cause, or does not appear at the hearing on the Rule to Show Cause, the Board is required to impose the same discipline as was imposed in the other jurisdiction. Rules of the Supreme Court of Virginia, Pt. 6, § IV, Para. 13.6.f.

Bar Exhibit 1 established that the Respondent's license to practice law in Tennessee was suspended for a period of one year effective October 1, 2003, for misconduct, subject to reinstatement upon satisfaction of certain conditions imposed. The Respondent has filed no response to the Rule to Show Cause and has failed to appear, in person or by counsel, before this Board.

Accordingly, it is ORDERED that the Respondent's license to practice law in the Commonwealth of Virginia be and hereby is SUSPENDED for a period of one year effective October 1, 2003, and continuing until verification of his compliance with the conditions for reinstatement contained in the Order of Enforcement of the Supreme Court of Tennessee, filed December 30, 2003, in BOPR No. 2003-1359-4-JV, No. M2002-026707-SC-BPR-BP.

It is further ORDERED that the Respondent shall comply with the requirements of Part 6, Section IV, Paragraph 13M of the Rules of the Supreme Court of Virginia. The time for compliance with such requirements runs from February 27, 2004, the effective date of the Order of Suspension and Hearing, a copy of which was properly served on the Respondent by certified mail to him at his address of record with the Bar. All issues concerning the adequacy of notice and arrangements required by the Order of Suspension and Hearing shall be determined by the Board.

It is further ORDERED that, pursuant to Part 6, Section IV, Paragraph 13B.8.c.1 of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess costs against the Respondent.

Let the Clerk of the Disciplinary System forward a copy of this Order by certified mail, return receipt requested, to the Respondent at his address of record with the Virginia State Bar, 5926 Annaberg Place, Burke, Virginia 22015-2851, and to Richard E. Slaney, Assistant Bar Counsel, Virginia State Bar, by hand delivery at 707 East Main Street, Suite 1500, Richmond, Virginia 23219-2800.

ENTERED this \_\_\_\_ day of March, 2004.

VIRGINIA STATE BAR DISCIPLINARY BOARD

By \_\_\_\_\_  
Karen A. Gould  
First Vice Chair

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