

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

**IN THE MATTER OF
VINCENT MARK AMBERLY**

VSB DOCKET NO. 20-053-118687

**AGREED DISPOSITION MEMORANDUM ORDER
ADDITIONAL 30-DAY SUSPENSION**

On Monday, July 13, 2020 this matter was heard by the Virginia State Bar Disciplinary Board upon the joint request of the parties for the Board to accept the Agreed Disposition signed by the parties and offered to the Board as provided by Part Six, Section IV, Paragraph 13-6.H of the *Rules of the Supreme Court of Virginia*. The panel consisted of Yvonne S. Gibney, Chair; Carolyn V. Grady; Sandra L. Havrilak; Donita M. King; and Nancy L. Bloom, Lay Member. The Virginia State Bar was represented by Elizabeth K. Shoenfeld, Senior Assistant Bar Counsel. Respondent Vincent Mark Amberly was present and was not represented by counsel. The Chair polled the members of the Board as to whether any of them were aware of any personal or financial interest or bias which would preclude any of them from fairly hearing the matter to which each member responded in the negative. Court Reporter Lisa A. Wright, Chandler and Halasz, P.O. Box 9349, Richmond, Virginia 23227, telephone (804) 730-1222, after being duly sworn, reported the hearing and transcribed the proceedings.

WHEREFORE, upon consideration of the Agreed Disposition, the Show Cause for Sanctions Determination and Notice of Hearing, Consent Order Issuing Certification for Sanction Determination, Respondent's Disciplinary Record, the arguments of the parties, and after due deliberation;

It is **ORDERED** that the Disciplinary Board accepts the Agreed Disposition and the Respondent shall receive an additional 30-Day Suspension, as set forth in the Agreed

Disposition, which is attached and incorporated in this Memorandum Order.

It is further **ORDERED** that the suspension is effective July 13, 2020.

It is further **ORDERED** that:

The Respondent must comply with the requirements of Part Six, Section IV, Paragraph 13-29 of the *Rules of the Supreme Court of Virginia*. The Respondent shall forthwith give notice by certified mail 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 his clients. The 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 day 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 the Suspension, he shall submit an affidavit to that effect within 60 days of the effective date of the Suspension 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 13-29 shall be determined by the Virginia State Bar Disciplinary Board, which may impose a sanction of Revocation or additional Suspension for failure to comply with the requirements of this subparagraph.

The Clerk of the Disciplinary System shall assess costs pursuant to Part Six, Section IV, Paragraph 13-9.E. of the *Rules*.

It is further ORDERED that an attested copy of this Order be mailed to the Respondent by certified mail, return receipt requested, and via regular mail, to his last address of record with the Virginia State Bar at Amberly Law, 129 Harrison Street, NE, Leesburg, VA 20176, and a copy via electronic mail to Elizabeth K. Shoenfeld, Senior Assistant Bar Counsel, Virginia State Bar, Suite 700, 1111 E. Main Street, Richmond, VA 23219.

Entered this 13th day of July, 2020

VIRGINIA STATE BAR DISCIPLINARY BOARD

Yvonne S. Gibney

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Gibney

Date: 2020.07.13 17:45:56 -04'00'

Yvonne S. Gibney
Chair



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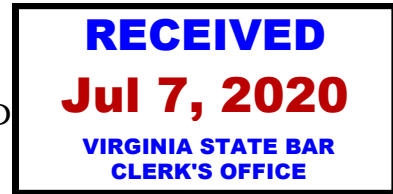
DaVida M. Davis

DaVida M. Davis

**Clerk of the Disciplinary System
Virginia State Bar**

VIRGINIA:

BEFORE THE DISCIPLINARY BOARD
OF THE VIRGINIA STATE BAR



IN THE MATTER OF
VINCENT MARK AMBERLY

VSB Docket No. 20-053-118687

AGREED DISPOSITION
(ADDITIONAL 30-DAY SUSPENSION)

Pursuant to the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-6.H, the Virginia State Bar, by Elizabeth Shoenfeld, Senior Assistant Bar Counsel, and Vincent Amberly, Respondent, hereby enter into the following Agreed Disposition arising out of the Certification of this matter to the Disciplinary Board for a Sanction Determination.

I. STIPULATIONS OF FACT

1. Respondent was admitted to the Virginia State Bar (“VSB”) in 2002. Until January 5, 2020, Respondent was a member in good standing of the Virginia State Bar.
2. This matter arises out of Respondent’s violation of a term imposed by the Fifth District, Section III Subcommittee as part of a Public Reprimand with Terms on February 21, 2017 (Exhibit 1). Pursuant to Part 6, Section IV, Paragraph 13-15.G, the matter was certified to the Disciplinary Board for a Sanction Determination (Exhibit 2).

3. The term violated is as follows:

Respondent is placed on probation for a period of two (2) years commencing upon the issuance of a final order approving this agreed disposition. During such probationary period, Respondent will not engage in professional misconduct as defined by the Virginia Rules of Professional Conduct or the disciplinary rules of any other jurisdiction in which Respondent is admitted to practice law. Any final determination that Respondent engaged in professional misconduct during this probationary period made by a District Subcommittee, District Committee, the Disciplinary Board, a Three-Judge Panel or the Supreme Court of Virginia shall conclusively be deemed to be a violation of this Term.

4. Subsequent to the imposition of the Public Reprimand with Terms, on December 5, 2019, a Three-Judge Panel held a hearing regarding Virginia State Bar Docket No. 19-053-114483. This matter involved a bar complaint filed by Respondent’s former client,

Brownie Igboegwu. The Three-Judge Panel found that Respondent violated Virginia Rules of Professional Conduct 1.3(a), 1.4(a), 1.15(a)(1) and 1.15(b)(5) and suspended Respondent's license to practice law for six months, effective January 5, 2020. Although Ms. Igboegwu retained Respondent prior to the onset of Respondent's period of probation, a portion of Respondent's misconduct occurred during the probationary period. A copy of the Three-Judge Panel's Final Judgment Memorandum Order is attached as Exhibit 3.

5. The Three-Judge Panel imposed a Six-Month Suspension, beginning on January 5, 2020. The February 21, 2017 Public Reprimand with Terms, which is the subject of this pending Certification for Sanction Determination, was presented to and considered by the Three-Judge Panel in making this determination.
6. Respondent's six-month suspension concludes on or about July 5, 2020.

II. NATURE OF MISCONDUCT

For the reasons set forth above, Respondent violated the terms of the Public Reprimand with Terms imposed by the Fifth District, Section III Subcommittee on February 21, 2017. By Consent Order entered June 25, 2020, the Fifth District Committee, Section III, found that Respondent had violated the terms of the Public Reprimand and issued a Certification for Sanction Determination to be heard before the Disciplinary Board.

III. PROPOSED DISPOSITION

Accordingly, bar counsel and Respondent tender to the Disciplinary Board for its approval the Agreed Disposition of an additional 30-day suspension as representing an appropriate sanction if this matter were to be heard through an evidentiary hearing by a panel of the Disciplinary Board.

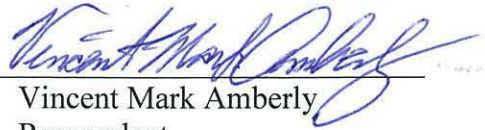
If the Agreed Disposition is approved on or before July 5, 2020, the additional 30-day suspension shall begin on July 5, 2020. If the Agreed Disposition is approved after July 5, 2020, the additional 30-day suspension shall begin immediately.

If the Agreed Disposition is approved, the Clerk of the Disciplinary System shall assess costs pursuant to ¶ 13-9.E of the Rules.

THE VIRGINIA STATE BAR



By: _____
Elizabeth K. Shoenfeld
Senior Assistant Bar Counsel



By: _____
Vincent Mark Amberly
Respondent