

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF
JOHN MICHAEL CASSELL

VSB DOCKET NO. 19-000-114956

RECIPROCAL MEMORANDUM ORDER

This matter came to be heard on April 26, 2019, on the Rule to Show Cause and Order of Summary Suspension and Hearing entered on April 1, 2019 (the “Rule to Show Cause”) to which was appended the Order of the West Virginia Supreme Court of Appeals dated January 10, 2019, annulling the Respondent’s license to practice law in the state of West Virginia, before a panel of the Disciplinary Board consisting of Sandra L. Havrilak, First Vice Chair, Carolyn V. Grady, Brendan K. Feeley, Michael J. Sobey, and Nancy L. Bloom, Lay Member. The Virginia State Bar was represented by Paulo E. Franco, Jr., Assistant Bar Counsel (“Assistant Bar Counsel”). The Respondent was not present nor represented by counsel. The Chair opened the hearing by calling the case in the hearing room and causing the Assistant Clerk to call Respondent’s name three times in the adjacent hall. The Respondent did not answer or appear. The Chair polled the members of the Board Panel as to whether any of them was aware 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. Jennifer L. Hairfield, court reporter, PO Box 9349, Richmond, VA 23227, telephone (804) 730-1222, after being duly sworn, reported the hearing and transcribed the proceedings.

All required notices were timely sent by the Clerk of the Disciplinary System (“Clerk”) to the Respondent by Certified Mail, in the manner prescribed by law.

Findings of Fact

The Board finds by clear and convincing evidence as follows:

1. The state of West Virginia is a “state jurisdiction” in accordance with paragraph 13-24 (A) of the Rules of the Supreme Court of Virginia, and that its Order dated January 10, 2019, annulling the license of the Respondent to practice law has become final.
2. The Chair of the Board, in response thereto, entered a Rule to Show Cause and Order of Summary Suspension and Hearing dated January 22, 2019 (the “Board Order”), in accordance with paragraph 13-24 (B).
3. The Respondent has not filed a timely written response in accordance with paragraph 13-24 (C). However, the Respondent did send a letter to the Virginia State Bar, dated April 11, 2019, in which he wrote that he waived his appearance and surrendered his license to practice in Virginia. This letter was introduced into evidence and received as VSB #1.
4. The Board took judicial notice of the proceedings in the West Virginia Supreme Court of Appeals which were duly served on the Respondent. The affidavit of the Respondent’s membership in the Virginia State Bar was introduced into evidence and received as VSB #2. The Respondent’s prior disciplinary record was introduced into evidence and received as VSB #3. The Rule to Show Cause and Order of Summary Suspension and Hearing dated April 1, 2019, was received into evidence as Board Exhibit #1. The ruling by the West Virginia Disciplinary Panel Hearing Chairperson denying the Respondent’s request for a mitigation hearing, dated June 25, 2018, was received into evidence as Board Exhibit # 2. The Board accepted the West Virginia Supreme Court of Appeals Order as conclusive to the Panel.

After considering the arguments of Assistant Bar Counsel, the Order of the West Virginia Supreme Court of Appeals, annulling the Respondent’s license to practice law in the

state of West Virginia, and the exhibits admitted into evidence, the Board recessed and duly deliberated on this matter. Upon returning to the courtroom, the Board announced that it found that the Respondent had failed to show by clear and convincing evidence why the Board should not impose the same discipline imposed by the Supreme Court of Appeals of West Virginia.

It is therefore Ordered that the license of the Respondent to practice law in the Commonwealth of Virginia is revoked.

It is further ORDERED that, as directed by the Board's April 1, 2019 Summary Order, the Respondent shall forthwith give notice, by certified mail, of the revocation of his license to practice law in 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 date of this hearing 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 date 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 order, he shall submit an affidavit to that effect to the Clerk of the Disciplinary System at the Virginia State Bar within 60 days of the effective date of the revocation.

It is further ORDERED that pursuant to Part Six, Section IV, paragraph 13-9 (E) 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 the Clerk of the Disciplinary System shall mail an attested copy of this order to the Respondent at his address of record with the Virginia State Bar, being 201 N. George St., Suite 202, Charlestown, WV 25414, by certified mail, return receipt requested, and by hand delivery to Paulo E. Franco, Jr., Assistant Bar Counsel, Virginia State Bar, 1111 E. Main St., Suite 700, Richmond, VA 23219-0026.

This Order is final.

Entered this 3rd day of May, 2019.

VIRGINIA STATE BAR DISCIPLINARY BOARD

Sandra L. Havrilak, First Vice Chair