

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

**IN THE MATTER OF
HARVEY D. COLEMAN**

VS B DOCKET NO. 14-000-099519

ORDER TERMINATING IMPAIRMENT SUSPENSION

THIS MATTER came before the Board on the Petition to Terminate Impairment Suspension filed by Petitioner, Harvey D. Coleman (the “Petitioner”). On November 21, 2014, the matter was heard before a panel of the Disciplinary Board consisting of William H. Atwill, Jr., Second Vice Chair, John A.C. Keith, Jeffrey L. Marks, Tony H. Pham and Sandra W. Montgomery. The Virginia State Bar (“Bar”) was represented by Mr. Paul D. Georgiadis, Assistant Bar Counsel. The Respondent, was present and represented by Mr. Michael L. Rigsby. Bryan Wayne, a registered professional court reporter, Chandler & Halasz, P.O. BOX 9349, Richmond, VA 23227, (804) 730-1222, after being duly sworn, reported the hearing and transcribed the proceedings.

The Chair polled the members of the Board as to whether any had a personal or financial interest that could affect, or reasonably be perceived to affect their ability to be impartial in this matter. Each Board member, including the Chair, responded that there were no such interests or conflicts.

The Petitioner’s license to practice law in the Commonwealth of Virginia was suspended indefinitely on July 2, 2009 by a consent decree on the basis of impairment. The Petitioner has petitioned the Board for reinstatement of his license to practice law on the grounds that his impairment is terminated. In proceedings to terminate a Suspension for Impairment, the Petitioner bears the burden by clear and convincing evidence of proving the termination of an impairment. Rules of the Supreme Court of Virginia, Part 6, Section IV, paragraph 13-23(b).

The Petitioner’s evidence came in the form of exhibits and testimony. Petitioner’s Ex. 1, a May 8, 2014 report from Dr. Jaime Ducharme, Petitioner’s Ex. 2, a May 12, 2014 report from

Dr. Armistead Williams and a July 24, 2014 evaluation by Dr. Scott Sautter were admitted without objection. Dr. Jaime Ducharme and the Petitioner testified.

The Bar presented no evidence in opposition to the Petition to Terminate Impairment Suspension, and Bar Counsel joined the petition at the conclusion of the presentation of evidence.

Upon consideration of the evidence presented, the Board finds that the Petitioner has met the requisite burden of proof that the impairment is terminated and the Board grants the Petition. It is ORDERED, pursuant to Part 6, Section IV, paragraph 13-23 of the Rules of the Supreme Court of Virginia that the Consent Order suspending the Petitioner's law license on the basis of impairment is hereby lifted effective November 21, 2014. It is further ORDERED that a true copy of this order shall be mailed certified mail, return receipt requested, to the Petitioner, Harvey D. Coleman, at the office of his counsel, Mr. Michael L. Rigsby, P.O. BOX 29328, Henrico, VA 23242.

ENTERED this 29th day of December, 2014.

VIRGINIA STATE BAR DISCIPLINARY BOARD

William H. Atwill, Jr., Second Vice Chair