

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF SCOTT ALAN FLANDERS
VSB DOCKET NO. 17-000-108418

MEMORANDUM ORDER OF SUSPENSION

THIS MATTER came on to be heard on March 24, 2017, before a panel of the Disciplinary Board (the “Board”) consisting of R. Lucas Hobbs, Jeffrey L. Marks, David R. Schultz, Stephen A. Wannall, Lay Member and John A.C. Keith, Chair (presiding).

The Virginia State Bar (the “Bar”) was represented by Paulo E. Franco, Jr., Assistant Bar Counsel (“Bar Counsel”). Scott Alan Flanders (the “Respondent”) was represented by Elliott P. Park. Beverly Lukowsky, Court Reporter of Chandler & Halasz, P.O. Box 9349, Richmond, VA 23227, (804-730-1222), having been sworn, reported the hearing.

The Chair inquired of the members of the Board Panel whether any of them had a personal or financial interest or bias which would preclude any of them from fairly hearing this matter and serving on the panel. Mr. Keith and Mr. Wannall stated their responses on the record and said that it would not affect their ability to hear this matter. All others responded in the negative. Mr. Franco and Mr. Park stated that they had no objections.

The matter came before the Board upon a Rule to Show Cause and Order of Summary Suspension and Hearing entered on the 24th day of February, 2017 and mailed to the Respondent from the Clerk by certified mail on February 24, 2017, pursuant to Part Six, Section IV, Paragraph 13-22 A. Further, pursuant to Part Six, Section IV, Paragraph 13-1 the definition of a “Crime” is, in part, “any offense declared to be a felony by federal or state law.” The Respondent stipulated that the offense rises to the level of misconduct, and that he was convicted under federal statute of one count of making a false statement. The Respondent testified on his own behalf, and no other witnesses were called by the Respondent to testify. The Board found

that the Respondent had been found guilty of a Crime, and proceeded to the sanctions phase of the hearing.

The Board noted that the Plea Agreement and the Statement of Facts entered in the United States District Court for the Eastern District of Virginia, Alexandria Division are part of the record.

The Board heard argument of counsel, with the Respondent requesting a period of Suspension of one year and one day, and the Bar requesting revocation.

The Board was informed of the absence of any disciplinary record of the Respondent.

Based upon the record provided, and both arguments presented as to the appropriate sanction to be imposed, it is ORDERED that the Respondent's license to practice law in the Commonwealth of Virginia is SUSPENDED for two (2) years, which suspension is effective on March 24, 2017.

It is further ORDERED that, as directed in the Board's March 24, 2017, Show Cause Summary Order in this matter, Respondent must comply with the requirements of Part Six, § IV, ¶ 13-29 of the Rules of the Supreme Court of Virginia. The Respondent shall forthwith give notice by certified mail, return receipt requested, 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 client. 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 March 24, 2017 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 day of the

Suspension. 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.

It is further ORDERED that pursuant to Part Six, § IV, ¶ 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 respondent, Scott Alan Flanders, at his address of record with the Virginia State Bar, being Suite 101, 380 Maple Avenue West, Vienna, VA 22180 by certified mail, return receipt requested, and by regular mail to his counsel, Elliott P. Park, Park Haley LLP, 1011 E. Main St., Suite 300, Richmond, VA 23219-3537, and by hand delivery to Paulo E. Franco, Jr., Assistant Bar Counsel, Virginia State Bar, 1111 East Main Street, Suite 700, Richmond, Virginia 23219-0026.

ENTERED this 29th day of March, 2017.

VIRGINIA STATE BAR DISCIPLINARY BOARD

John A.C. Keith, 2nd Vice Chair