

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

**IN THE MATTER OF
SCOTT BROWNING GILLY**

VSB DOCKET NO. 17-000-107755

AGREED DISPOSITION MEMORANDUM ORDER

On Tuesday, January 17th, 2017 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 the Rules of the Supreme Court of Virginia. The panel consisted of Esther J. Windmueller, 1st Vice Chair, Lucas Hobbs, Melissa Robinson, Lisa Wilson and Sandra Montgomery, lay member. The Virginia State Bar was represented by Christine Corey, Assistant Bar Counsel. Respondent Scott Browning Gilly was present and Michael S. Ross, his counsel in the New York disciplinary matter, was allowed to hear the proceedings. 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 Jennifer Hairfield, 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, Rule to Show Cause and Order of Summary Suspension, 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 a One Year Suspension, effective retroactively as of January 3, 2017, as set forth in the Agreed Disposition, which is attached and incorporated in this Memorandum Order.

The 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 of the Revocation or Suspension of his or her license to practice law in the Commonwealth of Virginia, to all clients for whom he or she 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 or her care in conformity with the wishes of his or her clients. The Respondent shall give such notice within 14 days of the effective date of the Revocation or Suspension, and make such arrangements as are required herein within 45 days of the effective date of the Revocation or Suspension. The Respondent shall also furnish proof to the Bar within 60 days of the effective day of the Revocation or 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 Revocation or Suspension, he or she shall submit an affidavit to that effect within 60 days of the effective date of the Revocation or 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 ¶13-9 E. of the Rules.

A copy teste of this Order shall be mailed, certified mail, return receipt requested, to the Respondent, Scott Browning Gilly, at his last address of record with the Virginia State Bar, Apartment 39D, 160 West 66th Street, New York, NY 10023, a copy to Michael S. Ross, his counsel in the New York disciplinary matter at Law Offices of Michael S. Ross, One Grand Central Place, 60 East 42nd Street, Forty-Seventh Floor, New York, New York, 10165 and a copy to Christine Corey, Assistant Bar Counsel, Virginia State Bar, 1111 East Main Street, Suite 700, Richmond, Virginia 23219-0026.

ENTERED THIS 17th DAY OF JANUARY 2017,
VIRGINIA STATE BAR DISCIPLINARY BOARD

A handwritten signature in black ink, appearing to read 'E. Windmueller', with a long horizontal line extending to the right.

Esther J. Windmueller
1st Vice Chair



VIRGINIA:

BEFORE THE DISCIPLINARY BOARD
OF THE VIRGINIA STATE BAR

IN THE MATTER OF
SCOTT BROWNING GILLY

VSB Docket No. 17-000-107755

AGREED DISPOSITION FOR IMPOSITION
OF RECIPROCAL DISCIPLINE
(ONE YEAR SUSPENSION)

Pursuant to the Rules of the Supreme Court of Virginia, Part 6, § IV, ¶ 13-6.H., the Virginia State Bar, by Christine Corey, Assistant Bar Counsel, and Scott Browning Gilly, Respondent, by counsel Michael S. Ross, hereby enter into the following agreed disposition arising out of the referenced matter.

I. STIPULATIONS OF FACT

1) Respondent was licensed to practice law in the Commonwealth of Virginia on or about October 11, 1995. On September 16, 2013, the Virginia State Bar Disciplinary Board entered a Memorandum Order suspending Respondent's license to practice law in Virginia for a period of one-year effective on May 28, 2013, based on a one-year suspension imposed on Respondent by the Committee on Grievances of the United States District Court for the Southern District of New York.

2) Respondent was reinstated to the United States District Court for the Southern District of New York on April 17, 2014, and he was reinstated to good standing with the Virginia State Bar on or about May 28, 2014, after the one-year suspension had run.

3) On or about September 12, 2016, the Committee on Grievances for the United States District Court for the Southern District of New York imposed another one-year suspension upon Respondent, which has become final. See, September 12, 2016 Opinion and Order attached hereto as VSB Exhibit 1.

4) The second one-year suspension imposed upon Respondent was imposed after new evidence was produced by Respondent's former law partners indicating that Respondent knowingly lied to the judge at the sanctions hearing in New York and that Respondent's after-the-fact explanations to the sanctions judge, which he also repeated to the Committee in defending himself on the charge of lying to the Court, were in fact false.

5) Once this new evidence was brought forward, Respondent admitted by affidavit that he made statements to the judge that he knew were false, and that the explanations he had previously provided for the misstatements were also false.

6) The Committee on Grievances of the United States District Court for the Southern District of New York found that Respondent acted with "venal intent" and that there was clear and convincing evidence to find that Respondent violated the following provisions of the New York Rules of Professional Conduct: Rule 3.3(a)(1) when he knowingly made false statements of fact to a tribunal; Rule 8.4(c) by engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, Rule 8.4(d) by engaging in conduct prejudicial to the administration of justice, and Rule 8.4(h) by engaging in conduct that reflects adversely on his fitness to practice law.

7) In determining the discipline to be imposed, the Committee considered mitigating factors, including Respondent's twenty years in practice, his ultimate candor with the First Department Disciplinary Committee, his expressions of remorse, and the serious impact his misconduct already had on his legal career and personal life. The Committee also considered aggravating factors, including Respondent's prior disciplinary record, his dishonest and selfish motive, his corruption of a younger associate in the prior disciplinary proceeding, and his bad faith obstruction of the prior disciplinary proceeding.

8) Respondent's counsel reported Respondent's suspension in New York to the Virginia State Bar by letter dated October 5, 2016.

9) Respondent's license to practice law in the Commonwealth of Virginia was administratively suspended for non-payment of dues on October 12, 2016.

10) On December 27, 2016, a Rule to Show Cause and Order of Suspension and Hearing was served on Respondent with an effective date of the suspension of January 3, 2017.

II. PROPOSED DISPOSITION

Assistant Bar Counsel Christine M. Corey and the Respondent agree that the above factual stipulations give rise to a Disciplinary Board proceeding pursuant to Part 6, § IV, ¶ 13-24 of the Rules of Court, requiring the Respondent to show cause why the same discipline that was imposed in the United States District Court for the Southern District of New York should not be imposed by the Board.

Respondent agrees that the same discipline imposed by the Committee on Grievances for the United States District Court for the Southern District of New York should be imposed by the Board. Respondent agrees that he has had an opportunity for response pursuant to Part 6, § IV, ¶ 13-24.B and that 1) he was not denied due process in the proceeding in New York, 2) it would not be a grave injustice to impose the same discipline in Virginia as was imposed in New York, and 3) his conduct in New York would also be grounds for disciplinary action in Virginia.

Accordingly, Assistant Bar Counsel and the Respondent tender to the Disciplinary Board for its approval the agreed disposition of a one-year suspension of his license to practice law in the Commonwealth of Virginia effective as of January 3, 2017, as representing an appropriate sanction if this matter were to be heard through an evidentiary hearing by a panel of the Disciplinary Board. This period of suspension is equal to the suspension imposed by the Committee on Grievances for the United States District Court for the Southern District of New York on September 12, 2016.

If this agreed disposition is accepted by the Disciplinary Board, Respondent agrees it is final and non-appealable.

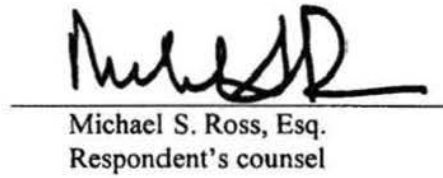
If the agreed disposition is approved, the Clerk of the Disciplinary System shall assess an administrative fee.

Pursuant to Part 6, § IV, ¶ 13-30.B of the Rules of the Supreme Court of Virginia,
Respondent's prior disciplinary record shall be furnished to the Disciplinary Board considering
this agreed disposition.

THE VIRGINIA STATE BAR


Christine Corey
Assistant Bar Counsel


Scott Browning Gilly, Esq.
Respondent


Michael S. Ross, Esq.
Respondent's counsel