

VIRGINIA:

BEFORE THE DISCIPLINARY BOARD
OF THE VIRGINIA STATE BAR

IN THE MATTER OF
GERALD ISADORE KATZ

VS B Docket No.: 12-000-089385

OPINION AND ORDER

This matter came to be heard on October 28, 2011, before a panel of the Virginia State Bar Disciplinary Board (the "Board") comprised of William H. Atwill, Jr., Paul M. Black, Rev. W. Ray Inscoc, Lay Member, Michael S. Mulkey, and Thomas R. Scott, Jr., Chair (presiding).

The Virginia State Bar ("the Bar") was represented by Paulo E. Franco, Assistant Bar Counsel ("Bar Counsel"). Gerald Isadore Katz (the "Respondent") appeared both personally and by his attorney, Michael Rigsby, an attorney licensed to practice law in the Commonwealth of Virginia. Angela N. Sidener, Registered Professional Reporter of Chandler & Halasz, P.O. Box 9349, Richmond, Virginia 23227, (804-730-1222), having been duly sworn, reported the hearing.

The Chair inquired of the members of the panel whether any of them had a personal or financial interest, or any bias, which would preclude, or could be perceived to preclude, their hearing the matter fairly and impartially. Each member of the panel answered the inquiry in the negative.

The matter came before the Board upon a Rule to Show Cause and Order of Suspension and Hearing entered on the 30th day of September, 2011 and

forwarded to the Respondent from the Clerk by certified mail on October 4, 2011 pursuant to Part Six, Section IV, Paragraph 13-22 A.

NATURE OF THE MISCONDUCT

The Certification charged a violation of the following provision of the Rules of Professional Conduct:

RULE 13-22 A. Action upon receipt of notification from a court.

FINDINGS OF FACT

The Rules to Show Cause and Order of Suspension and Hearing contained findings of fact and alleged that Respondent engaged in the following acts of misconduct:

1. It appearing to the Board that Gerald Isadore Katz was licensed to practice law within the Commonwealth of Virginia on September 30, 1975.
2. Gerald Isadore Katz came before the Bar on two grounds, one of which was dismissed as not being applicable due to the fact that any conviction in this matter had been vacated.
3. The Respondent testified as his only witness.
4. The Bar called no witnesses.
5. The Bar moved for admission of certain exhibits which were received and marked Exhibits 1-8 without objection.
6. It further appearing that Gerald Isadore Katz has pled guilty to two crimes, Willful Failure to File Maryland Income Tax Returns for 2004 and 2005, both of which are felonies, in the Circuit Court for Anne

Arundel County, Case No. K-10-1113, as defined by the Rules of Court, Part 6, Section IV, Paragraph 13-22, irrespective of whether sentencing has occurred; that neither plea has been withdrawn or otherwise vacated; and that he stipulated or otherwise conceded this fact.

DISPOSITION

Upon review of the foregoing findings of fact, upon review of exhibits presented by Bar Counsel and upon evidence presented by Respondent in the form of his own testimony, and at the conclusion of the evidence regarding misconduct, the Board recessed to deliberate. After due deliberation the Board reconvened and stated its findings as follows:

1. The Board determined that the Respondent failed to prove by clear and convincing evidence that he did not violate Paragraph 13-22 A, of the Rules of Court, Part 6, Section IV.
2. The Board was informed of the absence of any prior disciplinary record of the Respondent.

After due deliberation, the Board imposes the following sanction:

Respondent's license to practice law in Virginia is suspended for a period of 6 months effective September 30, 2011.

It is further ORDERED that as directed in the Board's September 30, 2011, Show Cause and Order of Suspension in this matter, a copy of which was served on Respondent by certified mail, Respondent must comply with the requirements of Part 6, 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 give notice within fourteen (14) days of the effective date of the Order and make such arrangements as are required within forty-five (45) days of the effective date of the Order. The Respondent shall also furnish proof to the VSB within sixty (60) days that such notices have been timely given 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 to the Clerk. All issues concerning the adequacy of the notice and arrangements required by ¶13-29 shall be determined by the Board.

It is further ORDERED that Part Six, § IV, ¶13-9(E) of the Rules of the Supreme Court of Virginia, the Clerk shall assess all costs against Respondent.

It is further ORDERED that the Clerk shall send an attested copy of this Order and Opinion to Respondent, Gerald Isadore Katz, by certified mail at his address of record, Katz & Stone, L.L.P., Suite 600, 8230 Leesburg Pike, Vienna, Virginia 22182, and by regular mail to 7804 Brickyard Road, Potomac, Maryland 20854, Mike Rigsby, P.O. Box 29328, Henrico, Virginia 23242 and to Paulo E. Franco, Assistant Bar Counsel, Virginia State Bar, Eighth and Main Building, 707 East Main Street, Suite 1500, Richmond, Virginia 23219.

ENTERED THIS 8th DAY OF November, 2011

VIRGINIA STATE BAR DISCIPLINARY BOARD



Thomas R. Scott, Jr., Chair