

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF
ROBERT E. MILLER

VS. Docket No.: 09-000-078525

ORDER AND OPINION

This matter came before the Virginia State Bar Disciplinary Board (“Board”) for hearing on June 26, 2009, upon a Rule to Show Cause and Order of Suspension and Hearing entered on May 26, 2009 (“Rule”). A duly convened panel of the Board consisting of William E. Glover, 2nd Vice Chair, presiding, Paul M. Black, John Sykes Barr, Glenn M. Hodge, and Stephen A. Wannall, lay member, heard the matter. Harry M. Hirsch, Deputy Bar Counsel, appeared on behalf of the Virginia State Bar (“VSB”). The Respondent, Robert E. Miller (“Respondent”) did not appear. The court reporter for the proceeding, Tracey J. Johnson, Chandler and Halasz, P. O. Box 9349, Richmond, Virginia 23227, telephone 804-730-1222, was duly sworn by the Chair.

All legal notices of the date and place were timely sent by the Clerk of the Disciplinary System (“Clerk”), in the manner prescribed by law. Part Six, §IV, ¶13-24(A) of the Rules of the Supreme Court, *Disbarment or Suspension in Another Jurisdiction* provides, in relevant part, that following the issuance of a show cause order and order of suspension, the Board shall serve upon the Respondent by certified mail a copy of the suspension or revocation notice, a copy of the Board’s Order, and a notice fixing the time

and place of a hearing to determine what action should be taken in response to the suspension or revocation notice and stating the purpose of the hearing. The Board finds that the Clerk of the Disciplinary System has complied with these requirements by forwarding a certified letter dated May 27, 2009, return receipt requested to Respondent's address of record, and by a subsequent letters on June 9, 2009, and a second certified letter on June 16, 2009. After the time set for commencement of the hearing, the Respondent was called in the foyer outside the courtroom three times by the Clerk, and the Respondent neither answered the docket call nor appeared to defend his interests. Respondent did not file a response to the Rule as required by ¶13-24(B).

The Chair opened the hearing by polling the Board members to ascertain whether any member had any personal or financial interest or bias which would interfere with or influence each such member's determination, and each member responded that there were no such conflicts.

An Order of the Supreme Court of the State of Florida dated March 9, 2006 (the "Florida Order"), disbarring the Respondent from the practice of law in the State of Florida was filed with the Rule. The Order incorporated the Report of Referee entered November 29, 2005, which recited violations of The Rules Regulating the Florida Bar including engaging in conduct that is unlawful or contrary to honesty and justice; and committing a criminal act that reflects on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects.

The Respondent failed to assert a defense as provided in Part 6, §IV, ¶13-24(B) of the Rules of the Supreme Court of Virginia. Accordingly, the Board must impose the

same discipline that was imposed by the Supreme Court of the State of Florida , to-wit: revocation of Respondent's license to practice law in the Commonwealth of Virginia.

Upon consideration of the matters before this panel of the Board, it is hereby ORDERED that, pursuant to Part 6, §IV, ¶13-24(A) of the Rules of the Supreme Court of Virginia, the Respondent, Robert E. Miller be and he hereby is disbarred and his license to practice law in the Commonwealth of Virginia is hereby REVOKED effective June 26, 2009.

It is FURTHER ORDERED that, as directed in the Board's May 26, 2009 Summary Order 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, return receipt requested, of the revocation 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 Summary 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 and such arrangements made for the disposition of matters.

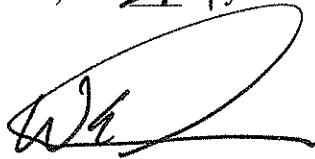
It is further ordered that if the Respondent is not handling any client matters on the effective date of the suspension, he shall submit an affidavit to that effect to the Clerk.

All issues concerning the adequacy of the notice and arrangements required by ¶13-29 shall be determined by the Board.

It is 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, Robert E. Miller, by certified mail, at his address of record, P. O. Box 198 Coggins Corner Drive, Newman GA 30265; and by hand delivery to Harry M. Hirsch, Deputy Bar Counsel, 707 East Main Street, Suite 1500, Richmond, Virginia 23219-2803.

SO ORDERED, this 29th day of July, 2009.

By 
William E. Glover, 2nd Vice Chair