

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR SEVENTH DISTRICT COMMITTEE

**IN THE MATTER OF
JANICE LYNN REDINGER**

VSB DOCKET NO. 19-070-116058

**AGREED DISPOSITION MEMORANDUM ORDER
PUBLIC REPRIMAND WITHOUT TERMS**

On Tuesday, April 07, 2020 this matter was heard by the Virginia State Bar Seventh District Committee upon the joint request of the parties for the Committee to accept the Agreed Disposition signed by the parties and offered to the Committee as provided by Part Six, § IV, ¶ 13-7.A(9) of the Rules of the Supreme Court of Virginia. The panel consisted of Bruce C. Phillips, Vice Chair, Robert P. Stenzhorn, Joshua P. DeFord, James H. Hudson, III and George S. Hrichak. The Virginia State Bar was represented by Prescott Prince, Assistant Bar Counsel. Janice Lynn Redinger was present and was represented by counsel Michele A. Mulligan. The Chair polled the members of the Committee 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 Beverly Lukowsky, 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, the Charge of Misconduct, Respondent's Disciplinary Record, the arguments of the parties, and after due deliberation,

It is **ORDERED** that the Committee accepts the Agreed Disposition and the Respondent shall receive a Public Reprimand Without Terms, as set forth in the Agreed Disposition, which is attached and incorporated in this Memorandum Order.

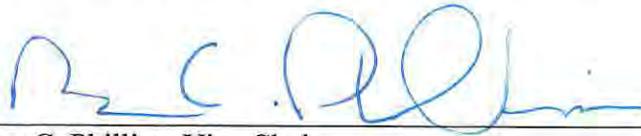
It is further **ORDERED** that the sanction is effective April 7, 2020.

It is further **ORDERED** that the Clerk of the Disciplinary System shall assess costs pursuant to ¶ 13-9 E. of the Rules.

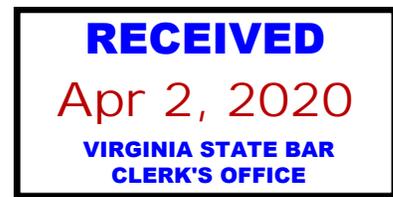
It is further **ORDERED** that a copy of this Order be mailed to the Respondent by certified mail, return receipt requested, at her last address of record with the Virginia State Bar at Janice Lynn Redinger, Janice L. Redinger, P.L.C., 435 Park St, Charlottesville, VA 22902, and a copy electronically mailed to Michele A. Mulligan, Respondent's Counsel and a copy hand-delivered to Prescott L. Prince, Assistant Bar Counsel, Virginia State Bar, Suite 700, 1111 E. Main Street, Richmond, VA 23219.

Enter this Order this 7th day of April, 2020

VIRGINIA STATE BAR SEVENTH DISTRICT COMMITTEE

A handwritten signature in blue ink, appearing to read "Bruce C. Phillips", is written over a horizontal line.

Bruce C. Phillips, Vice Chair



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**IN THE MATTER OF
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VSB Docket No. 19-070-116058

**AGREED DISPOSITION
PUBLIC REPRIMAND WITHOUT TERMS**

Pursuant to the Rules of the Supreme Court of Virginia, Part 6, § IV, ¶ 13-7.A(9) and the Pre-Hearing Order entered in this matter, the Virginia State Bar, by Prescott L. Prince, Assistant Bar Counsel, and Janice Lynn Redinger, Respondent, and Michele A. Mulligan, Esquire, counsel for Respondent, hereby enter into the following agreed disposition arising out of the referenced matter for submission to the Seventh District Committee.

I. STIPULATIONS OF FACT

1. At all times relevant hereto, Janice Lynn Redinger (“Respondent”), has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. Respondent represents a defendant who, along with his co-accused, was charged with multiple counts of identity theft and obstruction of justice. The defendants allegedly committed offenses in both Greene and Orange Counties, so they were indicted in both jurisdictions. The matters were consolidated with Judge Dale B. Durrer presiding over all matters, but separate court files were maintained in the clerk’s offices of the respective counties.
3. Respondent filed a discovery request, portions of which were objected to by the Commonwealth. After a hearing on the matter, Judge Durrer ordered the Commonwealth to

submit to the court, *in camera* and under seal, certain items requested by the defense pursuant to his discovery motion and to which the Commonwealth objected.

4. The Commonwealth, represented by Deputy Commonwealth's Attorney Ray Fitzgerald ("DCA Fitzgerald"), did not submit the actual items requested by the defense, but instead submitted a description of the items and, in some cases, detailed why the Commonwealth believed the items were not subject to discovery.

5. Respondent Redinger discovered DCA Fitzgerald's *in camera* submission when she was reviewing the case file from the Orange County Clerk's Office.¹

6. DCA Fitzgerald's *in camera* submission was contained in a plain manila envelope that was sealed with tape. On the front of the envelope which was face-down in the court file was writing that included the case name, the docket number and the words: "Sealed Material For Court's In Camera Review." Respondent asserts that she did not see the front of the envelope prior to opening it and the envelope was not marked conspicuously as she was accustomed to.

7. Respondent opened the envelope notwithstanding the fact that it was sealed with tape and removed the documents contained in the envelope to review.

8. The document inside the sealed manila envelope was titled "Commonwealth's Discovery Submission Under Seal" on the first page of the document.

9. Respondent reviewed the document and made a copy of the document, which she retained. Respondent had not previously received permission to open the sealed envelope or to review and copy the contents of the sealed envelope.

¹ At the time of the discovery referenced herein, the file from the Orange County Clerk's Office was lodged in the Green County Clerk's Office, having been sent there for a motions hearing that had taken place the prior week in Green County Circuit Court.

10. The parties stipulate that Respondent did not review the material in the file to gain unfair advantage in the matter and she did not hide her actions. Respondent asserts that she made a copy of the document because she believed that DCA Fitzgerald's submission constituted improper *ex parte* communication with the court and filed a Motion to Disqualify the Orange County's Commonwealth's Attorney Office from further proceedings in the case and also filed a motion to unseal the documents.²

11. It is noted, in mitigation, that Respondent has been in the active practice of law for more than 30 years with no prior disciplinary record.

II. NATURE OF MISCONDUCT

Such conduct by Respondent constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

RULE 3.4 Fairness To Opposing Party And Counsel

A lawyer shall not:

* * * * *

(d) Knowingly disobey or advise a client to disregard a standing rule or a ruling of a tribunal made in the course of a proceeding, but the lawyer may take steps, in good faith, to test the validity of such rule or ruling.

III. PROPOSED DISPOSITION

² Judge Durrer had previously reviewed the Commonwealth's submission and although the Commonwealth's submission was not fully responsive to his order, he did not reject the document or demand full compliance with his order. Judge Durrer subsequently recused himself for unrelated reasons and the successor judge unsealed the documents in question, but denied Respondent's Motion To Disqualify the Orange County Commonwealth's Attorney's Office.

Accordingly, Assistant Bar Counsel, Respondent and Respondent's counsel tender to the Seventh District Committee for its approval the agreed disposition of a Public Reprimand without Terms as representing an appropriate sanction if this matter were to be heard through an evidentiary hearing by the Seventh District Committee.

If the agreed disposition is approved, the Clerk of the Disciplinary System shall assess costs.

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 subcommittee considering this agreed disposition.

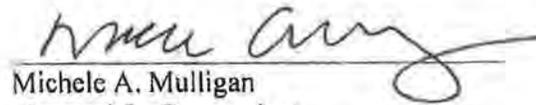
THE VIRGINIA STATE BAR



Prescott L. Prince
Assistant Bar Counsel



Janice Lynn Redinger, Esquire
Respondent



Michele A. Mulligan
Counsel for Respondent