

VIRGINIA: BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF PAMELA BRUCE STUART
VSB DOCKET NO. 17-000-108841

OPINION AND ORDER

This matter came to be heard on May 19, 2017 before a duly-convened panel of the Virginia State Bar Disciplinary Board ("Board") at the State Corporation Commission, Courtroom A. The Panel consisted of William H. Atwill, Jr., Chair, Presiding; Pleasant S. Brodnax, III; R. Lucas Hobbs; Tony H. Pham, and Anderson Wade Douthat, IV, lay member.

The Virginia State Bar ("Bar") was represented by Edward J. Dillon, Senior Assistant Bar Counsel. Respondent Pamela Bruce Stuart was present. No counsel appeared for Respondent. Tracy J. Stroh, court reporter, Chandler and Halasz, Inc., P.O. Box 9349, Richmond, Virginia 23227, (804) 730-1222, after having been duly sworn, reported the hearing and transcribed the proceeding.

The Chair polled members of the Panel regarding any personal or financial interest or conflict they might have which would preclude them from fairly hearing the matter before them. Each member, including the Chair, responded in the negative.

The Bar offered as an exhibit a letter from the Clerk of the Board with a Rule to Show Cause, with attachments, and Order of Suspension and Hearing, which was admitted without objection as Board Exhibit 1.

The Respondent affirmed that she had not provided a timely written response which complied with Paragraph 13-24(C) of Part 6, Section 4 of the Rules of the Supreme Court of Virginia ("Rules").

Respondent presented an opening statement, after having been sworn, as certain portions of her opening statement constituted testimonial evidence, and she stated that she had self-reported her violation of the Virginia Rules of Professional Conduct. She also indicated she is currently representing no Virginia clients.

Respondent proffered an amended copy of a brief which she had recently filed with a Florida appellate court, admission of which was denied by the Board. She also proffered a copy of her curriculum vitae, admission of which was granted by the Board, as Respondent's Exhibit 1.

Upon questioning, Respondent indicated that she believed imposition of reciprocal discipline against her would be a grave injustice, citing the opinion of another jurisdiction that held that conduct with respect to a trust, but not a client, was not sufficient to justify the imposition of discipline.

The Respondent offered no further evidence.

The Bar offered a transcript of Respondent's prior testimony into evidence, and the Board accepted it as Bar Exhibit B, no objection being made to it. The Bar offered into evidence a Florida Order on a Final Plan of Distribution of trusts for which Respondent served as Trustee, and Respondent objected thereto on the grounds that the Order, which served as the basis for the discipline imposed against her in Florida, was on appeal and was entered without due process. The Board overruled the objection admitted the exhibit into evidence as Bar Exhibit C.

The Bar then called Respondent as a witness. She testified that she had voluntarily entered into a written consent to discipline in Florida, on which the reciprocal discipline matter now before the Board was based. She testified that she,

as Trustee for trusts, had loaned herself money, but had not filed timely accountings for the trusts and had not contemporaneously executed written documents memorializing the loans. She testified that Florida law and the trust documents required the preparation and submission of annual accountings.

The Bar then rested its case.

Respondent then offered into evidence certain documents she had sent to the office of the Clerk of the Board via electronic mail on May 14, 2017, admission of which the Board denied as untimely.

Respondent then rested, and the parties proceeded to offer closing argument.

The Bar argued that the Board was compelled to impose the same discipline imposed in Florida, and that such discipline consisted of a one-year suspension with proof of Respondent's rehabilitation required before she could be reinstated. The Bar contended that the proper way for the Board to resolve this matter was to suspend Respondent from the practice of law in Virginia until she was readmitted to practice in Florida.

FINDINGS OF FACT

1. Respondent was licensed to practice law in the Commonwealth of Virginia on October 15, 1993.
2. Respondent was also licensed to practice law in the State of Florida, among other jurisdictions.
3. By Order entered January 5, 2017, the Supreme Court for the State of Florida suspended Respondent from practicing law in the

State of Florida, effective 30 days from January 5, 2017 so that she could close out her practice and protect the interests of her then-existing clients, unless Respondent notified that Court in writing sooner that she was no longer practicing and did not need the 30-day period to protect her then-existing clients.

4. The Order of the Supreme Court for the State of Florida followed Respondent's November 2016 written conditional guilty plea and consent judgment for discipline before that tribunal, in which Respondent acknowledged that she would be suspended from the practice of law in Florida for one year.
5. Respondent's license to practice law in the Commonwealth of Virginia was suspended by Order of the Board dated April 21, 2017.

DISPOSITION

Pursuant to the Paragraph 13-24(G) of the Rules, Respondent bears the burden of showing cause, if any can be, why the same discipline imposed in the State of Florida should not be imposed by the Board.

Upon due deliberation, the Board finds that Respondent has not met her burden as to any of the four subsections of Paragraph 13-24(C) of the Rules, including but not limited to the existence of an injustice.

Pursuant to Paragraph 13-24(H) of the Rules, it is **ORDERED** that the suspension of Respondent's license to practice law in Virginia which was ordered by this Board on April 21, 2017 is hereby lifted, and it is further **ORDERED** that Respondent's license to

practice law in Virginia is further suspended for a period of one year and one day, effective April 21, 2017, and it is further

ORDERED that an attested copy of this Order be mailed by certified mail, return receipt requested, to Respondent, Pamela Bruce Stuart, at her Virginia State Bar address of record, Pamela B. Stuart, Attorney & Counsellor at Law, 5115 Yuma Street, NW, Washington, DC 20016, and to Edward J. Dillon, Jr., Senior Assistant Bar Counsel, Virginia State Bar, 1111 East Main Street, Suite 700, Richmond, VA 23219-0026.

ENTERED THIS 22nd DAY OF MAY, 2017

VIRGINIA STATE BAR DISCIPLINARY BOARD

By: _____
William H. Atwill, Jr., Chair