

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF RICHARD GIBSON WOHLTMAN

VSB DOCKET NO. 09-000-077781

ORDER

This matter comes before the Board on the Petition for Termination of Suspension of Impairment filed by the Respondent, Richard Gibson Wohltman (the "Respondent"). On January 23, 2009, the matter was heard before a duly constitutional panel of the Virginia State Bar Disciplinary Board consisting of Paul M. Black, Russell W. Updike, Dr. Theodore Smith, lay member, Michael S. Mulkey, and William E. Glover presiding. Marian L. Beckett, Assistant Bar Counsel, appeared on behalf of Virginia State Bar. The Respondent appeared in person and with his counsel, Marvin G. Miller. Tracey J. Johnson, RPR, CCR, of Chandler & Halasz, P.O. Box 9349, Richmond, Virginia 23227, (804) 730-1222 after being duly sworn, reported the hearing.

The Respondent's license to practice law in the Commonwealth of Virginia was suspended by the Board on August 31, 1006, on the basis of impairment due to severe depression and mental health related issues. The Respondent has undergone extensive medical treatment, including in-patient and out patient care, and has petitioned the Board for reinstatement of his license to practice on the grounds that his impairment is terminated. The burden of proof on this issue is on the Respondent.

The Respondent's evidence came in the form of the submissions with his petition for reinstatement, including medical reports from treating health care and mental health providers, and oral testimony from the Respondent and from James Lettinberger, M.D., a

psychiatrist who had examined and treated the respondent. Dr. Lettinberger, whose testimony the Board found credible and persuasive, testified that he could find no symptoms of depression that were not controlled by medication and counseling and was of the opinion that the Respondent was fit to practice law. The Board also found the Respondent's testimony compelling, including the contributions of mentorship and support to his practice by others. The Bar presented no evidence in opposition to the petition for reinstatement.

Upon consideration of the evidence presented, the Board finds that the Respondent has met the requisite burden of proof that the impairment is terminated, and the Board grants the Respondent's petition.

It is ORDERED, pursuant to Part 6, Section 4: Paragraph 13 of the Rules of Supreme Court of Virginia that the suspension of the license of Richard Gibson Wohltman as a result of a disability is hereby terminated effective January 23, 2009.

It is further ORDERED that a copy teste of this order shall be mailed by certified mail, return receipt requested, to the Respondent, Richard Gibson Wohltman, 118 North Alfred Street, Alexandria, VA 22314-3011, and by regular mail to Marvin D. Miller, Respondent's Counsel, 1203 Duke Street, Alexandria, VA 22314, and Marian L. Beckett, Assistant Bar Counsel, 100 N. Pitt Street, Suite 310, Alexandria, VA 22314.

ENTER THIS ORDER THIS 4th DAY OF
March, 2009.

VIRGINIA STATE BAR DISCIPLINARY BOARD



William E. Glover, 2nd Vice Chair