

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF STARR ILENE YODER

DOCKET NO. 07-000-2542

ORDER OF SUSPENSION

THIS MATTER came before the Board, pursuant to a duly served notice, issued according to Part 6, Section IV, Paragraph I.2.g. of the Rules of the Supreme Court of Virginia, requiring Star Ilene Yoder (“Yoder”) to show cause why the alternative disposition contained in the Disciplinary Board Order (Order of Public Reprimand with Terms) (“Order”) dated October 10, 2005, should not be imposed for her failure to abide by the required terms.

A hearing was held at 9:00 a.m. on Friday, March 23, 2007, in the Virginia Workers’ Compensation Commission, Courtroom A, 1000 DMV Drive, Richmond, VA 23220. The Virginia State Bar was represented by Assistant Bar Counsel Richard E. Slaney. Yoder did not appear, despite notice and her case being called both in the hearing room and the adjacent hall. The Bar proceeded in her absence.

The Board consisted of James L. Banks, Jr., 1st Vice-Chair; W. Jefferson O’Flaherty (lay member); William C. Boyce, Jr., John W. Richardson and Thomas R. Scott, Jr. The members of the Board were polled as to whether any conflict or bias existed which would affect their ability to hear this case fairly, and all including the Chairman answered in the negative. The hearing was recorded and reported by

Jennifer L. Hairfield, RPR, of the firm of Chandler and Halasz, P. O. Box 9349, Richmond, VA 24227, (804) 730-1222.

Assistant Bar Counsel Slaney made an opening statement after which the Bar introduced Exhibits A through I, inclusive, and rested. The Board then retired to deliberate its decision.

I. FINDINGS OF FACT

The Board finds the following to be matters of fact:

1. On October 10, 2005, the Board entered an Order in this matter imposing upon Yoder a Public Reprimand with terms ("Order") for several instances of misconduct relating to trust account violations.

Accountant Certifications (Term Two):

2. Term Two of the Order required Yoder to hire a certified public accountant to certify that Yoder's accounting procedures comply with Rules 1.15(a) and (f) and to file quarterly certifications thereafter for a period of two years.
3. Subsequently, the Bar brought a Motion to Impose Alternative Sanctions ("Motion") based in part on alleged deficiencies in and untimeliness of the accountant certifications. The Board dismissed the Motion but admonished Yoder that further noncompliance would not be tolerated.
4. On January 3, 2006, the Board wrote Yoder, suggesting the next quarterly accountant certification be filed by March 31 and quarterly thereafter.

5. The Bar received one quarterly accountant certification by facsimile dated May 3, 2006. No other quarterly accountant certifications have been received by the Bar.

Continuing Legal Education (“CLE”) (Term One):

6. Term One of the Order required Yoder to attend six hours of CLE relating to trust account matters and the handling of trust funds within 12 months of the date of the Order.
7. On November 7, 2006, the Bar wrote Yoder asking about the status of both compliance with the CLE requirement and the quarterly accountant certifications.
8. On November 8, 2006, the Board received a letter from Yoder detailing the CLE hours she offered to satisfy the six-hour requirement. Yoder’s offer included 2.5 hours previously used to satisfy the Mandatory Continuing Legal Education (“MCLE”) requirements to remain in good standing, which was prohibited by the Order. Additionally, the form Yoder provided certifying her participation in an online program (Ethics 101) did not appear to be the type of form generated when an online program is completed.¹
9. On November 27, 2006, the Bar wrote Yoder, addressing both the issue of the quarterly accountant certifications and the problems with the CLE hours she offered to satisfy Term One of the Order. The Bar required a reply by December 11, 2006.

¹ The Board defers to the Bar as to whether it should investigate this matter further.

10. The Bar received no reply from Yoder, and she failed to appear at the disciplinary hearing on March 23, 2007.

II. DISPOSITION

The burden is on Yoder to show cause why the alternative sanction should not be imposed. Yoder failed to meet her burden at all, let alone by a clear and convincing evidentiary standard. Accordingly, the alternative sanction of suspension of Yoder's license to practice law for one year and one day is hereby imposed effective March 23, 2007.

Yoder must comply with the requirements of Part 6, Section IV, Paragraph 13.M of the Rules of the Supreme Court of Virginia and notify all appropriate persons about the suspension of her license if she is handling any client matters at this time. If Yoder is not handling any client matters on the effective date of her license suspension, she shall submit an affidavit to that effect to the Clerk of the Disciplinary System at the Virginia State Bar. All issues concerning the adequacy of the notice and arrangements required by paragraph 13.M shall be determined by the Virginia State Disciplinary Board, unless Yoder makes a timely request for hearing before a three-judge court.

III. COSTS

Pursuant to Part 6, Section IV, Paragraph 13.B.8(c) of the Rules, the Clerk of the Disciplinary System shall assess costs.

It is further ORDERED that the Clerk of the Disciplinary System shall mail an attested copy of this Order to Yoder at her address of record with the Virginia State Bar, being Starr Ilene Yoder, 33061 Quaker Road, Ivor, VA 23866, by certified mail,

return receipt requested, and by regular mail to Richard E. Slaney, Assistant Bar Counsel, Virginia State Bar, 707 East Main Street, Suit 1500, Richmond, VA 23219.

VIRGINIA STATE BAR DISCIPLINARY BOARD

James L. Banks, Jr., 1st Vice-Chair