
VIRGINIA LAWYER REGISTER

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The Virginia State Bar publishes the *Virginia Lawyer Register* five times annually. The *Register* is primarily a compilation of disciplinary actions against attorneys licensed to practice law in the commonwealth; administrative suspensions; legal ethics opinions; and proposed amendments to the Rules of the Virginia Supreme Court. All documents submitted to the state bar for inclusion in the *Register* are subject to alteration as to typography and formatting, in order to conform to the requirements of the *Register*, without changing the intent of any document.

DISCIPLINARY PROCEEDINGS

Respondent's Name	Address of Record	Action	Effective Date	page
Disciplinary Board				
Barbara Lyn Brackett	Vienna, VA	Revocation	August 26, 2011	3
James Paul Campbell	Leesburg, VA	Public Reprimand	September 23, 2011	3
Brett Nathan Dorny	Arvade, CO	Revocation	October 28, 2011	3
Wayne Richard Hartke	Reston, VA	Public Reprimand w/Terms	August 26, 2011	3
Walter L. Hooker	Richmond, VA	Revocation	November 18, 2011	3
Gerald Isadore Katz	Vienna, VA	Suspension – 6 Months	September 30, 2011	4
Vernon Keeve, Jr.	Fredericksburg, VA	Suspension w/Terms – 10 Days	November 14, 2011	4
Lindsey Owen Sutherland	Fairfax, VA	Revocation	October 28, 2011	4
Harry Tun	Washington, DC	Suspension w/Terms – 18 Months	September 29, 2011	4
Carl V. Williams	New Orleans, LA	Suspension w/Terms – 1 year	August 25, 2011	4
District Committees				
Brian Keith Stevens	Glen Allen, VA	Public Reprimand w/Terms	October 12, 2011	4
Suspension – Failure to Pay Disciplinary Costs		Effective Date	Lifted	
Peyton Moncure Chichester III	Richmond, VA	November 8, 2011		n/a
Brian Gay	Virginia Beach, VA	November 4, 2011		n/a
John Warren Hart	Virginia Beach, VA	October 21, 2011		n/a
Jonathon Alden Moseley	Reston, VA	November 8, 2011	November 16, 2011	n/a
William Orr Smith	Richmond, VA	September 30, 2011		n/a
Bradley Douglas Wein	Richmond, VA	November 2, 2011		n/a

Virginia Lawyer Register

The Official Publication of the Virginia State Bar

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Send address changes to
Virginia State Bar Membership Department
Eighth & Main Building
707 East Main Street, Suite 1500
Richmond, Virginia 23219-2800

The following are summaries of disciplinary actions for violations of the Virginia Rules of Professional Conduct (RPC) (Rules of the Virginia Supreme Court Part 6, ¶ II, eff. Jan. 1, 2000) or another of the Supreme Court Rules.

Copies of disciplinary orders are available at the Web link provided with each summary or by contacting the Virginia State Bar Clerk's Office at (804) 775-0539 or clerk@vsb.org. VSB docket numbers are provided.

DISCIPLINARY BOARD

BARBARA LYN BRACKETT

Vienna, Virginia

09-051-79535, 10-051-080672, 10-051-081366, 10-051-083123, 11-051-085131

On August 26, 2011, the Virginia State Bar Disciplinary Board revoked Barbara Lyn Brackett's license to practice law for violating rules that govern truthfulness, fraud, deceit, misrepresentation, and deliberately wrongful acts all reflecting adversely on her fitness to practice; was found to have violated trust account requirements by failing to have a trust account; and was found to have damaged a client during the course of a representation. Ms. Brackett's license has been suspended since October 10, 2002, and she has not been authorized to practice law in Virginia since that date. RPC 1.1, 1.15(a)(c), 1.4, 3.3(a)(1), 4.1(a), 5.5(c), 7.5(a)(d), 81.(a)(c), 8.4(a)(b)(c)

<http://www.vsb.org/docs/Brackett-111611.pdf>

JAMES PAUL CAMPBELL

Leesburg, Virginia

09-070-077914

On September 23, 2011, the Virginia State Bar Disciplinary Board imposed a public reprimand on James Paul Campbell for violating professional rules that govern the unauthorized practice of law. RPC 5.5(a)(1)

<http://www.vsb.org/docs/Campbell-100511.pdf>

BRETT NATHAN DORNY

Arvade, Colorado

12-000-089368

On October 28, 2011, the Virginia State Bar Disciplinary Board revoked Brett Nathan Dorny's license to practice law, based on his August 4, 2011, disbarment in Massachusetts. His Virginia license was summarily suspended on September 29, 2011.

On September 29, 2010, the Virginia State Bar Disciplinary Board summarily suspended Brett Nathan Dorny's license to practice law based on the August 4, 2011, disbarment in Massachusetts. The board ordered Mr. Dorny to appear on October 28, 2011, to show cause why the same sanction should not be imposed in Virginia.

<http://www.vsb.org/docs/Dorny-110711.pdf>

WAYNE RICHARD HARTKE

Reston, Virginia

08-053-070206, 09-053-078491, 09-053-079792, 10-053-081287

On August 26, 2011, the Virginia State Bar Disciplinary Board issued a public reprimand with terms to Wayne Richard Hartke after finding he had violated disciplinary rules that govern diligence, communication, fees, safekeeping property, declining or terminating representation, candor toward the tribunal, and misconduct. RPC 1.3(a); 1.4(a)(b); 1.5(b); 1.15(a)(2), (c)(3); 1.16(a)(2), (d); 3.3(a); 8.4(b)

<http://www.vsb.org/docs/Hartke-100711.pdf>

WALTER L. HOOKER

Richmond, Virginia

08-032-073613

On November 18, 2011, the Virginia State Bar Disciplinary Board revoked Walter L. Hooker's license to practice law. In consenting to the revocation, Mr. Hooker admitted that the disciplinary charges against him are true and that he could not successfully defend against them. He stipulated that he violated disciplinary rules that govern diligence, communication, safekeeping property, and responsibilities regarding nonlawyer assistants. RPC 1.3(a); 1.4(a); 1.15(c)(4); 5.3(a-c)

<http://www.vsb.org/docs/Hooker-111811.pdf>

Virginia Lawyer Register Online

For easier access to the documents cited in this magazine, the *Virginia Lawyer Register* is posted with live Internet links at

http://www.vsb.org/docs/valawyerregister/Register_2012-01.pdf.

GERALD ISADORE KATZ

Vienna, Virginia

12-000-089385

On October 28, 2011, the Virginia State Bar Disciplinary Board suspended Gerald Isadore Katz’s license to practice law for six months. The Virginia suspension became effective September 30, 2011—the date that Mr. Katz’s Virginia license was summarily suspended pending a show cause hearing on the reciprocal discipline.

On September 30, 2011, the Virginia State Bar Disciplinary Board summarily suspended Gerald Isadore Katz’s law license. Mr. Katz pled guilty to a crime in Maryland on August 20, 2010. The board ordered him to appear on October 28, 2011, and show cause why his license should not be further suspended or revoked in Virginia.

<http://www.vsb.org/docs/Katz-110811.pdf>

VERNON KEEVE JR.

Fredericksburg, Virginia

09-060-079121, 10-060-083220, 11-060-084857

On November 8, 2011, the Virginia State Bar Disciplinary Board suspended Vernon Keeve Jr.’s license to practice law for ten days with terms for violating professional rules that govern diligence, communication, contingency fees, safekeeping property, and obstruction of an investigation. This was an agreed disposition of misconduct charges. RPC 1.3(a), 1.4(a), 1.5(c), 1.15(e), 8.1(d)

<http://www.vsb.org/docs/Keeve-111011.pdf>

LINDSEY OWEN SUTHERLAND

Fairfax, Virginia

09-051-078380

On October 28, 2011, the Virginia State Bar Disciplinary Board revoked Lindsey Owen Sutherland’s license to practice law for violating professional rules that govern competence, diligence, communication, bar admission and disciplinary matters, and misconduct. RPC 1.1; 1.3 (a)(b); 1.4(a)(b); 8.1(c); 8.4(b)(c)

<http://www.vsb.org/docs/Sutherland-111511.pdf>

HARRY TUN

Washington, DC

12-000-089303

On September 29, 2011, the Virginia State Bar Disciplinary Board summarily suspended Harry Tun’s license to practice law based on the suspension of his District of Columbia license by the District of Columbia Court of Appeals. The board ordered Mr. Tun to appear and show cause why the same discipline should not be imposed in Virginia. On October 28, 2011, the board suspended Mr. Tun’s Virginia license for eighteen months with six months stayed followed by one year of probation. This was the same sanction imposed in the District of Columbia.

Rules Part 6, § IV, ¶ 13-24

<http://www.vsb.org/docs/Tun-110411.pdf>

CARL V. WILLIAMS

New Orleans, Louisiana

11-000-088432

On September 23, 2011, the Virginia State Bar Disciplinary Board suspended Carl V. Williams’s license to practice law for one year, with all but four months deferred with terms, the same discipline imposed by the Louisiana Supreme Court for ethical violations in that jurisdiction. The Virginia suspension became effective August 25, 2011—the date that Mr. Williams’s Virginia license was summarily suspended pending a show cause hearing on the reciprocal discipline.

On August 25, 2011, the Virginia State Bar Disciplinary Board summarily suspended Carl V. Williams’s license to practice law based on the May 10, 2011, suspension of his Louisiana license. The board ordered him to appear on September 23, 2011, to show cause why the same discipline should not be imposed in Virginia.

<http://www.vsb.org/docs/Williams-110411.pdf>

DISTRICT COMMITTEES

BRIAN KEITH STEVENS

Glen Allen, Virginia

11-031-085469

On October 12, 2011, a Virginia State Bar Third District Subcommittee issued a public reprimand with terms to Brian Keith Stevens after finding he had violated disciplinary rules that govern diligence and communication. This was an agreed disposition of misconduct charges. RPC 1.3(a) (c); 1.4(a)

<http://www.vsb.org/docs/Stevens-110911.pdf>

ADMINISTRATIVE SUSPENSIONS

As required by the Rules of the Virginia Supreme Court Part Six, § IV, ¶ 19, the Virginia State Bar has posted a list of members who were administratively suspended on October 7, 2011, for failure to comply with the Rules of the Supreme Court of Virginia, Part Six, § IV, ¶¶ 11 and/or 16, 18, or 19; or the Code of Virginia, §§ 54.1-3912 or 54.1-3913.1. These attorneys were notified of their suspensions using their last address of record with the Virginia State Bar; however, in some instances, this has not been effective. To assist the Virginia State Bar in re-establishing contact with these attorneys, anyone having knowledge of the present location and practice status of persons on this list should contact the VSB Membership Department. This list was last updated by the Membership Department on November 30, 2011.

Details: <http://www.vsb.org/site/members/administrative-suspensions/>

HAVE YOU MOVED? *KEEPING IN TOUCH WITH THE VSB*

To check or change your address of record with the Virginia State Bar, take the following steps:

Go to the VSB Member Login at <https://member.vsb.org/vsbportal/>. Go to "Membership Information," where your current address of record is listed. To change, go to "Edit Official Address of Record," click the appropriate box, then click "next." You can type your new address, phone numbers, and e-mail address on the form.

Contact the VSB Membership Department at membership@vsb.org or (804) 775-0530 with questions.

THE VSB E-NEWS

Have you been receiving the Virginia State Bar E-News?

It is sent once a month and is a brief summary of deadlines, programs, rule changes, and news.

If your Virginia State Bar E-News is being blocked by your spam filter, contact your e-mail administrator and ask to have the VSB.org domain added to your permissions list.

ATTORNEY RECORDS SEARCH FEATURES

The Virginia State Bar provides several ways to research an attorney's status and record. The Attorney Records Search at <http://www.vsb.org/attorney/attSearch.asp> offers three options:

DISCIPLINED ATTORNEYS

Provides links to a Virginia attorney's public disciplinary orders.

ATTORNEYS WITHOUT MALPRACTICE INSURANCE

A database of lawyers who have certified that they represent clients drawn from the public and do not carry legal malpractice insurance.

ATTORNEYS NOT IN GOOD STANDING

Members of the Virginia State Bar who are not eligible to practice law because their licenses are suspended administratively or suspended or revoked for disciplinary reasons.

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NOMINATIONS SOUGHT FOR DISTRICT COMMITTEE VACANCIES

Deadline for nomination: February 1, 2012

The Virginia State Bar Standing Committee on Lawyer Discipline calls for nominations for district committee vacancies to be filled by the Virginia State Bar Council in June 2012. Note that some of the vacancies may not become available because some incumbent members are eligible for reappointment.

To review qualifications for eligibility, see Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-4—Establishment of District Committees, specifically 13-4.E (Qualifications of Members) and 13-4.F (Persons Ineligible for Appointment).

- First District Committee:**..... 2 attorney vacancies (both of which are eligible for reappointment); 1 nonattorney vacancy. The vacancies are to be filled by members from the 1st, 3rd, 5th, 7th, or 8th judicial circuits.
- Second District Committee, Section I:**..... 2 attorney vacancies. The vacancies are to be filled by members from the 2nd or 4th judicial circuits.
- Second District Committee, Section II:**..... 1 attorney vacancy. The vacancy is to be filled by a member from the 2nd or 4th judicial circuits.
- Third District Committee, Section I:**..... 3 attorney vacancies (1 current member eligible for reappointment). The vacancies are to be filled by members from the 6th, 11th, 12th, 13th or 14th judicial circuits.
- Third District Committee, Section II:**..... 2 attorney vacancies (1 current member is eligible for reappointment); 1 nonattorney vacancy. The vacancies are to be filled by members from the 6th, 11th, 12th, 13th or 14th judicial circuits.
- Third District Committee, Section III:**..... 3 attorney vacancies (1 current member eligible for reappointment); 1 nonattorney vacancy (who is eligible for reappointment). The vacancies are to be filled by members from the 6th, 11th, 12th, 13th or 14th judicial circuits.
- Fourth District Committee, Section I:**..... 2 attorney vacancies; 1 nonattorney vacancy (who is eligible for reappointment). The vacancies are to be filled by members from the 17th or 18th judicial circuits.
- Fourth District Committee, Section II:**..... 1 attorney vacancy (1 current member is eligible for reappointment); 1 nonattorney vacancy (1 current member is eligible for reappointment). The vacancies are to be filled by members from the 17th or 18th judicial circuits.
- Fifth District Committee, Section I:**..... 3 attorney vacancies. The vacancies are to be filled by members from the 19th or 31st judicial circuits.
- Fifth District Committee, Section II:**..... 2 attorney vacancies (1 current member is eligible for reappointment). The vacancies are to be filled by members from the 19th or 31st judicial circuits.
- Fifth District Committee, Section III:**..... 2 attorney vacancies; 1 nonattorney vacancy (who is eligible for reappointment). The vacancies are to be filled by members from the 19th or 31st judicial circuits.
- Sixth District Committee:**..... 2 attorney vacancies (2 current members are eligible for reappointment); 1 nonattorney vacancy (who is eligible for reappointment). The vacancies are to be filled by members from the 9th or 15th judicial circuits.
- Seventh District Committee:**..... 1 attorney vacancy; 1 nonattorney vacancy. The vacancies are to be filled by members from the 16th, 20th or 26th judicial circuits.
- Eighth District Committee:**..... 4 attorney vacancies (1 current member is eligible for reappointment). The vacancies are to be filled by members from the 23rd or 25th judicial circuits.
- Ninth District Committee:**..... 4 attorney vacancies (1 current member is eligible for reappointment). The vacancies are to be filled by members from the 10th, 21st, 22nd or 24th judicial circuits.
- Tenth District Committee, Section I:**..... 2 attorney vacancies; 2 nonattorney vacancies (1 current member is eligible for reappointment). The vacancies are to be filled by members from the 27th, 28th, 29th or 30th judicial circuits.
- Tenth District Committee, Section II:**..... 3 attorney vacancies (2 current members are eligible for reappointment). The vacancies are to be filled by members from the 27th, 28th, 29th or 30th judicial circuits.

Nominations, along with a brief resume, should be sent by February 1, 2012 to Gwen Evans, Virginia State Bar, 707 East Main Street, Suite 1500, Richmond, Virginia 23219-2800.

FBI WARNS OF INTERNET ADVANCE-FEE SCAM

The Richmond Division of the FBI has issued an alert regarding an advance-fee scam targeting attorneys in multiple states, including Virginia. A person holding himself or herself out as “Bruce Shattock” or “S & J Boring” of Livonia, Michigan, has contacted several attorneys via e-mail requesting assistance in the collection of a business debt, usually about \$200,000.

Bruce Shattock is an identifiable person and S & J Boring has been identified as an actual business. It is believed that the perpetrator is impersonating these entities and neither is implicit in the scam.

Several days after engaging the attorney, the perpetrator advises that the debt dispute has been resolved and the attorney receives a fraudulent check from the debtor company to “settle” some or all of the fictitious debt. The perpetrator requests that the attorney subtract a fee for legal services and immediately wire the balance elsewhere, typically to a bank account in China, in an attempt to obtain the funds before the check is discovered as fraudulent.

EDUCATION LOAN REPAYMENT ASSISTANCE AVAILABLE FOR PROSECUTORS AND PUBLIC DEFENDERS IN VIRGINIA

The Department of Criminal Justice Services (DCJS) announces the availability of education loan repayment assistance for prosecutors and public defenders, pursuant to the federal John R. Justice Grant Program.

These loans are available to attorneys employed full time in commonwealth’s attorneys’ offices who prosecute criminal and juvenile delinquency cases, attorneys employed full time by the Indigent Defense Commission who provide legal representation of people in criminal and juvenile delinquency cases, and full time federal defender attorneys.

Information about the John R. Justice Program is available on our website at <http://www.dcjs.virginia.gov/programs/jrj/>. Also posted are downloadable versions of the documents needed to apply for assistance: the program guidelines, the application form, and the required Service Agreement.

Applications for assistance must be received by DCJS no later than January 30, 2012.

For further information about the John R. Justice Program in Virginia, contact Linda Jafari at (804) 786-4155 or linda.jafari@dcjs.virginia.gov

PROFESSIONAL GUIDELINES AVAILABLE TO PRINT FROM WEBSITE

Beginning in 2010, the Virginia State Bar *Professional Guidelines* were published online in a searchable HTML format that allows users to quickly access the sections they are looking for without flipping through pages or waiting for PDFs to download.

Because the format meets most VSB members’ needs, print copies of the *Professional Guidelines* were not mailed with the October 2009, 2010, or 2011 issues of *Virginia Lawyer*. A limited number of 2009–10 edition copies were printed and provided to members on request in spring 2010.

We are now offering a way for members to print from the HTML pages with one click. The new one-click printing option is available at <http://www.vsb.org/pro-guidelines/index.php>.

The HTML version is updated throughout the year to provide a current version at all times. The print version has not been updated since the 2009–10 edition. Changes approved by the VSB Council and the Supreme Court of Virginia are published on the Rule Changes page at http://www.vsb.org/pro-guidelines/index.php/rule_changes/.

FORTY-SECOND ANNUAL CRIMINAL LAW SEMINAR

February 3, 2012: Marriott/Kingsmill, Williamsburg
February 10, 2012: DoubleTree by Hilton, Charlottesville

- Recent Developments in Criminal Law and Procedure
- FOIA and Law Enforcement Records
- What Can You Do When the Defendant Is Mentally Ill, But Not Legally Insane?
- Ethical Issues in the Practice of Criminal Law
- Understanding and Navigating the Sexually Violent Predator Commitment Process
- Trials and Tribulations: Practice Pointers from the Bench

www.vsb.org/site/sections/criminal

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**President-elect Harless Seeks Members
for Virginia State Bar Committees
With Terms Commencing July 1, 2012**

To: Members of the Bar
From: W. David Harless, President-elect

As you know, much of the work of the Virginia State Bar is done through its committees, and we need members willing to serve. Appointments will generally be for a three-year term, running from July 1, 2012, to June 30, 2015, with the possibility of another three-year term to follow. The work of the committees is time consuming and in most cases requires committee members to set aside substantial time to fulfill the requirements of the job.

To encourage participation - and recognizing the time constraints - members are generally limited to serving on only one committee. The number of available positions is quite limited, but I will attempt to accommodate as many people as possible.

The committees are as follows:

Standing Committees:*

- | | |
|---------------------|--------------------------------|
| ◆ Budget & Finance | ◆ Professionalism |
| ◆ Lawyer Discipline | ◆ Unauthorized Practice of Law |
| ◆ Legal Ethics | |

Special Committees:

- | | |
|--------------------------------|--------------------------------------|
| ◆ Access to Legal Services | ◆ Lawyer Referral |
| ◆ Bench-Bar Relations | ◆ Midyear Legal Seminar |
| ◆ Communications | ◆ Personal Insurance for Members |
| ◆ Information Technology | ◆ Resolution of Fee Disputes |
| ◆ Lawyer Malpractice Insurance | ◆ Technology and the Practice of Law |

*Lawyer member vacancies on Standing Committees are limited due to requirements for a specific number of Executive Committee and Council members to serve on each committee.

If you would like to be considered for appointment to any of the VSB committees listed, please complete the form below or [download](http://www.vsb.org/site/about) the form at <http://www.vsb.org/site/about> and return it to the Virginia State Bar office by March 1, 2012 by mail, fax or e-mail to Asha B. Holloman:

Virginia State Bar
707 East Main Street, Suite 1500
Richmond, VA 23219-2800
fax: (804) 775-0501; holloman@vsb.org

VSB Committee Preference Form (term commencing July 1, 2012) (Please type or print)

Name: VSB Attorney No.:

Address:

City/State/Zip: Phone No.: Email:

Choice	Committee Name	Have you ever served on this committee?	Length of Service
1st Choice	<input type="text"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="text"/>
2nd Choice	<input type="text"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="text"/>
3rd Choice	<input type="text"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="text"/>

Check here if you have never served on a VSB committee.

To assist us in the committee selection process, please provide the following information:

Private Practice Corporate Counsel
 Primary area of practice:

Government attorney Other
 Commonwealth City/County Federal

Attach a separate sheet with additional comments (i.e., qualifications and reason for wanting to serve).