
VIRGINIA LAWYER REGISTER

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Scott Browning Gilly	New York, NY	Suspension – 1 year	May 28, 2013	4
Reuben Voll Greene	Richmond, VA	Suspension – 1 year	August 23, 2013	4
Matthew B. Murray	Charlottesville, VA	Suspension – 5 years	July 17, 2013	4
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Suspension—Failure to Pay Disciplinary Costs				
		Effective Date	Lifted	
Randall Bertron Campbell	Roanoke, VA	September 11, 2013		n/a
Michael Lawrence Eisner	Coram, NY	July 31, 2013		n/a
Arthur Charles Ermlich Jr.	Virginia Beach, VA	September 26, 2013		n/a
Pauline Marjorie Ewald	Ashland, VA	October 3, 2013		n/a
Wayne Richard Hartke	Reston, VA	September 9, 2013	September 17, 2013	n/a
Barry Maurice Johnson	Washington, DC	September 23, 2013		n/a
Glenn Charles Lewis	Vienna, VA	October 4, 2013		n/a
Richard L. J. McGarry	Roanoke, VA	August 27, 2013		n/a
Clive Allen O'Leary	Fredericksburg, VA	September 12, 2013		n/a
Robert Henry Smallenburg	Ashland, VA	September 12, 2013		n/a
William Stables Jr.	Harrisonburg, VA	October 2, 2013		n/a
David Benjamin Weinberg	Alexandria, VA	September 12, 2013		n/a
Suspension—Failure to Pay Disciplinary Costs				
		Effective Date	Lifted	
Stephanie Allette Pease	Abingdon, VA	April 22, 2013	April 25, 2013	n/a
Robert Henry Smallenburg	Ashland, VA	April 4, 2013		n/a
Michael Raymond Thames	Arlington, VA	April 18, 2013		n/a
Suspension—Failure to Comply with Subpoena				
		Effective Date	Lifted	
Paul Anthony Dull	Roanoke, VA	August 7, 2013		n/a
Jane Karen Eshagpoor	Richmond, VA	October 1, 2013		n/a
Reuben Voll Greene	Richmond, VA	October 3, 2013		n/a
Benje Allen Selan	Vienna, VA	August 30, 2013		n/a

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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.

CIRCUIT COURT

HORACE FRAZIER HUNTER

Richmond, Virginia

11-032-084907

On July 18, 2013, a three-judge panel of the Circuit Court of the City of Richmond reimposed a public admonition with terms on Horace Frazier Hunter for violating professional rules that govern communications concerning a lawyer's services and advertising. On November 8, 2011, the Third District Committee found that Mr. Hunter had violated professional rules that govern communications concerning a lawyer's services and advertising and confidentiality of information. Mr. Hunter appealed the determination to the Circuit Court of the City of Richmond. The Circuit Court dismissed the committee's finding that Mr. Hunter had violated Rule 1.6(a) of the Rules of Professional Conduct governing confidentiality of information, and it affirmed the district committee determination that Mr. Hunter violated Rules 7.1(a)(4) and 7.2(a)(3) regarding communications regarding a lawyer's services and advertising. The Supreme Court of Virginia affirmed the Circuit Court's findings, and the United States Supreme Court denied certiorari. RPC 7.1(a)(4), 7.2(a)(3)

<http://www.vsb.org/docs/Hunter-071813.pdf>

RAYMOND LEWIS PALMER

Richmond, Virginia

12-033-089661

Effective September 1, 2013, the Circuit Court for the City of Richmond suspended Raymond Lewis Palmer's license to practice law for forty-five days for violating professional rules that govern safekeeping property. This was an agreed disposition of misconduct charges. RPC 1.15 (b)(4), (c)(4), (d)(3)(i-iv)(4), (e)(4)

<http://www.vsb.org/docs/Palmer-092513.pdf>

DISCIPLINARY BOARD

LEROY WENDELL ALLEN JR.

Richmond, Virginia

11-033-086969, 11-033-088198

On September 18, 2013, the Virginia State Bar Disciplinary Board issued a public reprimand with terms to Leroy Wendell Allen Jr. for violating professional rules that govern fees, responsibilities regarding nonlawyer assistants, professional independence of a lawyer, safekeeping property, and bar admission and disciplinary matters. This was an agreed disposition of misconduct charges. RPC 1.5(a), 5.3(b), 5.4(a)(1-4), 1.15 pre-June 21, 2011 version, (c)(3)(4)(e)(1)(i-v)(f)(2)(3)(4)(i,ii)(5)(i-iii)(6), 8.1(c), 1.15 revised (b)(3)(c)(1)(2)(i,ii)(3)(4)(d)(3)(i-iv)(4)

<http://www.vsb.org/docs/Allen-101613.pdf>

SARA ELIZABETH CHASE

Henrico, Virginia

13-032-094400

Effective November 15, 2013, the Virginia State Bar Disciplinary Board suspended Sara Elizabeth Chase's license to practice law for eighteen months for violating professional rules that govern competence, diligence, communication, safekeeping property, declining or terminating representation, and misconduct. This was an agreed disposition of misconduct charges. RPC 1.1, 1.3(a-c), 1.4(a-c), 1.15(b)(4)(c)(1)(d)(3)(iv), 1.16(d), 8.4(c)

<http://www.vsb.org/docs/Chase-101613.pdf>

BRIAN RAY DINNING

Norfolk, Virginia

11-010-085723

On August 1, 2013, the Virginia State Bar Disciplinary Board revoked Brian Ray Dinning's license to practice law based on his affidavit consenting to revocation. At the time of the revocation, disciplinary charges were pending against Mr. Dinning. He acknowledged the material facts on which charges were predicate were true and that he had pled guilty to crimes in the United States District Court for the Eastern District of Virginia. Part 6, § IV, ¶13-28

<http://www.vsb.org/docs/Dinning-092513.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/valawyer magazine/Register_2013-11.pdf.

DISCIPLINARY BOARD

ARTHUR CHARLES ERMILICH JR.

Virginia Beach, Virginia

12-021-090883

On May 17, 2013, the Virginia State Bar Disciplinary Board suspended Arthur Charles Ermlich Jr.'s license to practice law for three years for violating professional rules that govern diligence, communication, fairness to opposing party and counsel, bar admission and disciplinary matters, and misconduct. RPC 1.3(a), 1.4(a)(b), 3.4(d), 8.1(c), 8.4(c)

<http://www.vsb.org/docs/Ermlich-070213.pdf>

SCOTT BROWNING GILLY

New York, New York

13-000-095276

On May 28, 2013, the Virginia State Bar Disciplinary Board suspended Scott Browning Gilly's license to practice law for one year based on the same action by the Committee on Grievances for the United States District Court, Southern District of New York. The VSB Disciplinary Board found that Mr. Gilly violated professional rules that govern candor toward the tribunal, fairness to opposing party and counsel, truthfulness in statements to others, responsibilities of a partner or supervisory lawyer, and misconduct. This was an agreed disposition of misconduct charges. RPC 3.3(a)(1,2,4); 3.4(c); 4.1(a,b); 5.1(c)(1,2); 8.4(a,b,c)

<http://www.vsb.org/docs/Gilly-092513.pdf>

REUBEN VOLL GREENE

Richmond, Virginia

11-033-086842, 14-000-096410

On August 23, 2013, the Virginia State Bar Disciplinary Board suspended Reuben Voll Greene's license to practice law for one year for violating professional rules that govern safekeeping property and bar admission and disciplinary matters. RPC 1.15(c)(3,4), 8.1(c)

<http://www.vsb.org/docs/Greene-101613.pdf>

MATTHEW B. MURRAY

Charlottesville, Virginia

11-070-088405, 11-070-088422

On July 17, 2013, the Virginia State Bar Disciplinary Board suspended Matthew B. Murray's license to practice law for five years for violating professional rules that govern candor toward the tribunal, fairness to opposing party and counsel, and misconduct. This was an agreed disposition of misconduct charges. RPC 3.3(a)(1)(2)(4), 3.4(a)(d)(e)(f), 8.4(c)

<http://www.vsb.org/docs/Murray-092513.pdf>

HEE JUNG JENNY NO

Fairfax Station, Virginia

14-000-096390

On August 21, 2013, the Virginia State Bar Disciplinary Board revoked Hee Jung Jenny No's license to practice law. In consenting to the revocation, Ms. No acknowledged that the disciplinary charges against her are true and that she could not successfully defend against them. Ms. No's license was previously suspended based on her conviction of a crime in the United States District Court for the Eastern District of Virginia, Alexandria Division. Rules Part 6, § IV, ¶ 13-28

<http://www.vsb.org/docs/No-082113pdf.pdf>

CLIVE ALLEN O'LEARY

12-060-091120, 14-000-096531

On September 27, 2013, the Virginia State Bar Disciplinary Board revoked Clive Allen O'Leary's license to practice law for violating professional rules that govern diligence, communication, declining or terminating representation, bar admission and disciplinary matters, and misconduct. RPC 1.3(a), 1.4(a), 1.16(d), 8.1(c), 8.4(b)

<http://www.vsb.org/docs/OLeary-101613.pdf>

MARCUS NOAH PERDUE III

Covington, Virginia

12-080-089050, 12-080-089874, 12-080-090906

On August 23, 2013, the Virginia State Bar Disciplinary Board suspended Marcus Noah Perdue III's license to practice law for one year for violating professional rules that govern candor toward the tribunal, fairness to opposing party and counsel, truthfulness in statements to others, judicial officials, and misconduct. Charges in two matters were dismissed. RPC 3.3(a)(1), 4.1(a), 4.3(b), 4.4, 8.2, 8.4(a-c)

<http://www.vsb.org/docs/Perdue-092613.pdf>

TODD LESLIE TREADWAY

Arlington, Virginia

12-041-090996

On August 8, 2013, the Virginia State Bar Disciplinary Board issued a public reprimand to Todd Leslie Treadway for violating a professional rule that governs bar admission and disciplinary matters. This was an agreed disposition of disciplinary charges. RPC 8.1(c)

<http://www.vsb.org/docs/Treadway-092513.pdf>

DISTRICT COMMITTEES

GLORIA SALAZAR CALONGE

Falls Church, Virginia

10-052-082719

On September 4, 2013, the Virginia State Bar Fifth District -- Section II Subcommittee issued a public reprimand with terms to Gloria Salazar Calonge for violating professional rules that govern safekeeping property and unauthorized practice of law; multijurisdictional practice of law. This was an agreed disposition of misconduct charges. RPC 5.5, 1.15(a)(1)(2)(3) ((i,ii)(b)(2,3)(c)(1)(2)(i,ii)(d)(3)(i-iv)(4)

<http://www.vsb.org/docs/Calonge-092613.pdf>

SARA ELIZABETH CHASE

Henrico, Virginia

13-032-095922

On September 9, 2013, the Virginia State Bar Third District Subcommittee issued a public reprimand to Sara Elizabeth Chase for violating professional rules that govern safekeeping property. The alternative sanction of a public reprimand was imposed because Ms. Chase failed to comply with the terms of a private reprimand. This was an agreed disposition of misconduct charges. RPC 1.1, 1.3(a)

<http://www.vsb.org/docs/Chase-092613.pdf>

CARL CHRISTEN LA MONDUE

Norfolk, Virginia

12-021-090850

On September 19, 2013, the Virginia State Bar Second District Section 1 Committee issued a public reprimand with terms to Carl Christen La Mondue for violating professional rules that govern fees. RPC 1.5(a,b)

<http://www.vsb.org/docs/LaMondue-101613.pdf>

CHARLES GREGORY PHILLIPS

Salem, Virginia

11-080-086619, 12-080-090260

On October 1, 2013, the Virginia State Bar Eighth District Subcommittee issued a public reprimand to Charles Gregory Phillips for violating professional rules that govern diligence, communication, and bar admission and disciplinary matters. This was an agreed disposition of misconduct charges. RPC 1.3(a), 1.4(a), 8.1(c)

<http://www.vsb.org/docs/Phillips-101613.pdf>

REINSTATEMENT PETITION

KRISTEN DAWN DEAN

Deadline for comment: January 8, 2014

Pursuant to Part 6, Section IV, Paragraph 13-25 of the Rules of the Supreme Court of Virginia, Kristen Dawn Dean petitioned the Court on February 11, 2013, for reinstatement of her license to practice law. The Virginia State Bar Disciplinary Board will hear the petition on January 24, 2014, at 9 a.m. in the State Corporation Commission, Courtroom A, Tyler Building, 1300 East Main Street, Richmond, Virginia. After hearing evidence and oral argument, the Disciplinary Board will make factual findings and recommend to the Supreme Court whether the petition should be granted or denied.

The Disciplinary Board seeks information about Ms. Dean's fitness to practice law. Written comments or requests to testify at the hearing may be submitted to Barbara S. Lanier, Clerk of the Disciplinary System, 707 East Main Street, Suite 1500, Richmond, Virginia 23219, or to clerk@vsb.org by the date of the deadline. Comments will become part of the public record.

The Virginia State Bar Disciplinary Board revoked Ms. Dean's license by Order of Revocation entered on August 30, 2006. The Order of Revocation found that Ms. Dean had not complied with an Order of Suspension with Terms entered by the Disciplinary Board on December 16, 2005. Specifically, the Order of Revocation found that Ms. Dean had failed to pay restitution of \$4,882.75 by June 1, 2006, as required by the Order of Suspension with Terms.

At the time of the revocation of Ms. Dean's law license, Ms. Dean's prior disciplinary record consisted of a five-year suspension of her law license imposed by the December 16, 2005, Order of Suspension with Terms. The Order of Suspension with Terms reflected an agreed disposition between the Virginia State Bar and Ms. Dean. Ms. Dean's five-year suspension resulted from her mishandling of settlement proceeds from a personal injury case.

In her petition for reinstatement, Ms. Dean stated that she was licensed to practice law in the Commonwealth of Virginia in April 1999. She described the conduct that ultimately led to the revocation of her license to practice law as an isolated incident involving one client and stated that she paid the restitution in full to the parties listed in the Order of Revocation in 2006.

Ms. Dean stated that since the revocation of her license to practice law she has remained involved in the legal profession by working as a legal assistant. She also stated that she has attended legal seminars and participated in writing legal briefs under the supervision of licensed attorneys. Ms. Dean further stated that she has completed more than 100 hours of continuing legal education, including 10 hours in legal ethics, within five years of the date of her petition for reinstatement; that she took the Multistate Professional Responsibility

DEADLINE FOR NOMINATIONS: FEBRUARY 28, 2014

The Standing Committee on Lawyer Discipline calls for nominations for district committee vacancies to be filled by Council in June. Note that there are vacancies which may not become available because some 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 current members are eligible for reappointment); 2 non-attorney vacancies (1 current member is eligible for reappointment). The vacancies are to be filled by members from the 1st, 3rd, 5th, 7th or 8th judicial circuits.

SECOND DISTRICT COMMITTEE, SECTION I:

1 attorney vacancy; 3 non-attorney vacancies (2 current members are eligible for reappointment). The vacancies are to be filled by members from the 2nd or 4th judicial circuits.

SECOND DISTRICT COMMITTEE, SECTION II:

4 attorney vacancies (3 current members are eligible for reappointment); 1 non-attorney vacancy. The vacancies are to be filled by members from the 2nd or 4th judicial circuits.

THIRD DISTRICT COMMITTEE, SECTION I:

1 attorney vacancy (current member is eligible for reappointment); 3 non-attorney vacancies (2 current members are 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 (both current members are eligible for reappointment); 1 non-attorney vacancy (current member is 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 III:

3 attorney vacancies (2 current members are eligible for reappointment); 2 non-attorney vacancies (1 current member 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:

3 attorney vacancies (all current members are eligible for reappointment); 1 non-attorney vacancy (current member is eligible for reappointment). The vacancies are to be filled by members from the 17th or 18th judicial circuits.

FOURTH DISTRICT COMMITTEE, SECTION II:

3 attorney vacancies (2 current members are eligible for reappointment); 1 non-attorney vacancy. The vacancies are to be filled by members from the 17th or 18th judicial circuits.

FIFTH DISTRICT COMMITTEE, SECTION I:

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 II:

3 attorney vacancies (all 3 current members are eligible for reappointment); 2 non-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 (both current members are eligible for reappointment); 1 non-attorney vacancy (current member is eligible for reappointment). The vacancies are to be filled by members from the 19th or 31st judicial circuits.

SIXTH DISTRICT COMMITTEE:

3 attorney vacancies (all 3 current members are eligible for reappointment); 1 non-attorney vacancy (current member is eligible for reappointment). The vacancies are to be filled by members from the 9th or 15th judicial circuits.

SEVENTH DISTRICT COMMITTEE:

2 attorney vacancies (both current members are eligible for reappointment); 2 non-attorney vacancies (both current members are eligible for reappointment). The vacancies are to be filled by members from the 16th, 20th or 26th judicial circuits.

EIGHTH DISTRICT COMMITTEE:

2 attorney vacancies (1 current member is eligible for reappointment); 2 non-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:

3 attorney vacancies (1 current member is eligible for reappointment); 2 non-attorney vacancies (both current members are eligible for reappointment). The vacancy is to be filled by a member from the 10th, 21st, 22nd or 24th judicial circuits.

TENTH DISTRICT COMMITTEE, SECTION I:

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.

TENTH DISTRICT COMMITTEE, SECTION II:

3 attorney vacancies (all 3 current members are eligible for reappointment); 2 non-attorney vacancies (both 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 to:

Stephanie Blanton

Virginia State Bar,

707 East Main Street, Suite 1500

Richmond, VA 23219-2800

LEGAL ETHICS OPINION 1870

The VSB's Standing Committee on Legal Ethics issued LEO 1870 as final on October 4, 2013:

Application of Rule 4.2 in Cases Where a Guardian Ad Litem Has Been Appointed to Represent a Child.

Details: <http://www.vacle.org/opinions/1870.htm>

UPL OPINION 216

The Standing Committee on the Unauthorized Practice of Law issued UPL Opinion 216 as final on October 8, 2013: *Probation Officers' Recommendations in Pre-Sentence Reports.*

Details: <http://www.vsb.org/site/regulation/upl-opinion-216>

PROPOSED AMENDMENT TO VSB AND COUNCIL BYLAWS

The Virginia State Bar is seeking public comment to a proposed amendment to the Bylaws of the Virginia State Bar and Council. Comments are due by January 24, 2014, to the VSB offices or publiccomment@vsb.org. The proposed amendment adds a new Part III to the bylaws:

**PART III MISCELLANEOUS
AMENDING BYLAWS**

- (a) Upon motion of an active member of the Virginia State Bar in good standing, the bylaws contained in either Part I or Part II may be amended at any regular meeting of the Bar Council provided there has been at least 30 days' notice of the proposed amendment to all Virginia State Bar members. Amendment of the bylaws must be by a two-thirds vote of the Council members present and voting at that regular meeting.
- (b) Without additional notice to all Virginia State Bar members, the text of the proposed bylaw amendment may be amended by a majority vote of the Council members present and voting at that regular meeting.

OR

- (b) Without additional notice to all Virginia State Bar members, the text of the proposed bylaw amendment may be amended by a majority vote of the Council members present and voting at that regular meeting provided the amended text does not substantively or materially conflict with the intent of the proposed bylaw amendment, as determined by the President.

Details: <http://www.vsb.org/site/news/item/proposed-amendment-bylaws-2013-10>

PROPOSED AMENDMENT TO E-MAIL POLICY

The VSB Council is seeking public comment on a proposed amendment to the Policy Concerning the Use and Disclosure of VSB e-mail addresses. Comments are due by January 24, 2014, to the VSB offices or publiccomment@vsb.org. The amendment provides for the distribution of periodic e-mails by the VSB president regarding items of interest.

Details: <http://www.vsb.org/docs/prop-e-mail-policy-100713.pdf>

AMENDMENT TO VSB BYLAWS REGARDING EXECUTIVE COMMITTEE SIZE

The motion at the October 4, 2013, Council meeting to amend the Bylaws of Council, Part II, Article VI, "Executive Committee," Sec. 1, changing the total number of members from thirteen to sixteen failed by a vote of 28 to 28.

VSB SEEKING NOMINATIONS FOR THE FOLLOWING AWARDS:

HARRY L. CARRICO PROFESSIONALISM AWARD

The award is made in honor of the Honorable Harry L. Carrico, a former chief justice of the Supreme Court of Virginia, who exemplifies the highest ideals and aspirations of professionalism in the administration of justice in Virginia.

BETTY A. THOMPSON LIFETIME ACHIEVEMENT AWARD

The award recognizes and honors an individual who has made a substantial contribution to the practice and administration of family law in Virginia.

FAMILY LAW SERVICE AWARD

The award is given to an individual or organization who has consistently given freely of time, talent and energies to provide valuable services in advancing family, domestic relations, or juvenile law in Virginia, whether such services are rendered to the Virginia legal community or directly to the citizens of Virginia.

WILLIAM R. RAKES LEADERSHIP IN EDUCATION AWARD

This award recognizes an individual from the bench, the practicing bar, or the academy who has:

- Demonstrated exceptional leadership and vision in developing and implementing innovative concepts to improve and enhance the state of legal education ...;
- Made a significant contribution to improving the state of legal education in Virginia ... and to enhancing communication, cooperation, and meaningful collaboration among the three constituencies of the legal profession.

Continued from page 5.

REINSTATEMENT PETITION (CONT.)

Examination in March 2012 and received a scaled score of 85 or higher; that she has reimbursed the Virginia State Bar for all costs, together with any interest, previously assessed against her; and that she is a person of honest demeanor and good moral character who possesses the requisite fitness to practice law.

Copies of the Order of Revocation and Petition for Reinstatement are available by contacting clerk@vsb.org or (804) 775-0539.