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DISCIPLINARY PROCEEDINGS

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Circuit Courts				
Carl Herman Bundick	Accomac, VA	Public Reprimand w/terms	September 24, 2009	3
Walter Franklin Green, IV	Harrisonburg, VA	Suspension – 7 months	December 26, 2010	3
Walter Ware Morrison	Virginia Beach, VA	Suspension – 90 Days	October 15, 2009	3
*Andrew Robert Sebok	Norfolk, VA	Suspension – 3 months	July 17, 2009	3
George Anthony Yancey	Norfolk, VA	Public Admonition w/terms	September 29, 2009	3
		Public Reprimand	September 29, 2009	4
Disciplinary Board				
Steven Scott Biss	Petersburg, VA	Suspension – 30 Days	January 1, 2010	4
Anthony Gerome Davis	Birmingham, AL	Suspension w/terms – 8 months	October 19, 2009	4
Matthew Bennett Greene	United Kingdom	Revocation	November 10, 2009	5
Anne Marston Lynch	Portsmouth, VA	Revocation	December 4, 2009	5
Daniel Stephen Orci Jr.	Washington, DC	Revocation	October 23, 2009	5
District Committees				
Susan Page Allen	Richmond, VA	Public Reprimand	October 29, 2009	5
John Wesley Bonney	Norfolk, VA	Public Reprimand w/terms	October 26, 2009	5
Linda Lee Cupit	Virginia Beach, VA	Public Admonition w/terms	October 26, 2009	6
Kelly Ralston Dennis	McLean, VA	Public Reprimand w/terms	November 5, 2009	6
Crystal Anita Gist Fisher	Waldorf, MD	Public Reprimand w/terms	October 22, 2009	6
Vernon Keeve Jr.	Fredericksburg, VA	Public Reprimand	December 1, 2009	6
Suspension – Failure to Pay Disciplinary Costs		Effective Date	Lifted	
Joseph Kelly Haley III	Petersburg, VA	November 16, 2009		n/a
John Crane King	Plano, TX	December 2, 2009		n/a
Robert E. Miller	Newman, GA	December 1, 2009		n/a
Peter Campbell Sackett	Lynchburg, VA	November 10, 2009		n/a
Bruce Harold Troxell	Annandale, VA	December 3, 2009		n/a
Suspension – Failure to Comply with Subpoena		Effective Date	Lifted	
Tina Elizabeth Orr	Norfolk, VA	October 6, 2009	November 6, 2009	n/a
Peter Campbell Sackett	Lynchburg, VA	October 27, 2009		n/a
Gary Lance Smith	Winchester, VA	November 17, 2009		n/a

*Respondent has noted an appeal with the Supreme Court of Virginia.

**Supreme Court granted stay of suspension pending appeal.

***Respondent withdrew the appeal.

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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.

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DISCIPLINARY PROCEEDINGS

The following are summaries of disciplinary actions for violations of the Virginia Rules of Professional Conduct (RPC) (Rules of the Supreme Court of Virginia, Part 6, § II, eff. Jan. 1, 2000) or another of the Supreme Court rules (Rules). References to Part 6, § IV, ¶ 13 refer to the reformatted Rules effective May 1, 2009, unless otherwise indicated.

Copies of complete 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 COURTS

CARL HERMAN BUNDICK

Accomac, Virginia

09-021-075737

On September 24, 2009, a three-judge panel in the Virginia Beach Circuit Court imposed a public reprimand with terms on Carl Herman Bundick for violating disciplinary rules that govern diligence and communication. The misconduct occurred in his representation in a divorce. RPC 1.3(a); 1.4(a-c)

http://www.vsb.org/docs/Bundick_12-11-09.pdf

WALTER FRANKLIN GREEN IV

Harrisonburg, Virginia

07-070-2248

On November 12, 2009, a three-judge panel in the Rockingham County Circuit Court suspended Walter Franklin Green IV's license to practice law for seven months, to begin December 26, 2010, following an eighteen-month suspension that Mr. Green is currently serving. The court

found he violated disciplinary rules that govern diligence, communication, declining or terminating representation, and unauthorized practice of law when he filed a pleading on behalf of a client during a time when his license was suspended. RPC 1.3(a); 1.4(b); 1.16(a)(1); 5.5(a)(1)

http://www.vsb.org/docs/Green_12-21-09.pdf

WALTER WARE MORRISON

Virginia Beach, Virginia

08-021-072848

Effective October 15, 2009, a three-judge panel in the Virginia Beach Circuit Court suspended Walter Ware Morrison's license to practice law for ninety days for violating professional rules that govern candor toward the tribunal and misconduct that reflects adversely on a lawyer's fitness to practice. The case involved a visitation and custody dispute. RPC 3.3(a)(1), 8.4(c)

http://www.vsb.org/docs/Morrison_12-08-09.pdf

ANDREW ROBERT SEBOK

Norfolk, Virginia

08-021-074174

On July 15, 2009, the Supreme Court of Virginia stayed the following suspension pending appeal. Mr. Sebok filed the appeal on December 10, 2009.

On June 26, 2009, a three-judge panel in the Norfolk Circuit Court suspended Andrew Robert Sebok's license to practice law for three months, effective July 17, 2009. Mr. Sebok violated disciplinary rules that govern diligence, communication, and declining or terminating representation. The misconduct occurred in his court-appointed representation of a client in a criminal appeal. RPC 1.3(a); 1.4(b); 1.16(d)

http://www.vsb.org/docs/Sebok_11-12-09.pdf

GEORGE ANTHONY YANCEY

Norfolk, Virginia

07-022-0217

On September 29, 2009, a three-judge panel of the Norfolk Circuit Court issued a public admonition with terms to George Anthony Yancey for violating professional rules that govern diligence and termination of representation. The terms require him to replace the transcript he lost in a habeas case. RPC 1.3(a); 1.16(d)

Final order:

http://www.vsb.org/docs/Yancey-Final-Order_12-08-09.pdf

Public admonition:

http://www.vsb.org/docs/Yancey_Public-Admon_12-08-09.pdf

GEORGE ANTHONY YANCEY

Norfolk, Virginia

08-022-073014

On September 29, 2009, a three-judge panel in the Norfolk Circuit Court issued a public reprimand to George Anthony Yancey for violating disciplinary rules that govern competence, diligence, and responsibilities regarding nonlawyer assistants. The misconduct occurred when Mr. Yancey defaulted on an appeal in a court-appointed criminal case. RPC 1.1; 1.3(a); 5.3(a)

Final order:

http://www.vsb.org/docs/Yancey-Final_12-08-09.pdf

Final memorandum:

http://www.vsb.org/docs/Yancey-Final-Memo_12-08-09.pdf

Memorandum order:

http://www.vsb.org/docs/Yancey-Memo-Order_12-08-09.pdf

DISCIPLINARY BOARD

STEVEN SCOTT BISS

Petersburg, Virginia

09-032-078962

Effective January 1, 2010, the Virginia State Bar Disciplinary Board imposed a thirty-day suspension of Steven Scott Biss's license to practice law, for violating the professional rule governing misconduct that reflects adversely on the lawyer's fitness to practice. During a previous suspension of his law license, Mr. Biss continued to negotiate with an insurance company on behalf of a client in a personal injury matter. RPC 8.4(c)

http://www.vsb.org/docs/Biss_11-05-09.pdf

ANTHONY GEROME DAVIS

Birmingham, Alabama

09-010-076193

On October 19, 2009, the Virginia State Bar Disciplinary Board suspended Anthony Gerome Davis's license to practice law for eight months with terms. The board found that he violated disciplinary rules that govern diligence, communication, safekeeping property, declining or terminating representation, and bar admission and disciplinary matters. The misconduct occurred in a custody case. This was an agreed disposition of misconduct charges. RPC 1.3(a); 1.14(a); 1.15(a)(1),(2); 1.16(d); 8.1(c)

http://www.vsb.org/docs/Davis_11-05-09.pdf

MATTHEW BENNETT GREENE

London, United Kingdom

08-041-075456, 08-041-075121

On November 10, 2009, the Virginia State Bar Disciplinary Board revoked Matthew Bennett Greene's license to practice law. In consenting to the revocation, Mr. Greene acknowledged that he was facing ethics charges in two cases and admitted that the material facts of the charges are true. The cases involved his representations in property investment projects. Rules Part 6, § IV, ¶ 13-28

http://www.vsb.org/docs/Greene_12-11-09.pdf

ANNE MARSTON LYNCH

Portsmouth, Virginia

10-010-080842

On December 4, 2009, the Virginia State Bar Disciplinary Board revoked Anne Marston Lynch's license to practice law. In agreeing to the revocation, Ms. Lynch acknowledged that she had been indicted on a felony embezzlement charge in Suffolk Circuit Court and that the facts of the case are true. Rules Part 6, §IV, ¶13-28

http://www.vsb.org/docs/Lynch_12-21-09.pdf

DANIEL STEPHEN ORCI JR.

Washington, D.C.

10-000-081110

On October 23, 2009, the Virginia State Bar Disciplinary Board revoked Daniel Stephen Orci Jr.'s license to practice law in response to his July 2, 2009, disbarment in the District of Columbia by the D.C. Court of Appeals. His Virginia license was summarily suspended on September 25, 2009, pending a board hearing. Rules Part 6, § IV, ¶ 13-24.A

http://www.vsb.org/docs/Orci_11-16-09.pdf

DISTRICT COMMITTEES

SUSAN PAGE ALLEN

Richmond, Virginia

08-031-075097

On October 29, 2009, a Virginia State Bar Third District-Section I Subcommittee imposed a public reprimand on Susan Page Allen for violating professional rules that govern diligence and conflict of interest: general rule. The misconduct occurred in a real estate case. RPC 1.3(a); 1.7(a)(1),(2),(b)(1-4)

http://www.vsb.org/docs/Allen-Sus_12-08-09.pdf

JOHN WESLEY BONNEY

Norfolk, Virginia

08-021-074831, 09-021-075690, 09-021-079170

On October 26, 2009, a Virginia State Bar Second District Subcommittee issued a public reprimand with terms to John Wesley Bonney for violating disciplinary rules that govern diligence, fees, declining or terminating representation, firm names and letterheads, and misconduct that reflects adversely on a lawyer's fitness to practice law. The subcommittee ordered Mr. Bonney to refund money to two clients and to vacate a judgment against one of the clients. This was an agreed disposition of misconduct charges. RPC 1.3(a); 1.5(a); 1.16(c),(d); 7.5(a); 8.4(b),(c)

http://www.vsb.org/docs/Bonney_11-12-09.pdf

DISCIPLINARY SUMMARIES

LINDA LEE CUPIT

Virginia Beach, Virginia

09-022-078836

On October 26, 2009, a Virginia State Bar Second District Subcommittee imposed a public admonition with terms on Linda Lee Cupit for violating professional rules that govern safekeeping property and for not performing required reconciliations of her escrow account. This was an agreed disposition of misconduct charges. 1.15(a)(1),(2), (e)(1)(i-v), (f)(4)(i),(ii),(5)(i-iii)

http://www.vsb.org/docs/Cupit_12-08-09.pdf

KELLY RALSTON DENNIS

McLean, Virginia

08-051-072652

On November 5, 2009, a Virginia State Bar Fifth District-Section I Subcommittee issued a public reprimand with terms on Kelly Ralston Dennis for violating disciplinary rules that govern competence, diligence, communication, and conflict of interest: general rule. The violations occurred during representation in matters involving creditors' collection efforts against Mr. Dennis's client. This was an agreed disposition of misconduct charges.

http://www.vsb.org/docs/Dennis_12-11-09.pdf

CRYSTAL ANITA GIST FISHER

Waldorf, Maryland

08-042-073471 and 09-042-075770

On October 22, 2009, a Virginia State Bar Fourth District-Section II Subcommittee issued a public reprimand with terms to Crystal Anita Gist Fisher for violating disciplinary rules that govern diligence and communication. The misconduct occurred in two employment discrimination matters. This was an agreed disposition of misconduct charges. RPC 1.3(a), 1.4(a)

http://www.vsb.org/docs/Fisher_11-12-09.pdf

VERNON KEEVE JR.

Fredericksburg, Virginia

05-060-3437

On December 1, 2009, a Virginia State Bar Sixth District subcommittee issued a public reprimand to Vernon Keeve Jr. for violating disciplinary rules that govern diligence, communication, safekeeping property, declining or terminating representation, and fairness to opposing party and counsel. The misconduct occurred during his representation of a client in a personal injury case. This was an agreed disposition of ethics charges. RPC 1.3(a); 1.4(a),(c); 1.15(c)(4); 1.16(a)(2); 3.4(a),(d)

http://www.vsb.org/docs/Keeve_12-11-09.pdf

LEGAL ETHICS OPINIONS

APPROVED OPINION

LEO 1852

*EMPLOYMENT LIMITATIONS FOR SUSPENDED
OR REVOKED LAWYERS*

Effective: On December 9, 2009, the Standing Committee on Legal Ethics approved the advisory Legal Ethics Opinion 1852.

Details: <http://www.vacle.org/opinions/1852.htm>

WITHDRAWN OPINION

LEO 1553

*COMMUNICATION WITH ADVERSE PARTIES:
PARENT'S COUNSEL IN CUSTODY DISPUTE
MEETING WITH MINOR CHILD*

On December 9, 2009, the Virginia State Bar Standing Committee on Legal Ethics withdrew Legal Ethics Opinion 1553 (October 20, 1993), which opines that there is no improper ex parte communication because the child (represented by a lawyer or guardian ad litem) was not a *party* in the custody proceeding. The committee withdrew the opinion because it was based on Disciplinary Rule 7-103, which predates current Rules of Professional Conduct 4.2. Rule 4.2, adopted in 2000, prohibits communications with persons represented by counsel and not merely *parties*.

* *

ADMINISTRATIVE SUSPENSIONS

As required by the Rules of the Supreme Court of Virginia Part Six, Section IV, Paragraph 19, the Virginia State Bar has posted a list of members who were administratively suspended on October 9, 2009, for failure to comply with Paragraphs 11 and 16, 18, or 19 of the Rules of Court or Sections 54.1-3912 or 54.1-3913.1 of the Code of Virginia. These attorneys were notified of their suspensions at their current addresses of record with the Virginia State Bar; however, in some instances, this has not been effective. To assist the VSB in re-establishing contact with these attorneys, anyone with knowledge of the present location and practice status of persons on this list should contact the Membership Department at (804) 775-0530 or membership@vsb.org. This list was last updated on December 4, 2009.

Details:

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

NOMINATIONS SOUGHT
FOR VSB COMMITTEES

**PRESIDENT-ELECT BLANK SEEKS COMMITTEE
MEMBERS FOR TERMS STARTING JULY 2010**

Virginia State Bar President-elect Irving M. Blank invites Virginia lawyers to volunteer for committees essential to the self-regulation of the legal profession. Appointments generally will be for three-year terms that run from July 1, 2010, to June 30, 2013. If you want to be considered for an appointment, fill out the form at the link below and send it to the bar at 775-0501 (fax) or breeden@vsb.org by March 9, 2010. Persons of diversity are encouraged to apply.

Form: http://www.vsb.org/docs/cmte_form.pdf

FEBRUARY COUNCIL PROPOSAL

The Virginia State Bar seeks public comment on the following proposal, which will be considered at the VSB Council meeting on February 27, 2010, in Richmond. Comments should be sent in writing to Karen A. Gould, Executive Director, Virginia State Bar, 707 East Main Street, Suite 1500, Richmond, VA 23219, no later than end of business on the date of deadline.

SAFEKEEPING PROPERTY AND MAINTENANCE OF TRUST ACCOUNTS

Deadline for comment: February 8, 2010

The Standing Committee on Legal Ethics proposes an amendment to Rule 1.15, Safekeeping Property, that eliminates redundancy in the rule and clarifies the rule's record-keeping requirements for Virginia lawyers. In addition, the committee proposes modifications to Paragraph 20 that include elimination of the regulations for the approval of financial institutions as a depository for attorney trust accounts in Virginia.

Specifically, the committee proposes restructuring Rule 1.15 to:

1. combine the requirements as they apply to lawyers and fiduciaries;
2. eliminate the terms used to refer to certain records and replace them with specific descriptions of the type of records that need to be maintained;
3. eliminate the rule's redundant definitions;
4. eliminate detailed requirements from the rule that were specifically applicable to financial institutions, as that information is included in the Virginia State Bar Approved Financial Institution Agreement;

5. add a specific requirement to the rule that a lawyer cannot disburse funds or use property of a client or third party without the client's consent or convert or misappropriate funds or property of a client or third party, except as directed by a tribunal;

6. add language to Comment [6] that gives additional guidance to lawyers using electronic banking transactions;

7. add specific language requiring a lawyer to hold funds in escrow when a third party has made a claim against those funds; and

8. add titles to subparagraphs for simplicity and clarity.

The amendments to Paragraph 20 would accomplish the following:

1. define a financial institution approved by the Virginia State Bar;
2. clarify the different types of trust accounts that can be opened, as well as create an opt-out provision; and
3. outline the specific requirements that financial institutions must follow as Virginia State Bar "approved financial institutions."

This amended Paragraph 20 would incorporate a new "Virginia State Bar Approved Financial Agreement" that all financial institutions must execute in order to be approved by the Virginia State Bar. The agreement would be incorporated by reference as an appendix to the rule.

(Amendments to Rules of Professional Conduct 1.15 and Rules of the Supreme Court of Virginia Part 6, § IV, ¶ 20)

Details: http://www.vsb.org/docs/Rule1-15_12-9-09.pdf and http://www.vsb.org/docs/Para20_AppA_12-9-09.pdf

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_2010-01.pdf