
VIRGINIA LAWYER REGISTER

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In this issue:

- 2 Disciplinary Proceedings
- 3 Disciplinary Summaries
- 5 Proposals for Public Comment
- 5 Approved Rule Changes
- 8 Notices to Members

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 Supreme Court of Virginia. 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
Circuit Court				
Henry St. John Fitzgerald	Arlington, VA	Public Reprimand	January 11, 2011	3
Edward Ruffin House	Suffolk, VA	Revocation	January 5, 2011	3
Disciplinary Board				
Richard Anthony Bednar	Farmington, UT	Suspension — 3 years	March 23, 2011	3
Larry Cecil Brown Jr.	Alexandria, VA	Public Admonition w/Terms	February 15, 2011	3
Arthur Charles Ermlich Jr.	Virginia Beach, VA	Suspension w/Terms — 5 days	January 28, 2011	3
		Suspension — 6 months	January 28, 2011	
Steven Frank Helm	Salem, VA	Revocation	April 1, 2011	3
Keh Soo Park	Fairfax, VA	Revocation	March 8, 2011	3
Peter Jung-Wook Rim	Annandale, VA	Public Reprimand w/Terms	February 18, 2011	4
Michael Raymond Thames	Arlington, VA	Public Reprimand w/Terms	December 10, 2011	4
Karen Patricia Woolley	Southern Pines, NC	Suspension — 30 days	February 4, 2011	4
District Committees				
Clay Bennett Blanton	Quinton, VA	Public Reprimand	March 15, 2011	4
Gregory Thomas Casker	Chatham, VA	Public Reprimand	February 3, 2011	4
James Fred Sumpter	Midlothian, VA	Public Reprimand w/Terms	March 3, 2011	4
Walter Ware Morrison	Virginia Beach, VA	Public Reprimand w/Terms	March 14, 2011	4
Suspension—Impairment		Effective Date		
Clarence Flippo Hicks	Gloucester, VA	February 25, 2011		n/a
Suspension—Failure to Pay Disciplinary Costs		Effective Date		
Gerald Manly Bowen	Herndon, VA	February 15, 2011		n/a
Walter Franklin Green IV	Harrisonburg, VA	February 11, 2011		n/a
Philip Alan Liebman	Virginia Beach, VA	March 14, 2011		n/a
Sol Zalel Rosen	Arlington, VA	February 11, 2011		n/a
Richard Glenn Solomon	Falls Church, VA	March 4, 2011		n/a
Suspension—Failure to Comply with Subpœna		Effective Date		
Tracey Suzann Foughty-Deavers	Fairfax, VA	February 14, 2011		n/a
Brian Gay	Virginia Beach, VA	February 14, 2011		n/a
		March 21, 2011		n/a
John Russell Ward	Virginia Beach, VA	March 24, 2011		n/a

Virginia Lawyer Register

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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 (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 COURTS

HENRY ST. JOHN FITZGERALD

Arlington, Virginia

09-041-076478

On January 11, 2011, a three-judge panel in the Arlington County Circuit Court imposed a public reprimand on Henry St. John Fitzgerald for violating a professional rule that governs declining or terminating representation. This was an agreed disposition of misconduct charges. RPC 1.16(d),(e)

<http://www.vsb.org/docs/Fitzgerald-012611.pdf>

EDWARD RUFFIN HOUSE

Suffolk, Virginia

10-010-082618

On January 5, 2011, a three-judge panel in the Circuit Court of the City of Suffolk revoked Edward Ruffin House's license to practice law for violating professional rules that govern safekeeping property and dishonest conduct that reflects adversely on the lawyer's fitness to practice. RPC 1.15(a); 8.4(b),(c)

<http://www.vsb.org/docs/House-022511.pdf>

DISCIPLINARY BOARD

RICHARD ANTHONY BEDNAR

Farmington, Utah

09-052-078586, 09-052-079643, 09-052-079974, 10-052-081160

On March 23, 2011, the Virginia State Bar Disciplinary Board suspended Richard Anthony Bednar's license to practice law for three years for violating professional rules that govern diligence, communication, safekeeping property, declining or terminating representation, and failing to respond to a lawful demand for information from a disciplinary authority. This was an agreed disposition of misconduct charges. RPC 1.3(a); 1.4(a); 1.15(a)(2), (c)(4); 1.16(a)(2), (d), (d); 8.1(c)

<http://www.vsb.org/docs/Bednar-032411.pdf>

LARRY CECIL BROWN JR.

Alexandria, Virginia

07-053-2705

On February 15, 2011, the Virginia State Bar Disciplinary Board issued a public admonition with terms to Larry Cecil Brown Jr. for violating a disciplinary rule that governs safekeeping property. This was an agreed disposition of misconduct charges. RPC 1.15(a)(2)

<http://www.vsb.org/docs/Brown-022511.pdf>

ARTHUR CHARLES ERMILICH JR.

Virginia Beach, Virginia

10-022-083391

Effective January 28, 2011, the Virginia State Bar Disciplinary Board suspended Arthur Charles Ermlich Jr.'s license to practice law for five days and imposed terms on the suspension for violating a professional rule that governs declining or terminating representation by failing to return a client's file. This was an agreed disposition of misconduct charges. RPC 1.16(e)

<http://www.vsb.org/docs/Ermlich-Susp-Terms-021511.pdf>

ARTHUR CHARLES ERMILICH JR.

Virginia Beach, Virginia

10-022-083032

On January 28, 2011, the Virginia State Bar Disciplinary Board suspended Arthur Charles Ermlich Jr.'s license to practice law for six months for violating professional rules that govern diligence, communication, and failing to protect a client's interest after terminating representation. RPC 1.3(a); 1.4(a); 1.16(d)

<http://www.vsb.org/docs/Ermlich-021511.pdf>

STEVEN FRANK HELM

Salem, Virginia

10-080-083744, 11-080-084690, 11-080-086004

On April 1, 2011, the Virginia State Bar Disciplinary Board revoked Steven Frank Helm's license to practice law. In consenting to the revocation, Mr. Helm acknowledged the truth of material facts of pending disciplinary complaints and that he could not successfully defend prosecution of charges based on the complaints. Rules Part 6, § IV, ¶ 13-28

<http://www.vsb.org/docs/Helm-040111.pdf>

KEH SOO PARK

Fairfax, Virginia

09-052-078381, 11-052-086577

On March 8, 2011, the Virginia State Bar Disciplinary Board revoked Keh Soo Park's license to practice law. In consenting to the revocation, Mr. Park acknowledged the truth of material facts of pending disciplinary complaints and that he could not successfully defend prosecution of charges based on the complaints. Rules Part 6, § IV, ¶ 13-28

<http://www.vsb.org/docs/Park-Revocation-032811.pdf>

PETER JUNG-WOOK RIM

Annandale, Virginia

08-053-074843

On February 18, 2011, the Virginia State Bar Disciplinary Board imposed a public reprimand with terms on Peter Jung-Wook Rim for violating professional rules that govern responsibilities regarding nonlawyer assistants and deliberate misconduct that reflects adversely on a lawyer's honesty, trustworthiness, or fitness to practice. This was an agreed disposition of misconduct charges. RPC 5.3(b),(c)(1); 8.4(b)

<http://www.vsb.org/docs/Rim-022811.pdf>

MICHAEL RAYMOND THAMES

Arlington, Virginia

09-041-079745

On January 27, 2011, the Virginia State Bar Disciplinary Board issued a public reprimand with terms to Michael Raymond Thames for violating or attempting to violate a disciplinary rule. RPC 1.3(a)

<http://www.vsb.org/docs/Thames-Amended-021511.pdf>

KAREN PATRICIA WOOLLEY

Southern Pines, North Carolina

08-070-075359

On February 4, 2011, the Virginia State Bar Disciplinary Board suspended Karen Patricia Woolley's license to practice law for thirty days for violating professional rules that govern confidentiality of information, conflict of interest involving prohibited transactions, and safekeeping property. This was an agreed disposition of misconduct charges. RPC 1.6(a); 1.8(e)(1),(2); 1.15(a)(1),(2), (e)(1)(i-v),(2)(i-iii), (f)(2),(4)(i),(ii),(5)(i-iii),(6);

<http://www.vsb.org/docs/Woolley-021511.pdf>

DISTRICT COMMITTEES

CLAY BENNETT BLANTON

Quinton, Virginia

09-060-077450

On March 15, 2011, a Virginia State Bar Sixth District Subcommittee imposed a public reprimand on Clay Bennett Blanton for violating disciplinary rules that govern competence and diligence. This was an agreed disposition of misconduct charges. RPC 1.1; 1.3(a)

<http://www.vsb.org/docs/Blanton-Determination-032811.pdf>

GREGORY THOMAS CASKER

Chatham, Virginia

10-090-082948, 10-090-083386, 10-090-083225

On February 3, 2011, a Virginia State Bar Ninth District Subcommittee issued a public reprimand to Gregory Thomas Casker for violating professional rules that govern diligence and communication. This was an agreed disposition of misconduct charges. RPC 1.3(a); 1.4(a)

<http://www.vsb.org/docs/Casker-021511.pdf>

JAMES FRED SUMPTER

Midlothian, Virginia

11-032-085088

On March 3, 2011, a Virginia State Bar Third District–Section II Subcommittee issued a public reprimand with terms on James Fred Sumpter for violating professional rules that govern competence, diligence, and communication. This was an agreed disposition of misconduct charges. RPC 1.1; 1.3(a),(b); 1.4(a)

<http://www.vsb.org/docs/Sumpter-032811.pdf>

WALTER WARE MORRISON

Virginia Beach, Virginia

10-021-083030

On March 14, 2011, a Virginia State Bar Second District Subcommittee imposed a public reprimand with terms on Walter Ware Morrison for violating professional rules that govern communication, fees, and safekeeping property. This was an agreed disposition of misconduct charges. RPC 1.4(b); 1.5(a),(b); 1.15(a)

<http://www.vsb.org/docs/Morrison-Determination-032811.pdf>

PROPOSALS FOR PUBLIC COMMENT

The VSB Standing Committee on Legal Ethics requests public comment on the following proposed ethics opinions. Comments should be submitted 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.

PROPOSED LEGAL ETHICS OPINION 1856

*SCOPE OF PRACTICE FOR
FOREIGN LAWYER IN VIRGINIA*

Deadline for comment: June 2, 2011

Proposed Legal Ethics Opinion 1856 develops the application of Virginia ethics rules to multijurisdictional practice in the commonwealth. The advisory opinion addresses a hypothetical Virginia law firm in which some of the partners and associates are licensed in other U.S. jurisdictions or a foreign nation, but not Virginia. The Ethics Committee examines under what conditions these “foreign lawyers,” as defined under Virginia Rules of Professional Conduct 5.5(d)(1), can practice on a temporary basis or “continuously and systematically” under Rule 5.5. The opinion also addresses the conditions under which foreign lawyers can work for a Virginia law firm as contract attorneys.

Draft opinion: <http://www.vsb.org/site/regulation/leo-1856>

PROPOSED LEGAL ETHICS OPINION 1858

*MAY A LAWYER AGREE
TO INDEMNIFY AN INSURANCE COMPANY
AS A CONDITION OF SETTLEMENT?*

Deadline for comment: June 2, 2011

Proposed Legal Ethics Opinion 1858 asks two questions: May a plaintiff’s lawyer agree to indemnify a defendant or the defendant’s insurer for a third-party lien claim against settlement proceeds received by the plaintiff? And may the defendant’s counsel request or demand an indemnification agreement as a condition of settlement? The opinion concludes that the plaintiff’s lawyer cannot ethically agree to pay an unreimbursed lien, nor can the defendant’s lawyer make indemnification of the third party lien by the plaintiff’s lawyer a condition of settlement.

Draft opinion: <http://www.vsb.org/site/regulation/leo-1858>

APPROVED RULE CHANGES

RULES OF THE VIRGINIA SUPREME COURT
PART 1A, RULE 1A:5

VIRGINIA CORPORATE COUNSEL

Effective: April 15, 2011

The Supreme Court of Virginia approved amendments to Rule 1A:5 that were proposed by the Joint Virginia State Bar-Virginia Bar Association Corporate Counsel Pro Bono Task Force and endorsed by the VSB Council. The Court amended the previous rule to lift limitations and expand opportunities for Part I corporate counsel, who are admitted in states other than Virginia, to do pro bono work subject to the VSB’s regulatory authority while they do that work. The Court removed requirements that the registrants’ work be supervised by a Virginia-licensed legal aid society, that the work be supervised by a legal aid lawyer or pro bono volunteer who is an active member of the VSB, and that limited the legal services the registrant could provide.

Amended rule: http://www.vsb.org/pro-guidelines/index.php/rule_changes/item/the-joint-virginia-state-bar-and-virginia-bar-association-corporate-counsel/

RULES OF THE VIRGINIA SUPREME COURT
PART 6, § IV, ¶ 11

DUES

Effective: March 9, 2011

These amendments to Part 6, § IV, ¶ 11 of the Rules of the Virginia Supreme Court provide the Virginia State Bar with more flexibility for setting dues. Previously, Paragraph 11 required the VSB to charge \$250 for active members and \$125 for associate members. The new rule permits the VSB to charge up to \$250 for active members and \$125 for associate members. The VSB is required to report to the Court the proposed annual dues amount on or before April 1 for the following fiscal year.

Amended rule: http://www.vsb.org/pro-guidelines/index.php/rule_changes/item/amendments-to-paragraph-11-regarding-usb-annual-dues/

RULES OF THE VIRGINIA SUPREME COURT PART 6, IV, ¶ 13

PROCEDURE FOR DISCIPLINING, SUSPENDING, AND DISBARRING ATTORNEYS

Effective: February 17, 2011

These changes address the Virginia State Bar's procedures for implementing Court multijurisdictional practice rules, which regulate lawyers who are not members of the Virginia State Bar, but who are authorized to conduct a limited practice here.

Amended rule: http://www.vsb.org/pro-guidelines/index.php/rule_changes/item/amendments-to-paragraph-13-regarding-multijurisdictional-practice/

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.

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.

ATTORNEY NAME CHANGES

To change your name of record with the Supreme Court of Virginia and the Virginia State Bar, do the following:

- Fill out an "Attorney Name Change" petition. The petitions — one for name change by circuit court order and another for name change by marriage — are posted at <http://www.courts.state.va.us/courts/scv/forms.html>.
- Send to the Supreme Court with a copy of the certificate of marriage or court order. The address is at the bottom of the forms.
- Include a check for \$14 if you want a new certificate of qualification, or \$10 if you don't want a certificate.

Name changes take about a month to process.

Questions should be addressed to the Supreme Court Clerk's Office at 786-2251.



Virginia State Bar Publications

The Virginia State Bar publishes pamphlets and handbooks on law-related issues for Virginia's lawyers and Virginia's citizens. Please note that some are available in bulk quantities, and others only in single copies. All publications can also be found on the VSB website at <http://www.vsb.org>. You may e-mail single copy orders to quarles@vsb.org.

FOR THE PUBLIC

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DUES TO DECREASE FOR FISCAL 2012

On March 31, 2011, the Virginia State Bar Executive Committee approved a draft 2011-12 VSB budget that included a \$25 dues decrease for active members and a \$12.50 decrease for associate members. The Supreme Court has approved the dues decrease.

The new dues assessment of \$225 for active members and \$112.50 for associate members will be reflected in the dues that must be paid on or before July 31, 2011. The Clients' Protection Fund assessment will remain at \$25.

UPL STATUTE OF LIMITATION TO BE EXTENDED

The statute of limitation for prosecution of the misdemeanor of unauthorized practice of law (UPL) will change to two years from discovery of the offense by the complainant, under amendments to Code of Virginia § 54.1-3904 that go into effect July 1, 2011.

The legislation was requested by the Virginia State Bar's Standing Committee on the Unauthorized Practice of Law.

CALL FOR VOLUNTEERS

The Special Committee on the Resolution of Fee Disputes is seeking volunteers (lawyers and nonlawyers) to serve on its Circuit Committees on the Resolution of Fee Disputes.

There are currently eleven active committees in Virginia. They serve the 2nd, 10th, 16th, 17th, 18th, 23rd, 24th, 28th, and 31st circuits, as well as the Richmond metro and Norfolk-Portsmouth areas.

The committee also wants to establish committees in the 9th-15th (combined), 20th, 25th, 26th, and 27th circuits.

Lawyer volunteers must have been a member of the Virginia State Bar for at least five years and be in good standing. To volunteer to serve on one of these panels, please contact Paulette Davidson at (804) 775-0521 or Davidson@vsb.org.

For more information on the Fee Dispute Resolution Program, see <http://www.vsb.org/public/fee-dispute-resolution-program/>.

VSB ONLINE DUES RENEWAL TO BEGIN IN JUNE

Lawyers will be able to renew their Virginia State Bar membership and pay their dues online for the first time this year.

Online Membership Renewal will begin in early June, after paper dues statements have been mailed. The online option is available to members in good standing with active, active/Virginia corporate counsel, and associate memberships.

The new service will accept only individual attorney renewals.

Access will be provided through the secure "Member Login" area of VSB.org. Members who choose "Online Membership Renewal" will certify whether they are covered by a professional liability insurance policy, select what voluntary sections they wish to join, and pay their mandatory annual dues (including the mandatory \$25 Clients' Protection Fund fee), plus any section dues, by credit card.

The site will accept MasterCard and Visa, which can be applied through Online Membership Renewal to dues-related payments only. These include late fees that accrue after the membership compliance deadline of July 31. The membership renewal, insurance certification, and dues payment will be processed immediately, and a receipt will be issued.

Access to the Online Membership Renewal option will be available to members from early June until early October, when attorneys are administratively suspended for membership noncompliance.

When the access is available, the VSB will alert members through the monthly E-News and the "Latest News" section of VSB.org.

Online Membership Renewal is the first of several planned improvements to give members more flexibility and convenience through the VSB website. Eventually, the service will be expanded to include online renewals by groups of attorneys and charging of MCLE noncompliance fees and disciplinary costs.

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_2011-05.pdf.
