

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF
JEFFREY BOURKE RICE

VSB DOCKET NO. 02-052-0197

ORDER OF SUSPENSION

It appearing that the license of Jeffrey Bourke Rice to practice law in the Commonwealth of Virginia was suspended for one year effective May 21, 2004, by Order of the Virginia State Bar Disciplinary Board; and

It appearing further that the Respondent appealed the suspension to the Virginia Supreme Court and filed a petition to stay the suspension, which petition was granted by the Virginia Supreme Court effective June 10, 2004; and

It further appearing that the Virginia Supreme Court entered an Order dated January 28, 2005, affirming the decision of the Disciplinary Board, and instructing the Disciplinary Board to enter an Order fixing the effective date of the suspension and the date Jeffrey Bourke Rice shall comply with the provisions of Part Six, Section IV, Paragraph 13.M of the Rules of the Supreme Court of Virginia; and

It further appearing appropriate to do so;

It is ORDERED that the Respondent's license to practice law in the Commonwealth of Virginia is suspended for a period of One Year effective upon entry of this Order; and

It is further ORDERED that pursuant to the provisions of Part Six, Section IV, Paragraph 13.M of the Rules of the Supreme Court of Virginia, that Jeffrey Bourke Rice shall forthwith give notice by certified mail, return receipt requested, of the Suspension of his license to practice law in the Commonwealth of Virginia, to all clients for whom he is currently handling matters

and to all opposing attorneys and presiding judges in pending litigation. He shall also make appropriate arrangements for the disposition of matters then in his care in conformity with the wishes of his client. He shall give such notice within fourteen (14) days of the effective date of the Suspension order, and make such arrangements as are required herein within forty-five (45) days of the effective date of the Suspension order. The Attorney shall furnish proof to the bar within sixty (60) days of the effective date of the Suspension order that such notices have been timely given and such arrangement for the disposition of matters made. Issues concerning the adequacy of the notice and arrangements required herein shall be determined by the Disciplinary Board, which may impose a sanction of revocation or suspension for failure to comply with the requirements of this subparagraph.

It is further ORDERED that an attested copy of this Order be mailed to the Respondent by certified mail, return receipt requested, at his address of record with the Virginia State Bar, 10521 Judicial Drive, Fairfax, VA 22030, and a copy by regular mail to Noel D. Sengel, Senior Assistant Bar Counsel, Virginia State Bar, 100 North Pitt Street, Suite 310, Alexandria, VA 22314-3133.

ENTERED THIS ORDER THIS 7th

DAY OF February, 2005

FOR THE VIRGINIA STATE BAR
DISCIPLINARY BOARD

Barbara S. Lanier
Barbara Sayers Lanier
Clerk of the Disciplinary System

received

VIRGINIA:

FEB 7 2005

*In the Supreme Court of Virginia held at the Supreme Court Building in the
City of Richmond on* Friday *the* 28th *day of* **VSB CLERK'S OFFICE**
January, 2005.

Jeffrey Bourke Rice, Appellant,

against Record No. 042007
VSB Docket No. 02-052-0197

Virginia State Bar, Appellee.

Upon an appeal of right
from an order entered by the
Virginia State Bar Disciplinary
Board.

Upon consideration of the record, briefs, and argument of
appellant, in proper person, and counsel for the appellee, the
Court is of opinion that there is no error in the order appealed
from.

On May 5, 2003, the Virginia State Bar Disciplinary Board
(Disciplinary Board) entered an order holding that Jeffery Bourke
Rice violated Rules 1.3(a) and 8.1(c) of the Rules of Professional
Conduct and suspending Rice's license to practice law in this
Commonwealth for one year. On appeal, this Court determined that
the record did not support the Disciplinary Board's findings of
fact regarding Rice's violation of Rule 8.1(c) and dismissed that
charge. The case was remanded to the Disciplinary Board for
further consideration of the appropriate sanction. Rice v.
Virginia State Bar, 267 Va. 299, 301, 592 S.E.2d 643, 645 (2004).

On remand, the Disciplinary Board considered the prior
proceedings in the matter, but did not take additional evidence.

Following argument by Rice and counsel for the Virginia State Bar, the Board entered an order suspending Rice's license to practice law for one year, stating that the "Rule 1.3(a) violation, standing alone" merited the sanction imposed. The Disciplinary Board also stated that it placed "great emphasis" on Rice's "lengthy prior disciplinary record." Rice appeals from that order, maintaining that the sanction imposed was excessive.

The Disciplinary Board has wide discretion in determining the appropriate sanction for lawyer misconduct. Rules of Supreme Court of Virginia, Pt. 6, § IV, Para. 13 (I) (2) (f) (2) (2004). Tucker v. Virginia State Bar, 233 Va. 526, 534, 357 S.E.2d 525, 529 (1987). In imposing a sanction, the Disciplinary Board may consider any prior disciplinary actions against the attorney. Id. at 533, 357 S.E.2d at 529. On appellate review, the sanction imposed by the Disciplinary Board is presumed to be correct and will not be set aside on appeal unless we conclude that the sanction is contrary to law or unjustified based on a reasonable review of the record. Id. at 534, 357 S.E.2d at 529.

The record in this case reflects that Rice had been the subject of nine prior disciplinary actions which resulted in public and private reprimands as well as suspensions of his license to practice law. While Rice's earlier misconduct did not involve the specific conduct at issue here, the misconduct evidenced by his prior disciplinary actions shows a "propensity to commit various and recurring violations" of the Rules of Professional Conduct that can cause harm to clients and the public. Id. at 533, 357 S.E.2d at 529.

Based on our independent review, we conclude that the sanction imposed by the Disciplinary Board is not contrary to law and is justified by a reasonable view of the record.

The motion of the Virginia State Bar to dismiss the appeal for failure to file a transcript of the hearing before the Disciplinary Board on remand is denied.

Accordingly, the order of the Board is affirmed and the appellant shall pay to the appellee thirty dollars damages. This order shall be certified to the Virginia State Bar Disciplinary Board with instruction to enter an order fixing the effective date of the appellant's suspension and the date he shall comply with the provisions of Part 6, § IV, ¶ 13M of the Disciplinary Rules.

A Copy,

Teste:

Pat L. Hamilton

Clerk