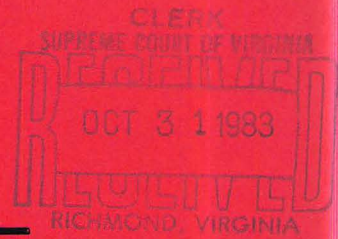


231VA308



IN THE
Supreme Court of Virginia
AT RICHMOND

RECORD NO. 830649

D. BROCK MATTHEWS

Appellant,

v.

VIRGINIA STATE BAR, ex rel. THIRD DISTRICT COMMITTEE

Appellee.

APPENDIX

Charles L. Beard, Esq.
MATTHEWS & BEARD
1214 Westover Hills Boulevard
Suite 205
Richmond, Virginia 23225

Counsel for Appellant

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COMMONWEALTH OF VIRGINIA



VIRGINIA STATE BAR

THIRD DISTRICT COMMITTEE

PERSONAL AND CONFIDENTIAL

March 30, 1982

PLEASE REPLY TO:
523 E. Main Street
Richmond, Virginia 23219
643-9066

N. Samuel Clifton
Executive Director
Virginia State Bar
700 Building, Second Floor
700 E. Main Street
Richmond, Virginia 23219

CERTIFICATION

RE: BC-DC-03-Matthews, D. Brock
Complaint by: Olds, Warren M.
VSB Docket No: 82-215

To the Executive Director:

Following is the Certification by the Committee of the above-referenced matters.

I. STATEMENT OF MISCONDUCT

FACTUAL CONCLUSIONS

- A. In the Spring of 1979, the Complainant employed the Respondent to handle his personal injury claim arising from a vehicle accident of October 1978.
- B. In October 1980, the Respondent filed a Motion for Judgment on behalf of the Complainant in the Circuit Court of the City of Richmond, Division I. Grounds of Defense and Interrogatories were filed by the defendant's counsel in November 1980. Answers to the defendant's interrogatories were not filed by the Respondent until January 1982, after repeated requests and after failure to comply with the Court's Order of June 17, 1981, which had directed the plaintiff to file Answers within 10 days. The Respondent failed to attend the June 17, 1981 hearing at which time the Court entered its Order.
- C. For a period of over a year, the Complainant was unable to contact the Respondent in spite of numerous telephone calls to the Respondent's office and in spite of numerous visits to the Respondent's office. Only after the complaint was filed

with the Virginia State Bar was the Complainant able to reach the Respondent.

- D. As of March 9, 1982, the Respondent had still failed to obtain sufficient medical information to properly evaluate the Complainant's personal injury case, having waited until January 1982 before writing to the physician who treated the Complainant for the October 1978 injuries.
- E. As of March 9, 1982, the Respondent had not asked that the case be set for trial and had done very little work in preparing his client's case.

DISCIPLINARY RULES VIOLATED

- A. DR6-101A(2)
- B. DR6-101A(3)

II. TRANSCRIPT AND EVIDENCE

The transcript has been ordered and will be delivered to you along with the exhibits by Committee Counsel, William L. Jeffries, Jr.

Respectfully submitted,

Herbert C. Gill, Jr.

Herbert C. Gill, Jr.
Committee Chairman

Date executed: March 31, 1982

AFFIDAVIT

State of Virginia
~~City~~ or County of Charlottesville

This day Herbert C. Gill, Jr., appeared before me and made oath that the foregoing statements are true to the best of his knowledge and belief.

Linda Bullard
Notary Public

My Commission Expires: 7/8/85

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

VIRGINIA STATE BAR EX REL
THIRD DISTRICT COMMITTEE,

Complainant

v.

DOCKET NO. 82-06

D. Brock Matthews,

Respondent

ORDER

On February 24, 1983, came on for hearing the Charges of Misconduct certified against D. Brock Matthews by the Third District Committee of the Virginia State Bar. The hearing was held before a duly convened panel of the Virginia State Bar Disciplinary Board consisting of Donald H. Clark, Sharon A. Coles, Stanley M. Franklin, Shannon T. Mason, Jr., David R. Rosenfeld and Samuel N. Klewans, presiding. Notice of the Charges of Misconduct and of the hearing before the Virginia State Bar Disciplinary Board were served upon D. Brock Matthews in the manner provided by the Rules applicable to this proceeding.

D. Brock Matthews appeared in person at the proceeding. Michael L. Rigsby appeared as counsel for the Virginia State Bar.

Upon consideration of the testimony and documentary exhibits presented, the Board finds by clear and convincing evidence that:

1. In the Spring of 1979, Warren M. Olds employed D. Brock Matthews to handle his personal injury claim arising from a motor vehicle accident in October, 1978.

2. In October, 1980, Mr. Matthews filed a Motion for Judgment on behalf of Mr. Olds in the Circuit Court of the City of Richmond, Division I. Grounds of Defense and Interrogatories were filed by the defendant's counsel in November, 1980. Despite repeated requests by defendant's counsel, and a Court Order compelling answers within 10 days of June 17, 1981, Mr. Matthews did not file answers to defendant's Interrogatories until January, 1982.

3. Mr. Matthews did not initiate any contact with the physicians who treated Mr. Olds for injuries sustained in the October, 1978 automobile accident until January, 1982.

4. Mr. Olds' claim was settled in February, 1983.

The Board is of the opinion that the Bar has not established by clear and convincing evidence that Mr. Matthews violated Rule 6-101(A)(2) of the Virginia Code of Professional Responsibility. Accordingly, the Bar's charge as to this Disciplinary Rule is dismissed.

The Board is of the further opinion that Mr. Matthews clearly neglected Mr. Olds' case, in violation of Rule 6-101(A)(3) of the Virginia Code of Professional Responsibility. There was simply no excuse for allowing Mr. Olds' claim to go virtually ignored from the Spring of 1979 to January, 1982, when Mr. Matthews first contacted Mr. Olds' physicians. It was equally inexcusable for Mr. Matthews to ignore the Court's Order compelling response to the defendant's Interrogatories.

Mr. Olds' claim was settled just prior to the Board hearing. Despite the settlement, the Board believes the settlement cannot serve as a defense to a charge of neglect. Having undertaken representation of Mr. Olds', Mr. Matthews' obligation was to pursue his client's cause in a reasonable and diligent fashion. Mr. Matthews failed to do so. Thus, it is the Board's opinion that the license of D. Brock Matthews to practice law in Virginia should be suspended for a period of two months.

Accordingly, it is ORDERED that the license of D. Brock Matthews to practice law within the Commonwealth of Virginia, be suspended for a period of two months, effective upon entry of this Order.

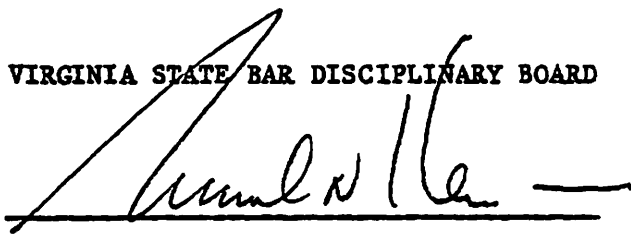
It is further ORDERED that D. Brock Matthews immediately give notice, by certified mail, of the suspension of his license to practice law in Virginia to all clients for whom he is currently handling matters and to all opposing attorneys and to the presiding judges in pending litigation, and he shall further make immediate appropriate arrangements for the disposition of those matters presently in his care in conformity with the wishes of his clients, all pursuant to the Rules of the Supreme Court of Virginia, Part Six, Section IV, Paragraph 13(J)(1).

It is further ORDERED that D. Brock Matthews shall furnish evidence of his compliance hereto to the Virginia State Bar within thirty days from the date of this Order.

It is further ORDERED that a copy of this Order shall be mailed to D. Brock Matthews at his last address on file with the Virginia State Bar, 1214 Westover Hills Boulevard, Suite 205, Richmond, VA 23225.

ENTER THIS ORDER THIS 14th
DAY OF March, 1983.

VIRGINIA STATE BAR DISCIPLINARY BOARD



A COPY TESTE:


Secretary