

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF  
JOHN ARTHUR ELMENDORF

VSB Docket No.: 11-000-086856

**ORDER AND OPINION**

This matter came before the Virginia State Bar Disciplinary Board ("Board") for hearing on March 25, 2011 upon a Rule to Show Cause and Order of Suspension and Hearing entered March 3, 2011 ("Rule"). A duly convened panel of the Board consisting of Thomas R. Scott, Jr., Chair, presiding, Paul M. Black, Timothy A. Coyle, Raighne C. Delaney and Rev. W. Ray Inscoe, lay member, heard the matter. Alfred L. Carr, Assistant Bar Counsel, appeared on behalf of the Virginia State Bar ("VSB"). The Respondent, John Arthur Elmendorf, did not appear. The court reporter for the proceeding, Tracy J. Stroh, Chandler and Halasz, P.O. Box 9349, Richmond, Virginia, 23227, telephone 804-730-1222, was duly sworn by the Chair.

All legal notices of the date and place were timely sent by the Clerk of the Disciplinary System ("Clerk") in the manner prescribed by law. Part Six, §IV, ¶13-24(A) of the Rules of the Supreme Court provides, in relevant part, that following the issuance of a show cause order and order of suspension, the Board shall serve upon the Respondent by certified mail a copy of the Suspension or Revocation Notice, a copy of the Board's order, and a notice fixing the date, time and place of a hearing to determine what action should be taken in response to the Suspension or Revocation Notice. The notice shall state that the purpose of the hearing is to provide Respondent an opportunity to show cause why the same discipline that was imposed in the other jurisdiction should not be imposed by the Board. The Board finds that the VSB has complied with these requirements by forwarding a certified letter dated March 3, 2011 containing the required notices to Respondent's address of record.

The case was called by the Clerk and the Respondent did not appear. The Chair inquired of each member of the panel whether he had any personal or financial interest that would preclude, or reasonably could be perceived to preclude, his hearing this matter impartially. Each member and the Chair answered in the negative.

The Board entertained an opening statement from the VSB. The VSB introduced a copy of the Rule and its attached copy of a certified order of the Court of Appeals of Maryland dated December 16, 2010, disbarring Respondent from the practice of law in the State of Maryland for misconduct involving bigamy and misappropriation of funds in violation of the Maryland Rules of Professional Conduct. Respondent's disciplinary record in Virginia and a copy of the VSB's tracking sheet showing the effort to serve notice of these proceedings on Respondent at his address of record with the VSB were also introduced into evidence. The VSB rested.

After due deliberation, the Board finds that Respondent has failed to prove by clear and convincing evidence that (1) the record of the proceeding in the Court of Appeals of Maryland clearly shows that such proceeding was so lacking in notice or opportunity to be heard as to constitute a denial of due process; (2) the imposition by the Board of the same discipline upon the same proof would result in a grave injustice; or (3) the same conduct would not be grounds for disciplinary action or for the same discipline in Virginia. Part 6, §IV, ¶13-24 (F).

Upon consideration of the matters before this panel of the Board, it is hereby ORDERED that, pursuant to Part 6, §IV, ¶13-24 (G) of the Rules of the Supreme Court of Virginia, the license of Respondent to practice law in the Commonwealth of Virginia shall be, and is hereby, REVOKED effective March 25, 2011.

It is FURTHER ORDERED that, as directed in the Board's March 3, 2011 Summary Order in this matter, a copy of which was served on Respondent by certified mail, Respondent must comply with the requirements of Part 6, §IV, ¶13-29 of the Rules of the Supreme Court of Virginia. The Respondent shall

forthwith give notice by certified mail, return receipt requested, of the revocation 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. The Respondent shall give notice within fourteen (14) days of the effective date of this Order and make such arrangements as are required within forty-five (45) days of the effective date of this Order. The Respondent shall also furnish proof to the VSB within sixty (60) days that such notices have been timely given and such arrangements made for the disposition of such matters.

It is further ordered that if the Respondent is not handling any client matters on the effective date of the revocation, he shall submit an affidavit to that effect to the Clerk. All issues concerning the adequacy of the notice and arrangements required by ¶13-29 shall be determined by the Board.

It is ordered that in accordance with Part Six, §IV, ¶13-9(E) of the Rules of the Supreme Court of Virginia, the Clerk shall assess all costs against Respondent.

It is further ORDERED that the Clerk shall mail an attested copy of this Opinion and Order to Respondent, John Arthur Elmendorf, by certified mail, at his address of record, #1, 11204 Arrowleaf Court, Germantown, MD 20876 and by hand delivery to Alfred L. Carr, Assistant Bar Counsel, 707 East Main Street, Suite 1500, Richmond, Virginia 23219-2803.

SO ORDERED, this 5<sup>th</sup> day of April, 2011

By Thomas R. Scott, Jr.  
Thomas R. Scott, Jr., 1st Vice Chair