

VIRGINIA:

IN THE CIRCUIT COURT OF SHENANDOAH COUNTY

**VIRGINIA STATE BAR EX REL.
SEVENTH DISTRICT COMMITTEE**

received

Complainant

JUN 6 2005

v.

CL 04-18 VSB CLERK'S OFFICE

BRADLEY GLENN POLLACK

Respondent

ORDER OF TWO-YEAR SUSPENSION

Having been set for hearing by the Seventh District Committee of the Virginia State Bar, and the Respondent, Bradley Glenn Pollack, by counsel, having requested a hearing before a three-judge court pursuant to Virginia Code Section 54.1-3935, this cause came to be heard on March 9, 10, 11, and 14, 2005, by a duly convened, three-judge court consisting of the Honorable Rosemarie Annunziata, Senior Judge, the Honorable John F. Daffron, Jr, Retired, and the Honorable Benjamin N.A. Kendrick, Chief Judge.

By Order dated December 28, 2004, this matter was previously set for hearing in Shenandoah Circuit Court to commence on March 7, 2005. On February 22, 2005, Respondent moved to continue the hearing of this matter in order to retain counsel. Over the bar's objection, the Court granted said Motion, continuing the matter to commence at 10:00 A.M. on March 9, 2005, and re-setting the matter for hearing in Arlington Circuit Court.

On March 9, 2005, the Court convened at 10:00 A.M. Present were the Virginia State Bar, by Assistant Bar Counsel Paul D. Georgiadis, and the Respondent, Bradley G. Pollack. Respondent's co-counsel, Alan Cilman, was not present, having notified the Court that he was delayed by an on-going trial in Fairfax Circuit Court. The Court recessed until 12:17 PM, whereupon Respondent, in his capacity as co-counsel, argued his previously filed Corrected Motion to Withdraw the Rule for Show Cause. Upon consideration of the briefs and argument of counsel, the motion was DENIED.

Thereafter, the Court recessed until 3:57 PM, when Mr. Cilman appeared. Thereafter, the parties, by counsel, argued Respondent's Motion to Dismiss. Upon consideration of the briefs and arguments of counsel, the motion was DENIED.

Thereafter, the Court proceeded in this matter, which consisted of three cases, VSB Docket Nos. 02-070-1010, 02-070-3767, and 02-070-3093. In each case

the Court received evidence, including the testimony of the Respondent, and heard the arguments of counsel. At the conclusion of the bar's evidence in each case, Respondent moved to strike the bar's evidence, which was denied in all three cases. At the conclusion of the three cases, the Court heard closing arguments from counsel.

After due deliberation, it was the unanimous decision of the Court that the bar had proven by clear and convincing evidence, evidence the Court found overwhelming, the following rule violations as noticed by the bar:

VS B Docket No. 02-070-3093

The Court found the Respondent violated Rule 1.3(a), Diligence, when as Substitute Trustee conducting foreclosure sales, he failed to file the reports and necessary papers with the Commissioner of Accounts as required by statute. The Court found that the failure to comply with the rules, specifically the requirement to file certain routine, administrative matters within the required six months, was a lack of diligence. The Court noted that there remained sales conducted in 2001 that still had not been confirmed as a result of Respondent's continued lack of diligence.

VS B Docket No. 02-070-1010

The Court found that the bar proved all but one Rule violation in Respondent's actions and statements made in the course of multiple, but related Lloyd Brothers lawsuits.

The Court found that Respondent violated Rule 3.1, Meritorious Claims and Contentions, in filing the third of three conservatorship petitions for Tommy Lloyd, *Betty Jo Lloyd v. Thomas Lloyd*, CH 00-160. In so finding, the Court took notice of Judge Haley's findings that Respondent had violated Virginia Code Sec. 8.01-271.1 and considered other, un rebutted evidence before it.

Based upon the bar's essentially un rebutted evidence, the Court found other frivolous and baseless conduct and positions in violation of DR 7-102(A)(1) and DR 7-102(A)(2), Representing a Client Within the Bounds of the Law, in related litigation. This included filing a Motion for Appointment of GAL for Thomas M. Lloyd, Jr. in *Lonnie L. Lloyd v. David Hovatter and Maycel Hovatter & Thomas M. Lloyd, Jr.*, CH 96-116; and Respondent's claim of prejudice of delay caused by local judges recusing themselves, when Respondent himself had continued the matter and later admitted to purposefully delaying proceedings.

The Court found that Respondent violated DR 1-102(A)(3), Misconduct, DR 1-102(A)(4), Misconduct, and DR 7-102(A)(2), Representing a Client Within the Bounds of the Law, in filing *Lonnie Luther Lloyd v. David and Maycel Hovatter and William H. Logan, Jr.*, CH 99-35. While Respondent knew of Mr. Logan's quality of representation in 1996, his February 19, 1999 filing was frivolous and filed for personal and political

gains. The Court found that Respondent filed it to gain a platform to oppose Mr. Logan's candidacy as a judge, when the candidacy was before the General Assembly.

The Court found that Respondent violated DR 1-102(A)(3), Misconduct, DR 1-102(A)(4), Misconduct, and DR 7-102(A)(1) Representing a Client Within the Bounds of the Law, in writing a letter dated December 31, 1998, to Supreme Court Assistant Executive Secretary Frederick Hodnett, Jr. regarding Judge Designate McNamara. The Court found that Respondent's allegations impugned Judge McNamara's integrity and qualifications, which allegations Respondent later admitted were "baseless".

The bar failed to meet its burden of proof in alleging that Respondent violated Rule 8.2, Judicial Officials, in his alleged statements to a newspaper regarding a ruling of Judge Haley.

VSJ Docket No. 02-070-3767

The Court considered evidence of Respondent's conduct in unrelated criminal defense representation and found that the bar proved all alleged Rule violations.

Respondent violated Rule 3.4(d) Fairness to Opposing Party and Counsel, in walking out of Judge Logan's courtroom during the trial of a matter in which he was counsel for the accused. The Court found that in the face of the trial court's order to remain in court, Respondent nonetheless walked out of court.

Respondent violated Rule 3.4(a), Fairness to Opposing Party and Counsel, in communicating threats to the Connors, prosecution complainants and the parents of the victim. Respondent's telephone call to the Connors led to their dropping their criminal complaint against Respondent's client.

Respondent violated Rules 3.4(a) and 3.4(g), Fairness to Opposing Party and Counsel, and Rule 4.3(a) and 4.3(b), Dealing with Unrepresented Persons, in his contacts with two prosecution witnesses Grandstaff and Higgins. The Court found that Respondent gave these witnesses legal advice regarding their taking the Fifth Amendment, when the individuals did not have counsel and had interests potentially adverse to his own client's interests.

Respondent violated Rules 4.3(b), Dealing with Unrepresented Persons, and 4.4, Respect for Rights of Third Persons when as defense counsel Respondent gave advice to the criminal complainant Lu and prepared an affidavit for her signature. The affidavit exculpated the defendant while it placed Lu in jeopardy for having filed a false police report.

The Court noted the objections and exceptions of Respondent's counsel.

The Court then heard argument concerning an appropriate disposition, and recessed to determine what sanctions, if any, to impose. The Court noted that even after

rendering its findings before the Respondent, the Respondent thereafter still did not understand or appreciate the gravity of the unprofessional nature of his conduct.

Accordingly, by unanimous decision, it is ORDERED that the license of Bradley Glenn Pollack to practice law in the Commonwealth of Virginia be, and the same is, hereby SUSPENDED FOR A PERIOD OF TWO YEARS.

The Court noted the objections and exceptions of Respondent to this ruling.

On March 14, 2005, the Court entered a summary order in these proceedings in accordance with Part 6, Section IV, Paragraph 13(I)(2)(g) of the Rules of the Supreme Court. A copy of the summary order is attached hereto and incorporated herein.

It is further ORDERED, pursuant to the provisions of Part Six, Section IV, Paragraph 13 M of the Rules of the Supreme Court of Virginia, that the Respondent 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. The Respondent shall also make appropriate arrangements for the disposition of matters then in his care, in conformity with the wishes of his clients. The Respondent shall give such notice within 14 days of the effective date of this Order, and make such arrangements as are required herein within 45 days of the effective date of this Order. The Respondent shall furnish proof to the Bar within 60 days of the effective date of this Order that such notices have been timely given and such arrangements made for the disposition of matters.

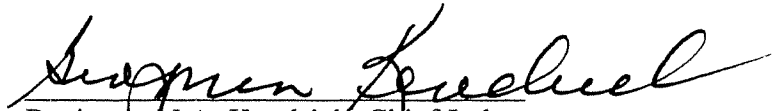
Issues concerning the adequacy of the notice and the arrangement required herein shall be determined by the Virginia State Bar Disciplinary Board, which may impose a sanction of revocation or suspension for failure to comply with these requirements.


Pursuant to Part Six, Section IV, Paragraph 13.B.8.c. of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System of the Virginia State Bar shall assess costs.


The court reporter who transcribed these proceedings is Shannon Hopschas-Latham, of Casamo & Associates, 1010 Cameron Street, Alexandria, Virginia 22314, 703.837.0076.

A copy *teste* of this order shall be served by the Clerk of this Court by certified mail, return receipt requested upon the Respondent, Bradley Glenn Pollock, 148 North Main Street, Woodstock, Virginia 22664, his address of record with the Virginia State Bar; by First Class U.S. Mail, postage pre-paid to Respondent's counsel, Alan J. Cilman, Esquire, 4160 Chain Bridge Road, Fairfax, Virginia 22030; and by First Class U.S. Mail, postage pre-paid to Paul D. Georgiadis, Assistant Bar Counsel, Virginia State Bar, Eighth and Main Building, Suite 1500, 707 East Main Street, Richmond, Virginia 23219.


ENTER: May 27, 2005 / 05


Benjamin N.A. Kendrick, Chief Judge
Three-Judge Court


Rosemarie Annunziata, Senior Judge



John F. Daffron, Jr., Judge (Retired)

I ASK FOR THIS:


Paul D. Georgiadis, VSB #26340
Assistant Bar Counsel
Virginia State Bar
707 East Main St., #1500
Richmond, VA 23219
Phone: 804-775-0520
Fax: 804-775-0597

A True Copy Teste:
DENISE F. BARB, CLERK
By: Laura L. Daniel D.C.

SEEN AND OBJECTED TO: *FOR REASONS STATED IN OPEN COURT, IN POST TRIAL
MOTIONS AND IN ALL PLEADINGS*

 5/24/05
Alan J. Cilman
4160 Chain Bridge Rd.
Fairfax, VA 22030