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June 5, 2006

Scott Kuip
Assistant Bar Counsel
Virginia State Bar
707 East Main Street Suite 1560
Richmond, Virginia 23219-2800

CERTIFIED MAIL No.

7005 1160 0001 5134 3386

Re: In the Matter of Wade Trent Compton
VSB Docket # 06-102-3595

RESPONSE

Dear Mr. Kuip:

This is my response to the allegations set forth in the complaints forwarded to me by your letters dated May 15, 2006 and May 19, 2006.

Allegation Client 1:

Allegation 1 is based upon a statement allegedly made by Client 1 to her mother, who conveyed it to Ms. Forrester, who then relayed it to Mr. Harley and he filed this complaint (triple hearsay). As I previously told Mr. Harley, I had a consensual sexual encounter with Client #1. The only consensual contact that occurred was "petting" (touching in a sexual manner with hands). Ms. Forrester's letter, while it is triple hearsay, substantiates the consensual nature of the encounter. No other contact occurred. Until my meeting with Mr. Harley, I was unaware that Client #1 had stated to anyone that oral sex had occurred. That absolutely did not occur.

During my meeting with Ms. Forrester, which she outlined in her letter dated May 10, 2006, we discussed my contact with Client #1. At no time during that conversation did Ms. Forrester state to me that Client #1 claimed to have performed oral sex on me. Obviously, Ms. Forrester assumed client had performed oral sex on me and I assumed Ms. Forrester was aware that only petting had occurred. Ms. Forrester and I did not discuss the specifics of the alleged encounter. During this conversation, I told Ms. Forrester that I am a flirt by nature. This is a fact that is known by anyone that knows

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me. Ms. Forrester stated that I needed to watch what I say to people because they may take it the wrong way. She also pointed out that third parties may believe something was going on even if it wasn't. I thanked Ms. Forrester for that warning and agreed that I needed to stop.

Keeping Ms. Forrester's warning to watch what I say in mind, I was careful with what I said to clients and other people in general after that meeting. I saw Ms. Forrester approximately a month to a month and half later in court and stated that "I have been good for over a month." I was referring to our earlier conversation wherein I stated that I needed to stop flirting.

As for the client's case, since it does not appear that this client has filed a complaint and thereby waived her attorney-client privilege, I can only refer to the case in general terms and comment on the allegations by Harley, Forrester and items in the courts record. I inherited this case from another attorney with Legal Aid when that attorney left for other employment. When I inherited the case, there were custody and visitation orders in place. There were also pending criminal cross warrants between the client and her estranged husband. The court reviewed this case many times because of the pending criminal matters. Throughout my representation, the GAL wanted to maintain the status quo until the criminal matters were resolved. At the request of the GAL, those custody and visitation orders remained in place until the criminal matters were resolved sometime in early 2006. At that time, based on statements made to me by a witness and Ms. Forrester it was apparent that client and her husband had reconciled. At the last custody and visitation hearing I participated in, the GAL and the parties agreed to a temporary resolution and set this matter for review in June 2006. At no time did the client receive substandard representation from me nor did the consensual contact impact her case.

Allegation by Client #2/Charissa [REDACTED]:

I deny the allegation set forth by Ms. [REDACTED] in her letter attached to your May 19, 2006 letter; that did not occur. She alleges that the incident occurred in the Scott County Court House. There are three meeting rooms at the Scott County courthouse outside circuit court judge's chambers. The only room meeting her description is the jury room. A visual inspection of the jury room would reveal a long window in the door at approximately face level and open to anyone in the hall, a window looking into the public parking area and additionally a public restroom is located in the room.

Since, Ms. [REDACTED]'s statement is "a partial statement," I do not know if Southwest Virginia Legal Aid Society, its agents or employees, has informed Ms. [REDACTED] that she waives her attorney-client privilege by participating in this complaint. Therefore, I believe I can only provide general answers until I receive a signed statement in which she acknowledges that any and all information she provided to me during my representation of her is no longer protected by the attorney-client privilege and said privilege is waived. Moreover, if Mr. Harley did not disclose to Ms. [REDACTED] that she waived her attorney-

client privilege by submitting this "partial statement," they are in violation of the rules of professional conduct.

Again, as to the hearsay allegations in Mr. Harley's letter, I never told Ms. [REDACTED] that I would pay her childcare expenses. Despite the fact that I could never afford to pay those items myself, it is against the Rules of Professional responsibility. I have no doubt that I wanted to meet with Ms. [REDACTED] without her child present. The rules require me to be prepared and her child is a bright young child that did not need to hear negative conversations about his father. I have stressed on many occasions to many different clients that I do not want to discuss details about a custody case in the presence of the children. The presence of a child, or any other third party, creates two significant problems. One, if the child is old enough and competent enough, his presence waives the attorney-client privilege. Secondly, as a rule, courts put in their orders that neither party may make disparaging comments about the other party/parent with the child being present. Therefore, interviews with the children present would be a willful violation of a court's order and may be in violation of Rule 3.4(d) of the Rules of Professional Responsibility.

Throughout my representation of her, Ms. [REDACTED] and I maintained an open dialogue. We discussed many different topics, some case specific and some not. Assuming her statement about her pierced navel is true; I would not have known she had a pierced navel if she had not voluntarily disclosed that information.

Allegations by Client #3/[REDACTED]:

Except as outlined below, I absolutely deny Ms. [REDACTED]'s allegations. I have never touched Ms. [REDACTED] in a sexual manner.

Again, I do not know if the employees of Southwest Virginia Legal Aid Society advised Ms. [REDACTED] that by participating in this complaint she waives her attorney-client privilege. I can only respond generally about matters that she alleges occurred during my representation of her until I receive a signed statement in which she acknowledges that any and all information she provided to me is no longer protected by the attorney-client privilege and said privilege is forever waived.

It is true that I made a statement to Ms. [REDACTED] that she looked good. Ms. Forrester and I have both discussed Ms. [REDACTED]'s appearance with Ms. [REDACTED]. Considering Ms. [REDACTED]'s appearance over the course of the case, her appearance did improve. I also commented that she was starting to decline in her appearance, but her explanation of the reason for the decline I will treat as protected until I receive a waiver signed by her.

As for a "special number," I have never had a special number for anyone to call. I gave client's my office number and my cell phone number to call me if needed and I told them that my home phone number is listed in the telephone directory. All three numbers

are known by my family, little league coaches, little league parents, almost anyone I had contact with.

At the conclusion of the custody case, Ms. ██████ sought my assistance for a divorce. I advised her that she must go through the intake procedure at Legal Aid. To the best of my recollection, I never received the information I needed to assist with that matter.

I find Ms. ██████'s statement that she is afraid of me and that she is afraid of lawyers to be incredulous. After I closed Ms. ██████'s case, I saw Ms. ██████ on many different occasions around the Tazewell County Courthouse. On too many occasions to count, Ms. ██████ has approached me about further representation of her. On each occasion I told Ms. ██████ she needed to go through the intake procedure.

The last time I saw Ms. ██████ was in the witness room area on the first floor of the Tazewell County Courthouse. I believe Ms. Forrester and many other people were present when Ms. ██████ approached me, but I am not sure about Ms. Forrester. However, Ms. Yvette Godee, from Southwest Virginia Legal Aid Society accompanied me to court on that date and was present when Ms. ██████ approached me in the hall area outside of the witness rooms and whispered something in my right ear. I could not understand Ms. ██████, so I asked her to step into a witness room and repeat what she whispered. Ms. ██████ stated that she was very aggravated by what ever had occurred in her court proceeding that morning. She stated that she "needed a man" and gave me directions to her home. Of course, I did not go to her home and I dismissed her statement as venting and flirtatious joking.

Conclusion:

As outlined above, I deny all allegations of improper sexual contact. A consensual relationship that does not influence a case is not forbidden by the rules. Rule 8.3 (a) states that "a lawyer having reliable information that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness, or fitness to practice law shall inform the appropriate professional authority." Before this rule applies, the complainant must have violated another rule of professional conduct. Therefore, I believe that I am entitled to know which rule I allegedly violated so that I may address that rule specifically. Absent an allegation of a violation of some other rule, I do not believe that I have violated Rule 8.3(a).

I believe a reading of Comment [3b] to Rule 8.3, indicates that Mr. Harley violated the rules of professional conduct. The comment "**requires** a third party neutral lawyer to attempt to obtain the parties' [clients] written consent to waive confidential misconduct which the lawyer would otherwise be required to report." (Emphasis added.) The reason for this requirement is clear: it is to prevent witch-hunts or other attempts to discredit another attorney. I do not believe that Mr. Harley or Southwest Virginia Legal

Aid Society is a neutral attorney/party. When I left their employ, we were in a dispute about 150 hours (about one months pay) of compensation due and promised to me by Mr. Harley and the withholding of an insurance premium after I received the COBRA letter. Also, Mr. Harley contested the reimbursement of the insurance premium and alleged that I was attempting to receive funds not due or promised to me. I know what he promised when he and I met. This complaint was filed after they reimbursed me for an improperly withheld health insurance premium and refused to pay the promised 150 hours of compensation.

Not every representation concludes favorably for the client; any person can make allegations against anyone. I know that Mr. Harley and Ms. Schenck actively questioned Ms. [REDACTED] and told her the specific reason I was no longer employed by Southwest Virginia Legal Aid Society. They then questioned her as to my conduct with her, and then solicited a "partial statement" from her. I have no knowledge as to whether or not Southwest Virginia Legal Aid Society, its employees or agents, advised my former clients that they completely waived their attorney-client privilege by making allegations against me.

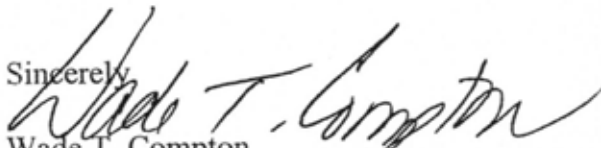
Since I am no longer employed with Southwest Virginia Legal Aid Society, I do not have access to the client's files and must rely on my memory to address these allegations and the allegations impact on the individual cases. I again state that I deny any improper conduct.

I am asking VSB counsel to address the attorney-client issue, raised above. I do not believe that a neutral third party attorney has advised my former clients that they have waived their attorney-client privilege. I hereby decline to disclose any confidential information until I am provided with signed waivers, noting impartial advice of a third party attorney (one not paid by Southwest Virginia Legal Society or the Virginia State Bar). If any former client signs such a waiver, I will supplement this response, if you feel it is needed.

If a person thinks she will loose a free lawyer if she does not participate in a sexual encounter, what would that person say to keep a free lawyer? I have never used my position as an attorney with Southwest Legal Aid Society or any where else to coerce any sexual favors form any person.

Please be advised that my attorney is Nicholas B. Compton, Esquire, P.O. Box 1000, Lebanon, VA 24266. His telephone number is: (276) 889-0100, fax: (276) 889-0608. All future correspondence should be directed to my attorney and marked "personal and confidential."

Sincerely,


Wade T. Compton
VSB # 38208