

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF DICKENSON

VIRGINIA STATE BAR, ex rel.  
TENTH DISTRICT COMMITTEE,  
Complainant,

v.

WADE TRENT COMPTON,

Respondent

Case No. CL08-172  
[VSB # 06-102-3595]

MEMORANDUM ORDER

On December 15, 2008, came the Virginia State Bar, represented by Renu Mago, Assistant Bar Counsel, and the Respondent, Wade Trent Compton, represented by Michael Rigsby, Esq., and presented a proposed Agreed Disposition endorsed by counsel and Mr. Compton, a copy of which is attached to and incorporated into this Order by this reference. The three Judges of the Panel appointed by the Supreme Court of Virginia to hear this matter, the Honorable Colin R. Gibb, Chief Judge Designate, the Honorable J. Colin Campbell, Sr., Ret., Judge Designate, and the Honorable Birg E. Sergent, Ret., Judge Designate, convened telephonically to hear argument and consider the proposed Agreed Disposition.

The hearing was transcribed by Dorothy J. Lewis, a registered professional reporter, Chandler & Halasz, P.O. Box 9349, Richmond, VA 23227, (804) 730-1222, who was duly sworn by the Chair.

Having considered the argument and representations of counsel, the Three-Judge Panel deliberated and voted to accept the proposed Agreed Disposition. As such, based on the Stipulations of Fact set forth in the Agreed Disposition, the Three-Judge Panel

FINDS by clear and convincing evidence the conduct of the Respondent, Wade Trent Compton, violates the following provisions of the Rules of Professional Conduct:

RULE 1.7 Conflict of Interest: General Rule

(a) Except as provided in paragraph (b), a lawyer shall not represent a client if the

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representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if:

- (2) there is significant risk that the representation of one or more clients will be materially limited by the lawyers' responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.

**RULE 8.4 Misconduct**

It is professional misconduct for a lawyer to:

- (b) commit a criminal or deliberately wrongful act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer; and

Further, in accord with the terms of the Agreed Disposition, the Three-Judge Panel ORDERS that the license of Respondent, Wade Trent Compton, to practice law in the Commonwealth of Virginia is **SUSPENDED FOR FIVE (5) YEARS**, effective December 15, 2008. The Three-Judge Panel further Orders that Respondent comply with each of the foregoing Terms:

1. As a result of his conduct detailed in the Stipulation of Facts in the Agreed Disposition, Respondent began seeing a mental health counselor in 2008 in order to resolve and prevent any such further actions. Respondent is still seeing this mental health counselor and plans to continue to see the counselor. Respondent has concurrently petitioned the Disciplinary Board for suspension of his license to practice law in the Commonwealth of Virginia on the basis of Impairment. These proceedings are confidential and lie under the jurisdiction of the Disciplinary Board. They are referenced herein solely to explain that the Board will have the jurisdiction to mandate continued mental health counseling. The Board will determine whether Respondent's license should be suspended, as he has requested, because of his Impairment and determine the nature and extent of Impairment. Respondent must then petition the Board to reinstate his license. If the Board reinstates Respondent's license on the grounds that he has met his burden of showing that he is no longer impaired, and if the license is reinstated within the five (5) year suspension, Respondent must still complete the five (5) year suspension, which is separate and apart from any Impairment suspension.

2. Upon conclusion of Respondent's five (5) year suspension and prior to reinstatement, Respondent will submit to a risk assessment and mental health evaluation and will enter into a Monitoring Agreement with Lawyers Helping Lawyers ("LHL") for a period of two (2) years and abide by the terms of that Agreement. Respondent understands that LHL will provide a periodic report to the Virginia State Bar affirming his compliance with the Monitoring Agreement. Respondent understands further that LHL will maintain the confidentiality of Respondent's doctor-patient relationship and that any information embraced within the doctor-patient privilege will not be disclosed to the Virginia State Bar without Respondent's prior consent.

ORDERS that in the event that Respondent fails to comply with the Terms, Bar Counsel shall issue a Rule to Show Cause to the Respondent requiring the Respondent to Show Cause, if any, why a Three-Judge Panel should not impose an alternative sanction of REVOCATION of Respondent's license to practice law in the Commonwealth of Virginia. The sole issue to be determined by the Three-Judge Panel will be Respondent's compliance with the Terms. Respondent shall bear the burden of proof by clear and convincing evidence that he has met all the Terms. In the event Respondent fails to show by clear and convincing evidence that he has met all of the Terms, the Three-Judge Panel shall impose the alternative sanction of REVOCATION of Respondent's license to practice law in the Commonwealth of Virginia.

ORDERS that following completion of the five (5) year Suspension of Respondent's license to practice law in the Commonwealth of Virginia and Respondent's completion of the Terms, this matter shall be closed.

ORDERS that the Clerk of the Circuit Court of the County of Dickenson shall remove Exhibit 1 to the Bar's Opposition to Respondent's Motion to Continue from the Court's file of this matter, and shall seal the Opposition to Respondent's Motion to Continue.

ORDERS that the Clerk of the Circuit Court of the County of Dickenson shall not seal, nor shall the Clerk return, Exhibits 1 through 13, or any of them, filed by the Virginia State Bar

for the trial of this matter. These Exhibits shall remain part of the file in the Dickenson County Circuit Court.

ORDERS that pursuant to the provisions of Part Six, § IV, ¶ 13(M) of the Rules of the Supreme Court of Virginia, the Respondent shall forthwith give notice by certified mail, return receipt requested, 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. Respondent shall give such notice within 14 days of the effective date of his suspension and make such arrangements as are required herein within 45 days of the effective date of his suspension. The Respondent shall also furnish proof to the Bar within 60 days of the effective day of his suspension that such notices have been timely given and such arrangements made for the disposition of matters.

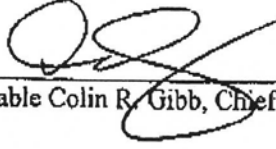
ORDERS that if the Respondent is not handling any client matters on the effective date of his suspension, he shall submit an affidavit to that effect to the Clerk of the Disciplinary System at the Virginia State Bar. All issues concerning the adequacy of the notice and arrangements required by Paragraph 13 (M) shall be determined by the Virginia State Bar Disciplinary Board, unless the Respondent makes a timely request for hearing before a three-judge court.

ORDERS that pursuant to Part Six, § IV, ¶ 13.B.8.c. of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess all costs against the respondent.

ORDERS that four (4) copies of this Order be certified by the Clerk of the Circuit Court of the County of Dickenson, and be thereafter mailed by said Clerk to the Clerk of the Disciplinary System of the Virginia State Bar at 707 East Main Street, Suite 1500, Richmond, Virginia 23219-2800, for further service upon the Respondent, and Respondent's Counsel, and Bar Counsel, consistent with the rules and procedures governing the Virginia State Bar Disciplinary System.

ORDERS that the Clerk of the Disciplinary System shall mail an attested copy of this order to respondent at his address of record with the Virginia State Bar, being Compton & Compton, P.C., P.O. Box 1000, Lebanon, VA 24266, by certified mail, return receipt requested, and by regular mail to Michael L. Rigsby, at Carrell, Rice & Rigsby, Forest Plaza II, Suite 310, 7275 Glen Forest Drive, Richmond, VA 23226 and a copy hand-delivered to Renu Mago, Assistant Bar Counsel, Virginia State Bar, 707 East Main Street, Suite 1500, Richmond, Virginia 23219.

ENTERED this 20<sup>th</sup> day of January, 2009.

  
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The Honorable Colin R. Gibb, Chief Judge Designate