

Anthony v. Virginia State Bar

Virginia Supreme Court

November 4, 2005

This is a disciplinary case involving a lawyer who criticized the judiciary. The decision of the Virginia Supreme Court affirms a decision of a three judge panel below.

The lawyer represented certain individuals in a number of legal matters. The individuals had pending an appeal to the Virginia Supreme Court although the lawyer was not representing the individuals for that particular matter. One night he stated that he received a phone call from an anonymous person who said that an ex parte letter had been sent to the Virginia Supreme Court justices in the pending case. He wrote and asked for a copy of that letter. The clerk of the Court eventually responded by saying that several justices had remembered receiving such a letter but had promptly trashed it and that no consideration was given it in the consideration of the pending case. The individuals lost the case, and a petition for rehearing was denied.

The lawyer then filed a petition in the United States District Court accusing the Virginia Supreme Court justices of a conspiracy and also that the Justices of the Virginia Supreme Court had “corruptly” denied his petition for a rehearing. The Federal judge dismissed the case and ordered sanctions. The lawyer then filed a 16 page motion to reconsider in which he accused the federal judge of unprofessional conduct, among other things. The case was transferred to another federal judge who took 6 years to render an opinion for reasons unknown and who sanctioned the lawyer. The lawyer then moved to supplement the record in which he made charges against the second federal judge, and also against the Justices of the Virginia Supreme Court. He then appealed to the 4th Circuit making allegations against the federal district court judges of, among other things, placing “false and defamatory information into public records” and “manufacturing evidence”. After losing there the lawyer appealed to the United States Supreme Court again complaining about the integrity of the Virginia Supreme Court. He lost there and filed a motion for rehearing in which he referred to corruption of the judicial process, misconduct by judges, and the manufacturing of evidence. The petition for rehearing was denied.

A three judge panel found that these statements were inappropriate under the rules and he was severely disciplined.