

VIRGINIA:

**BEFORE THE SECOND DISTRICT - SECTION II
SUBCOMMITTEE OF THE VIRGINIA STATE BAR**

IN THE MATTERS OF ALEASA DAWN LEONARD

VS B Docket No.:05-022-1248 (Ct Appeals/Erickson)
VS B Docket No.:05-022-1253 (Ct Appeals/McCleary)
VS B Docket No.:05-022-1255 (Ct Appeals/Alexander)
VS B Docket No.:05-022-1263 (Ct Appeals/Hanks)
VS B Docket No.:05-022-2415 (Ct Appeals/Woodard)
VS B Docket No.:05-022-2414 (Ct Appeals/Riddick)
VS B Docket No.:05-022-1983 (Ct Appeals/Cook)
VS B Docket No.:05-022-1249 (Ct Appeals/Turner)
VS B Docket No.:05-022-1256 (Ct Appeals/Gaines)

**SUBCOMMITTEE DETERMINATION
(Public Reprimand with Terms)**

On June 12, 2006, a meeting in these matters were held before a duly convened Subcommittee of the Second District Committee - Section II, consisting of Lawrence Hunter Woodward, Jr., Esquire, Ms. Diane B. Frantz, (Lay Member), and Megan Elizabeth Burns, Esquire, Chair presiding.

Pursuant to an Agreed Disposition of the parties and Part 6, Section IV, ¶13G1d.(3) of the Rules of the Virginia Supreme Court, the Second District - Section II Subcommittee of the Virginia State Bar hereby serves upon the Respondent, Aleasa Dawn Leonard, the following Public Reprimand with Terms :

FINDINGS OF FACT

1. At all times material to these allegations, the Respondent, Aleasa Dawn Leonard, hereinafter "Respondent", has been an attorney licensed to practice law in the Commonwealth of Virginia.

VS B Docket No.:05-022-1248 (Ct Appeals/Erickson)

2. On May 3, 2002, the Court of Appeals of Virginia ("Court of Appeals") dismissed the appeal of Respondent's client Jason Scott Erickson for failure to file a transcript per Rule 5A:8. Although Respondent had certified in her Notice of Appeal that she had ordered the transcripts, Respondent had not ordered the transcripts, did not order the trial transcripts, and therefore defaulted on the appeal.
3. Citing Rule 5A:8(b), Respondent filed on February 11, 2002 a Notice of Filing of Transcript, stating that "a transcript of the proceedings ... shall be tendered... on or before March 9, 2002 and will be made part of the record. Respondent filed the Notice of Filing Transcript prior to filing the transcript, which is not contemplated by Rule 5A:8(b).

4. Following the Court's dismissal of the appeal, Respondent did not notify Erickson of the dismissal.

NATURE OF MISCONDUCT

The Subcommittee finds that such conduct on the part of Respondent constitutes misconduct in violation of the following Rules of the Virginia Rules of Professional Conduct:

RULE 1.1 Competence

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

RULE 1.3 Diligence

- (a) A lawyer shall act with reasonable diligence and promptness in representing a client.

RULE 1.4 Communication

- (a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

VSb Docket No.:05-022-1253 (Ct Appeals/McCleary)

FINDINGS OF FACT

5. On July 30, 2002, the Court of Appeals dismissed the appeal of Respondent's client Dustyn K. McCleary for failure to file a Petition for Appeal per Rule 5A: 12.
6. Following the Court's dismissal of the appeal, Respondent did not notify McCleary of the dismissal.

NATURE OF MISCONDUCT

The Subcommittee finds that such conduct on the part of Respondent constitutes misconduct in violation of the following Rules of the Virginia Rules of Professional Conduct:

RULE 1.1 Competence

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

RULE 1.3 Diligence

- (a) A lawyer shall act with reasonable diligence and promptness in representing a client.

RULE 1.4 Communication

- (a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

VSb Docket No.:05-022-1255 (Ct Appeals/Alexander)

FINDINGS OF FACT

7. On August 2, 2002, the Court of Appeals dismissed the appeal of Respondent's client Tyrone Lamark Alexander for failure to file a transcript per Rule 5A:8. Respondent had received one extension to June 26, 2002 for filing the transcript. On June 21, 2002, Respondent received a faxed notice from the court reporter that he needed a 30 day extension to prepare the transcript. However, Respondent did not move for the further extension until June 26, 2002, which the Court did not receive until June 27, 2002.
8. Citing Rule 5A:8(b), Respondent filed on April 26, 2002, a Notice of Filing Transcript, stating that "a transcript of the proceedings ...shall be tendered...". In doing so, Respondent filed the Notice of Filing Transcript prior to filing the transcript, which is not contemplated by Rule 5A:8(b).
9. Following the dismissal of the appeal, Respondent did not notify Alexander of the dismissal of his appeal.

NATURE OF MISCONDUCT

The Subcommittee finds that such conduct on the part of Respondent constitutes misconduct in violation of the following Rules of the Virginia Rules of Professional Conduct:

RULE 1.1 Competence

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

RULE 1.3 Diligence

- (a) A lawyer shall act with reasonable diligence and promptness in representing a client.

RULE 1.4 Communication

- (a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

VS B Docket No.:05-022-1263 (Ct Appeals/Hanks)

FINDINGS OF FACT

- 10. On December 31, 2002, the Court of Appeals dismissed the appeal of Respondent's client Jeffrey Dean Hanks for failure to timely file a transcript per Rule 5A:8. Respondent filed the transcript one day late on October 29, 2002.
- 11. Following the dismissal of the appeal, Respondent did not notify Hanks of the dismissal of his appeal.

NATURE OF MISCONDUCT

The Subcommittee finds that such conduct on the part of Respondent constitutes misconduct in violation of the following Rules of the Virginia Rules of Professional Conduct:

RULE 1.1 Competence

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

RULE 1.3 Diligence

- (a) A lawyer shall act with reasonable diligence and promptness in representing a client.

RULE 1.4 Communication

- (a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

VS B Docket No.:05-022-2415 (Ct Appeals/Woodard)

FINDINGS OF FACT

- 12. On January 13, 2003, the Court of Appeals dismissed the appeal of Respondent's client Antonio Daniel Woodard for failure to file a Petition for Appeal per Rule 5A:12.
- 13. Citing Rule 5A:8(b), Respondent filed on September 12, 2002 a Notice of Filing Transcript, stating that "a transcript of the proceedings ...shall be tendered on or before October 12,

2002...”. In doing so, Respondent filed the Notice of Filing Transcript prior to filing the transcript, which is not contemplated by Rule 5A:8(b).

NATURE OF MISCONDUCT

The Subcommittee finds that such conduct on the part of Respondent constitutes misconduct in violation of the following Rules of the Virginia Rules of Professional Conduct:

RULE 1.1 Competence

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

RULE 1.3 Diligence

(a) A lawyer shall act with reasonable diligence and promptness in representing a client.

RULE 1.4 Communication

(a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

VSB Docket No.:05-022-2414 (Ct Appeals/Riddick)

FINDINGS OF FACT

14. On October 14, 2003, the Court of Appeals dismissed the appeal of Respondent’s client Ronny Riddick for failure to file a Petition for Appeal per Rule 5A:12. R
15. Citing Rule 5A:8(b), Respondent filed on July 1, 2003 a Notice of Filing Transcript, stating that “a transcript of the proceedings ...shall be tendered on or before on or before August 2, 2003. In doing so, Respondent filed the Notice of Filing Transcript prior to filing the transcript, which is not contemplated by Rule 5A:8(b).

NATURE OF MISCONDUCT

The Subcommittee finds that such conduct on the part of Respondent constitutes misconduct in violation of the following Rules of the Virginia Rules of Professional Conduct:

RULE 1.1 Competence

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

RULE 1.3 Diligence

- (a) A lawyer shall act with reasonable diligence and promptness in representing a client.

VSb Docket No.:05-022-1983 (Ct Appeals/Cook)

FINDINGS OF FACT

16. After the Supreme Court denied the appeal of Respondent's client Charles R. Cook on the merits on May 11, 2004, Respondent failed to notify him of the dismissal until her letter of October 19, 2004. Respondent wrote said letter only after receiving numerous prior complaints from the Virginia State Bar arising from her other appellate representation.

NATURE OF MISCONDUCT

The Subcommittee finds that such conduct on the part of Respondent constitutes misconduct in violation of the following Rule of the Virginia Rules of Professional Conduct:

RULE 1.4 Communication

- (a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

VSb Docket No.:05-022-1249 (Ct Appeals/Turner)

FINDINGS OF FACT

- 17. On March 25, 2004, Respondent filed a Rule 5A:8(b) Notice of Filing of Transcript in the appeal of Casper Turner indicating a transcript would be tendered on or before May 8, 2004. In doing so, Respondent filed the Notice of Filing Transcript prior to filing the transcript, which is not contemplated by Rule 5A:8(b).
- 18. Respondent and client Casper Turner agreed to abandon the appeal and seek relief through a motion to reconsider. After the Court denied Turner's Motion to Reconsider on May 18, 2004, Respondent did not notify Turner until October 20, 2004.

NATURE OF MISCONDUCT

The Subcommittee finds that such conduct on the part of Respondent constitutes misconduct in violation of the following Rules of the Virginia Rules of Professional Conduct:

RULE 1.1 Competence

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

RULE 1.4 Communication

- (a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

VSB Docket No.:05-022-1256 (Ct Appeals/Gaines)

FINDINGS OF FACT

- 19. On August 19, 2004, the Court of Appeals dismissed the appeal of Respondent's client Junius Lee Gaines for failure to timely file the Notice of Appeal.
- 20. On November 10, 2004, the Virginia Supreme Court dismissed the appeal of Respondent's client Gaines per Rule 5:17(c) for failure to contain sufficient assignments of error.
- 21. Respondent did not advise client Gaines of the August 19, 2004 dismissal until October 20, 2004 --after the bar opened a number of procedural default complaints. At no time did Respondent notify Gaines of the Supreme Court's denial of his appeal on November 10, 2004.

NATURE OF MISCONDUCT

The Subcommittee finds that such conduct on the part of Respondent constitutes misconduct in violation of the following Rules of the Virginia Rules of Professional Conduct:

RULE 1.1 Competence

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

RULE 1.3 Diligence

- (a) A lawyer shall act with reasonable diligence and promptness in representing a client.

RULE 1.4 Communication

- (a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

III. PUBLIC REPRIMAND (WITH TERMS)

The Subcommittee hereby reprimands the Respondent for said misconduct. It further orders the following terms and conditions be met by the Respondent as follows:

- 1) On or before December 31, 2006, the Respondent shall complete two (2) hours of continuing legal education (CLE.) in the subject of criminal appeals and two (2) hours of CLE in ethics. The Respondent shall not submit or report such CLE credit hours toward Respondent's Mandatory Continuing Legal Education annual requirement in the Commonwealth of Virginia or in any other jurisdiction where Respondent is admitted to practice law.
- 2) On or before December 31, 2006, Respondent shall certify her compliance with said CLE terms by promptly delivering a fully and properly executed Virginia MCLE Board Certification of Attendance Form to Assistant Bar Counsel Paul D. Georgiadis.

Pursuant to the Agreed Disposition entered into between Respondent and the bar, upon satisfactory proof that such terms and conditions have been met, these matters shall be closed. If, however, Respondent fails to meet the specified terms within the deadlines set forth, pursuant to the Agreed Disposition, the Second District Committee—Section II shall impose the alternate sanction of a five (5) day suspension of Respondent's license to practice law in the Commonwealth of Virginia, subject only to a show cause hearing before a panel of the Second District Committee—Section II. Respondent has waived her right to any such hearing before a three judge circuit court panel, and has agreed that any such hearing shall be before a panel of the Second District Committee—Section II.

In the event of alleged failure to meet any of the terms as set forth above, the Virginia State Bar shall issue and serve upon the Respondent a Notice of Hearing to Show Cause why the alternate sanction of five (5) day suspension should not be imposed. The sole factual issue will be whether the Respondent has violated the terms of this Determination without legal justification or excuse. All issues concerning the Respondent's compliance with said terms shall be determined by the Second District Committee - Section II. At said hearing, the burden of proof shall be on the Respondent to show timely compliance and timely certification of such compliance by clear and convincing evidence. As the Respondent has agreed, her prior disciplinary record may be disclosed to the committee at any such hearing.

The Clerk of the Disciplinary System shall impose administrative fees.

SECOND DISTRICT - SECTION II SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

By: 

Megan Elizabeth Burns
Subcommittee Chair

CERTIFICATE OF SERVICE

I certify that I have this 27th day of June, 2006, mailed by CERTIFIED MAIL - RETURN RECEIPT REQUESTED, a true and correct copy of the executed Subcommittee Determination (Public Reprimand With Terms) to Respondent Aleasa Dawn Leonard, Esq., Office of Public Defender, 2425 George Mason Drive, P.O. Box 6160 Virginia Beach, VA 23456, her last address of record with the Virginia State Bar, and via First Class U.S. Mail, postage pre-paid, to Respondent's Counsel David Ross Rosenfeld, Esq. David Ross Rosenfeld, P.C., 118 South Royal Street, Alexandria, VA 22314-3218.



Paul D. Georgiadis
Assistant Bar Counsel