

VIRGINIA:

**BEFORE THE NINTH DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR**

**IN THE MATTERS OF
GREGORY THOMAS CASKER**

VS **Docket Nos.: 05-090-2912
05-090-3790**

**SUBCOMMITTEE DETERMINATION
(Approval of Agreed Disposition for Public Admonition)**

On August 9, 2005, a duly convened Ninth District Subcommittee consisting of Paul J. Feinman, Esquire (Chair presiding), Mark B. Holland, Esquire, and Theodore Bruning, lay member, met and considered these matters.

Pursuant to Part Six, Section IV, Paragraph 13.G.1.d(1) of the Rules of the Supreme Court of Virginia, the Ninth District Subcommittee, of the Virginia State Bar hereby approves the Agreed Disposition entered into between Respondent Gregory Thomas Casker (“Respondent”) and Assistant Bar Counsel Scott Kulp, and hereby serves upon Respondent the following Public Admonition:

**I. *In the Matter of Gregory Thomas Casker*
VS No.: 05-090-2912**

FINDINGS OF FACT

1. At all times relevant to this matter, Respondent was an attorney licensed to practice law in the Commonwealth of Virginia.
2. Respondent was court-appointed to represent Travis Lamonte Price who was convicted of assault and battery. On or about August 26, 2004, Respondent mailed a notice of appeal and moved for an appeal bond. On or about October 14, 2004, Respondent received notice that the Court of Appeals had received the file from the trial court.

3. On or about December 2, 2004, Mr. Price's appeal was dismissed by the Court of Appeals for failure to file a petition for appeal.

4. Respondent failed to notify Mr. Price (a) that his appeal had been dismissed, (b) of the reasons for the dismissal, and (c) of any recourse he might have to revive the appeal.

5. The Bar's Investigator was unable to locate Mr. Price, and it was presumed that he was no longer incarcerated.

[Rules 1.3(a), 1.4(a) & (b)].

II. *In the Matter of Thomas Gregory Casker*
VSB No.: 05-090-3790

FINDINGS OF FACT

1. At all times relevant to this matter, Respondent was an attorney licensed to practice law in the Commonwealth of Virginia.

2. Respondent was court-appointed to represent Jerry Santonya Davis who was convicted of a probation violation and sentenced to 1 year and 9 months imprisonment. Respondent filed a notice of appeal to the Court of Appeals on November 16, 2004.

3. The Court of Appeals dismissed the appeal on March 1, 2005 because the notice of appeal was not timely filed in the trial court.

4. Respondent failed to notify Mr. Davis (a) that his appeal had been dismissed, (b) of the reasons for the dismissal, and (c) of any recourse he might have to revive the appeal.

5. Mr. Davis informed the Bar's Investigator that he has no interest in a habeas corpus proceeding as his release date is one year away.

[Rules 1.3(a), 1.4(a) & (b)].

NATURE OF MISCONDUCT

The foregoing findings of fact in matters I and II give rise to the following violations of the Rule of Professional Conduct:

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.
- (b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

SUBCOMMITTEE DETERMINATION

It is the decision of the Ninth District Subcommittee to accept the Agreed Disposition of the parties. Accordingly, a hearing is not necessary to resolve this matter and Respondent shall receive a single Public Admonition pursuant to Part Six, Section IV, Paragraph 13.G.1.d(1) of the Rules of the Supreme Court of Virginia. This Public Admonition is public discipline under the Rules of the Supreme Court of Virginia.

WHEREFORE, the Respondent is hereby issued a single Public Admonition for the foregoing matters (VSB Docket Nos. 05-090-2912 and 05-090-3790).

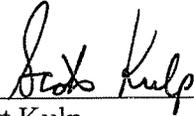
The Clerk of the Disciplinary System is directed to assess the appropriate administrative fees.

NINTH DISTRICT SUBCOMMITTEE OF THE VIRGINIA STATE BAR

By: 
Paul J. Feinman, Esquire
Subcommittee Chair Presiding

CERTIFICATE OF SERVICE

I certify I have, this the 6th day of September, 2005, mailed by CERTIFIED MAIL, RETURN RECEIPT REQUESTED, a true and complete copy of the Subcommittee Determination (Public Admonition) to Respondent Gregory Thomas Casker, at his last address of record with the Virginia State Bar, P.O. Box 1095, Chatham, Virginia 24531.



Scott Kulp
Assistant Bar Counsel