

VIRGINIA:

BEFORE THE SECOND DISTRICT SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR

IN THE MATTER OF  
TINYA LYNNETTE BANKS

VS B Docket No. 15-021-100489

SUBCOMMITTEE DETERMINATION  
PUBLIC REPRIMAND WITH TERMS

On January 28, 2015, a meeting was held in this matter before a duly convened Second District Subcommittee consisting of Bruce D. Jones, Jr., Chair Presiding, Mark B. Shaw, and Melinda Ruth Glaubke. During the meeting, the Subcommittee voted to approve an agreed disposition for a Public Reprimand with Terms pursuant to Part 6, § IV, ¶ 13-15.B.4. of the Rules of the Supreme Court of Virginia. The agreed disposition was subsequently entered into by the Virginia State Bar, by M. Brent Saunders, Assistant Bar Counsel, and Tinya Lynnette Banks, Respondent, *pro se*.

WHEREFORE, the Second District Subcommittee of the Virginia State Bar hereby serves upon Respondent the following Public Reprimand with Terms:

I. FINDINGS OF FACT

1. At all times relevant hereto, Respondent was an attorney licensed to practice law in the Commonwealth of Virginia.
2. Respondent was appointed to represent John Wesley Williams (“Williams”) in his appeal of a probation violation. Respondent failed to file a petition for appeal in the Court of Appeals of Virginia (“CAVA”) by the January 14, 2014 deadline, which had been extended from the original deadline at Respondent’s request. As a result, by order entered on February 21, 2014, the CAVA dismissed the appeal. Respondent notified Williams of the fact and basis of the

dismissal, but did not pursue a delayed appeal pursuant to §19.2-321.1 of the Code of Virginia, 1950, as amended, and did not advise Williams of that available remedy.

3. Respondent was appointed to represent Robert Levon Bennis (“Bennis”) in his appeal of a probation violation. Respondent failed to file a petition for appeal in the CAVA by the June 9, 2014 deadline. As a result, by order entered on July 15, 2014, the CAVA dismissed the appeal. Respondent notified Bennis of the fact and basis of the dismissal and his right to pursue *habeas corpus* relief, but did not advise him of his right to pursue a delayed appeal pursuant to §19.2-321.1 of the Code of Virginia, 1950, as amended. Respondent did not follow-up with Bennis or take any further action on his behalf.

4. Respondent’s explanation for not timely filing petitions for appeal on behalf of Williams and Bennis is that she “was not paying enough attention” to the deadlines in the cases.

5. Respondent’s explanation for not advising Williams and Bennis of their right to pursue a delayed appeal pursuant to §19.2-321.1 of the Code of Virginia, 1950, as amended, is that she believed the statutory delayed appeal remedy and *habeas corpus* relief were one and the same.

## II. NATURE OF MISCONDUCT

Such conduct by Respondent constitutes misconduct in violation of the following provisions of the 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

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

III. PUBLIC REPRIMAND WITH TERMS

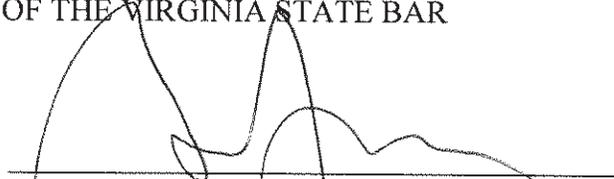
Accordingly, having approved the agreed disposition, it is the decision of the Subcommittee to impose a Public Reprimand with Terms. The terms are:

Respondent is placed on probation for a period of three (3) years commencing upon the issuance of this determination. During such probationary period, Respondent will not engage in professional misconduct as defined by the Virginia Rules of Professional Conduct or the disciplinary rules of any other jurisdiction in which the Respondent is admitted to practice law. Any final determination that Respondent engaged in professional misconduct during this probationary period made by a District Subcommittee, District Committee, the Disciplinary Board, a Three-Judge Panel or the Supreme Court of Virginia shall conclusively be deemed to be a violation of this Term.

If the terms are not met by the time specified, the alternative sanction shall be the suspension of Respondent's license to practice law in the Commonwealth of Virginia for a period of six (6) months. Any proceeding initiated due to failure to comply with terms will be considered a new matter, and an administrative fee and costs will be assessed.

Pursuant to Part 6, § IV, ¶ 13-9.E. of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess costs.

SECOND DISTRICT SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR



Bruce D. Jones, Jr.  
Subcommittee Chair

CERTIFICATE OF MAILING

I certify that on the 16<sup>th</sup> day of MARCH, 2015, a true and complete copy of the Subcommittee Determination (Public Reprimand With Terms) was sent by certified mail to Tinya Lynnette Banks, Respondent, at JANAF Office Building, Suite 508, 5900 E. Virginia Beach Blvd., Norfolk, VA 23502, Respondent's last address of record with the Virginia State Bar.



M. Brent Saunders  
Assistant Bar Counsel