

VIRGINIA:

BEFORE THE SECOND DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

IN THE MATTER OF
TINYA LYNNETTE BANKS

VSB Docket No. 12-021-089222

SUBCOMMITTEE DETERMINATION
(PUBLIC REPRIMAND WITHOUT TERMS)

On March 28, 2012, a hearing in this matter was held before a duly convened Second District Subcommittee consisting of Mary M. Kellam, Chair, Thomas A. Shumaker, Member and Nancy L. Bloom, Lay Member, who unanimously approved an agreed disposition imposing a Public Reprimand Without Terms.

Pursuant to Part 6, Section IV, Paragraph 13-15.E of the Rules of the Virginia Supreme Court, the Second District Subcommittee of the Virginia State Bar hereby serves upon the Respondent the following Public Reprimand Without 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. On March 4, 2011, Adonis Perry ("Perry") pled guilty to a probation violation in the Norfolk Circuit Court and was sentenced to two years and five months incarceration.
3. After Perry indicated his wish to appeal, the court appointed the office of the public defender to represent Perry in the appeal. On March 21, 2011, the office of the public defender filed a timely Notice of Appeal.
4. By orders dated April 22, 2011, the public defender was allowed to withdraw as Perry's counsel and Respondent was appointed to represent Perry for the appeal.
5. Respondent did not timely file a petition for appeal, which was due on July 5, 2011. On

July 12, 2011, Respondent filed a motion requesting a 30-day extension of time to file the petition for appeal. By order issued on July 25, 2011, the extension request was denied on the basis that Respondent had not shown good cause for failing to file the request prior to the expiration of the original filing deadline as required by Rules 5A:3(c)(2) and 5A:12(a). By order issued on July 29, 2011, the appeal was dismissed due to the non-filing of a petition for appeal.

6. Respondent did not take any further action to pursue the appeal on behalf of Perry.
7. Respondent did not notify Perry of the dismissal of the appeal or communicate with Perry at all from the time of her appointment in April 2011 until after he filed his bar complaint in September 2011.
8. Respondent' did not pursue a delayed appeal or advise Perry of the availability of that option.

II. NATURE OF MISCONDUCT

Such conduct by Tinya Lynnette Banks constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

RULE 1.3 Diligence

- (a) A lawyer shall act with reasonable diligence and promptness in representing a client.
- (b) A lawyer shall not intentionally fail to carry out a contract of employment entered into with a client for professional services, but may withdraw as permitted under Rule 1.16.

RULE 1.4 Communication

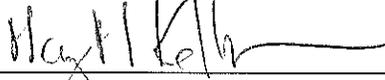
- (a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.
- (b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

III. PUBLIC REPRIMAND WITHOUT TERMS

Accordingly, it is the decision of the subcommittee to accept the Agreed Disposition of a Public Reprimand Without Terms and the Respondent is hereby so reprimanded.

Pursuant to Paragraph 13-9.E the Clerk of the Disciplinary System shall assess costs.

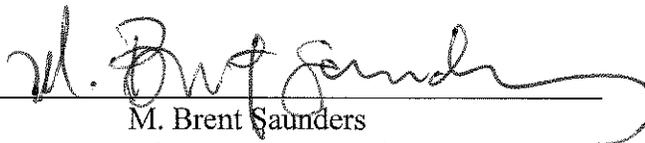
SECOND DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

By 

Mary M. Kellam
Chair

CERTIFICATE OF SERVICE

I certify that on the 20th day of APRIL, 2012, I caused to be mailed by certified mail a true and correct copy of the Subcommittee Determination (Public Reprimand Without Terms) to Tinya Lynnette Banks, Esquire, Respondent, at JANAF Office Building, Suite 508, 5900 E. Virginia Beach Blvd., Norfolk, VA 23502, her last address of record with the Virginia State Bar.



M. Brent Saunders
Assistant Bar Counsel