

VIRGINIA:

BEFORE THE SIXTH DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

IN THE MATTER OF
CLAY BENNETT BLANTON

VS B Docket No. 10-060-083185

SUBCOMMITTEE DETERMINATION
(PUBLIC REPRIMAND WITH TERMS)

On January 10, 2012, a meeting in this matter was held before a duly convened Sixth District Subcommittee consisting of Melanie B. Economou, Esquire, Kay V. Forrest, lay member, and Michael L. Heikes, Esquire, chair presiding. During this meeting, the subcommittee voted to set this matter for hearing before the full District Committee. The subcommittee also voted to approve an agreed disposition for a Public Reprimand with Terms, those terms being that Respondent not handle any appellate work for three years and that he take two hours of continuing legal education in the area of appellate practice. Following this meeting, Deputy Bar Counsel Kathryn R. Montgomery and the respondent, Clay Bennett Blanton (Respondent) entered into such an agreed disposition.

Pursuant to Part 6, Section IV, Paragraph 13-15.E of the Rules of the Supreme Court of Virginia, the Sixth District Subcommittee of the Virginia State Bar hereby serves upon the Respondent the following Public Reprimand with Terms:

I. STIPULATIONS OF FACT

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

The Holt Appeal
2. In 2007, Respondent was court-appointed to represent John Holt on an appeal to the Supreme Court of Virginia. Respondent failed to file the notice of appeal, but did file the petition.
3. The Court dismissed the appeal for failure to file the notice of appeal. Respondent explained to the bar's investigator that he mistakenly believed that the notice of appeal had been filed before he was appointed as counsel.

4. Mr. Holt subsequently filed a petition for habeas corpus, which was granted. Respondent then filed a delayed appeal on Mr. Holt's behalf. Mr. Holt's appeal was ultimately dismissed on the merits.

The Williams Appeal

5. In 2003, Respondent represented Darrell Williams at trial on a drug distribution charge, and Mr. Williams was convicted. Respondent appealed the decision to the Court of Appeals, which denied the appeal on the merits.
6. Respondent then filed a petition for appeal with the Supreme Court of Virginia. Respondent, however, did not file the notice of appeal. As such, the Court rejected the appeal because the notice of appeal had not been filed.
7. Respondent admitted to the bar's investigator that he failed to respond to a letter from the institutional attorney requesting information about Mr. Williams' appeal.
8. Respondent advised the bar's investigator that he has not handled appeals in two years.
9. Respondent has been candid and cooperative with the bar during the investigation.

II. NATURE OF MISCONDUCT

Such conduct by Clay Bennett Blanton 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.

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. IMPOSITION OF PUBLIC REPRIMAND WITH TERMS

Accordingly, it is the decision of the subcommittee to offer Respondent an opportunity to comply with certain terms and conditions, compliance with which will be a predicate for the disposition of a Public Reprimand with Terms of this complaint. The terms and conditions are:

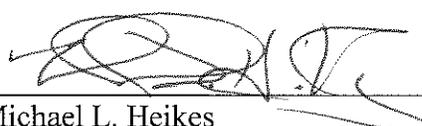
1. Respondent shall not handle appeals for a period of three years beginning January 16, 2012. Before Respondent resumes any appellate practice, Respondent must notify Deputy Bar Counsel, or her designee, and must take two hours of MCLE approved CLE credit in the area of appellate practice and certify compliance to the Deputy Bar Counsel or her designee. Respondent may not apply these two hours of credit to his annual MCLE requirement.

The alternate sanction is a Certification of Sanction Determination pursuant to Part 6, Section IV, Paragraph 13-15.G. of the Rules of Court. Upon satisfactory proof that such terms and conditions have been met, this matter shall be closed. If bar counsel believes that the terms and conditions have not been met, pursuant to Part 6, Section IV, Paragraph 13-15.F of the Rules of Court, bar counsel may issue a notice requiring Respondent to show why the alternative sanction shall not be imposed. 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 Paragraph 13-9.E of the Rules of Court.

Pursuant to Part 6, Section IV, Paragraph 13-9.E of the Rules of Court, the Clerk of the Disciplinary System shall assess costs.

SIXTH DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

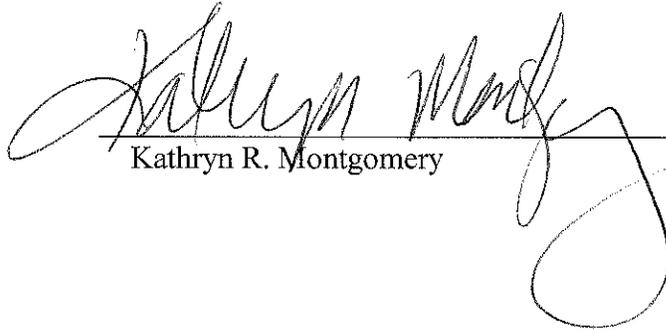
By



Michael L. Heikes
Subcommittee Chair

CERTIFICATE OF SERVICE

I certify that on May 16, 2018 I mailed by certified mail a true and correct copy of the Subcommittee Determination (Public Reprimand with Terms) to Clay Bennett Blanton, Esquire, Respondent, at P.O. Box 556, Quinton, VA 23141-0556, Respondent's last address of record with the Virginia State Bar.



Kathryn R. Montgomery