

VIRGINIA:

BEFORE THE SIXTH DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

RECEIVED

MAR 22 2011

IN THE MATTER OF
CLAY BENNETT BLANTON

VSB CLERK'S OFFICE

VSB Docket No. 09-060-077450

SUBCOMMITTEE DETERMINATION
(PUBLIC REPRIMAND WITHOUT TERMS)

On February 10, 2011, a hearing in this matter was held before a duly convened Sixth District Subcommittee consisting of Kay V. Forrest, Lay Member, R. Barrow Blackwell, Esquire, and Michael D. Clower, Chair Presiding.

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

I. FINDINGS OF FACT

1. At all times relevant hereto, Clay Bennett Blanton, (hereinafter "the Respondent"), has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. The Respondent was court appointed to represent Complainant James Taylor, (hereinafter "the Complainant"), in a loss of parental rights matter.
3. The Complainant was a convicted sex offender and was incarcerated at the time of the representation. The Complainant's ex-spouse wished to terminate the Complainant's parental rights and have their child adopted by her new husband. The Complainant wished to retain his parental rights.

4. The Respondent had several telephone conferences with the Complainant prior to the hearing. The Complainant participated in the hearing by videoconference. The Court ruled against the Complainant. The Complainant requested that the Respondent appeal the ruling.

5. The Respondent timely filed a Notice of Appeal to the Virginia Court of Appeals on May 13, 2008. The Notice of Appeal indicated that a transcript of the proceedings in the Circuit Court for King and Queen County would be ordered. However, the Respondent failed to file an opening brief within the time permitted and the Court of Appeals dismissed the case on October 23, 2008.

6. During an interview regarding this matter held on September 9, 2009, the Respondent informed Virginia State bar investigator Oren M. Powell that the reason the opening brief had not been timely filed was that he had not received the transcript from the circuit court. The Respondent also informed the investigator that the delay was in part due to the uncertainty of whether the state should pay for the transcript. The Respondent did not file for an extension of time to file the opening brief or take other which would have kept the appeal viable.

7. As the appeal of the order extinguishing the Complainant's parental rights was a civil matter, once the appeal had been dismissed the Complainant had no recourse for further appeals.

8. The instant case represented the first civil appeal undertaken by the Respondent. At the time of the representation of the Complainant, the Respondent was experienced in handling criminal appeals.

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 1.1 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

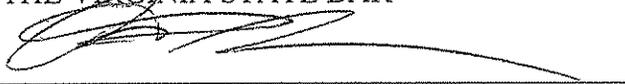
(a) A lawyer shall act with reasonable diligence and promptness in representing a client.

III. PUBLIC REPRIMAND

Accordingly, it is the decision of the subcommittee to impose a Public Reprimand and the Respondent is hereby so reprimanded.

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

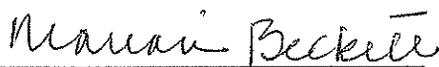
SIXTH DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

By 

Michael D'Wayne Clower
Chair

CERTIFICATE OF SERVICE

I certify that on the 15th day of March, 2011, I caused to be mailed by Certified Mail, Return Receipt Requested, a true and correct copy of the Subcommittee Determination (Public Reprimand Without Terms) to Clay Bennett Blanton, Esquire, Respondent, at, P.O. Box 556, Quinton, VA 23141-0556, his last address of record with the Virginia State Bar.



Marian L. Beckett
Assistant Bar Counsel