

VIRGINIA:

*Before the Virginia State Bar Disciplinary Board*

*In the Matter of*

*Crystal Anita Gist Fisher*

*VSB Docket Nos. 08-042-074643, 09-042-079863  
and 09-042-077378*

*Attorney at Law*

*On May 17, 2010, came Crystal Anita Gist Fisher and presented to the Board an Affidavit Declaring Consent to Revocation of her license to practice law in the courts of this Commonwealth. By tendering her Consent to Revocation at a time when disciplinary charges are pending, she admits that the charges in the attached Exhibit "A" document are true.*

*The Board having considered the said Affidavit Declaring Consent to Revocation, and Bar Counsel having no objection, the Board accepts her Consent to Revocation. Accordingly, it is ordered that the license to practice law in the courts of this Commonwealth heretofore issued to the said Crystal Anita Gist Fisher be and the same hereby is revoked, and that the name of the said Crystal Anita Gist Fisher be stricken from the Roll of Attorneys of this Commonwealth.*

*Entered this 18<sup>th</sup> day of May, 20 10*

*For the Virginia State Bar Disciplinary Board*

*By Barbara S. Lanier  
Barbara Sayers Lanier, Clerk of the Disciplinary System*

VIRGINIA:

RECEIVED

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

MAY 17 2010

IN THE MATTERS OF CRYSTAL ANITA GIST FISHER, ESQUIRE  
VSB Docket Nos. 08-042-074643, 09-042-079863, and 09-042-077378

VSB CLERK'S OFFICE

AFFIDAVIT DECLARING CONSENT TO REVOCATION

CRYSTAL ANITA GIST FISHER, after being duly sworn, states as follows:

1. That she was licensed to practice law in the Commonwealth of Virginia on October 12, 2001;

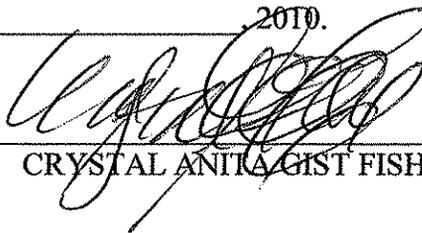
2. That pursuant to Part 6, Section IV, Par. 13-28.A of the *Rules of Virginia*

*Supreme Court*:

- a. her consent to revocation is freely and voluntarily rendered, that she is not being subjected to coercion or duress, and that she is fully aware of the implications of consenting to a Revocation of her license to practice law in the Commonwealth of Virginia;
- b. she is aware that there are currently pending complaints against her involving allegations of misconduct, the nature of which are set forth in Exhibit A attached hereto, the contents of which are hereby incorporated by reference as if fully set forth in this Affidavit;
- c. she acknowledges that the material facts upon which the allegations of Misconduct are predicated, as set forth in the attached Exhibit A, are true; and
- d. she submits this Affidavit and consents to the Revocation of her license to practice law in the Commonwealth of Virginia because she knows that if disciplinary Proceedings based on the alleged Misconduct were brought or prosecuted to a conclusion, she could not successfully defend them.

3. That she understands that, pursuant to Part 6, Section IV, Par. 13-28.B of the *Rules of Virginia Supreme Court*, the admissions offered in this Affidavit shall not be deemed an admission in any proceeding except one relating to her status as a member of the Bar.

Executed this 15<sup>th</sup> day of May, 2010.

  
CRYSTAL ANITA GIST FISHER

STATE OF MD  
CITY/COUNTY OF CHARLES, to wit:

I, BRIAN A. FOSTER, a Notary Public in the state aforesaid, do hereby certify that CRYSTAL ANITA GIST FISHER appeared in person before me in the City/County of CHARLES, <sup>MD</sup> ~~Virginia~~, on this 12<sup>th</sup> day of MAY, 2010, 2010, and was by me duly sworn and thereupon executed in my presence and acknowledged to me the truth and voluntariness of the foregoing Affidavit Declaring Consent to Revocation and Statement

GIVEN under my hand this 12<sup>th</sup> day of MAY, 2010.

  
Notary Public

My Commission expires: 12-10-2013.

BRIAN A FOSTER  
NOTARY PUBLIC  
CHARLES COUNTY  
MARYLAND

SEEN WITH NO OBJECTION TO ENTRY OF AN ORDER BY THE VIRGINIA STATE BAR DISCIPLINARY BOARD REVOKING RESPONDENT'S LICENSE TO PRACTICE LAW IN VIRGINIA: My Commission Expires Dec. 10, 2013

KATHLEEN M. USTON, ESQUIRE  
Assistant Bar Counsel

**EXHIBIT "A"**

1. On or around December 1, 2004, the Complainant, Sharon Bonds, retained the Respondent to assist her with a discrimination matter arising out of the Complainant's unsuccessful completion of a comprehensive examination taken at a university where the Complainant was attempting to obtain her doctorate. On or around March 10, 2005, Complainant paid \$6,500.00, with a check made payable to "Carolyn C. Eaglin & Associates."<sup>1</sup> During an interview conducted on September 29, 2009, discussed in more detail below, the Respondent advised Virginia State Bar Investigator David G. Fennessey that she negotiated this check and deposited it to her attorney trust account.

2. A copy of the Respondent's file concerning the Complainant's case was obtained by Investigator Fennessey at the time of his interview with the Respondent. It appears from documents contained within that file that the Respondent wrote to the university in question on December 13, 2004, to advise of her representation of Ms. Bonds, but took no further action on her client's behalf after that date.

3. Documents in the Respondent's file also confirm that the Complainant wrote to the Respondent repeatedly over the course of the more than two (2) years that she represented the Complainant in order to obtain information concerning the status of her case (Complainant terminated Respondent's services in June, 2007.) However, Respondent failed to timely and adequately respond to these written requests for information.

4. Complainant also attempted to contact Respondent by telephone over the course of the representation, but months would go by before the Complainant would receive a return telephone call.

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<sup>1</sup> It appears as though the Respondent was an employee of this firm at this time.

5. During one telephone contact between Respondent and the Complainant which took place in March, 2006, the Respondent advised her client that she (the Respondent) had filed suit on the Complainant's behalf in a Virginia court. Thereafter, the Complainant telephoned Respondent repeatedly to obtain an update on her case, and was told by the Respondent that she expected to hear from the court and would keep the Complainant advised. In or around March, 2007, in response to renewed telephone inquiries from the Complainant concerning the status of the case, the Respondent advised her that she would contact the court to determine the status and then call Complainant back to update her with the information she obtained. The Respondent did not call the Complainant back as promised.

6. At one point during the representation, in or around June, 2007, the Complainant learned from the university in question that they had record of having received only one (1) letter from the Respondent, and that their last record of any contact with the Respondent was in late 2005.

7. The Complainant then contacted certain courts in Virginia, specifically in Alexandria, Fairfax, Arlington, and Richmond, in an effort to determine where and when her case had been filed, and the status of that case, but each court she contacted informed her that no case had either been filed or was pending.

8. On June 6, 2007, the Complainant wrote again to the Respondent, noting that this was her "2<sup>nd</sup> Request," and demanded copies of all documents in her file including "letters, filings, and any correspondence prepared in my behalf." The Complainant also demanded an accounting of fees, a detailed billing statement, and a refund of any monies left from the initial \$6,500.00 Engagement Fee.



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9. Having neither heard, nor having received, anything from the Respondent in response to this letter, Complainant wrote to her again on November 2, 2007, demanding return of her file, an accounting of fees, a detailed billing statement and any refund due her. The Complainant also requested that Respondent, “[P]rovide the case number for the filings [in court], as well as all documentation.” Again, the Respondent did not respond, and the Complainant filed a complaint with the Virginia State Bar on April 8, 2008.

10. On April 23, 2008, a copy of this complaint was sent to the Respondent at her address of record with the Virginia State Bar, demanding that a written response to the complaint be filed by the Respondent within twenty-one (21) days. The Respondent did not respond to this complaint despite her obligation under applicable rules to do so.

11. By check dated September 9, 2007, drawn on the account of the “Employee Rights Law Group, Michael J Beattie Sole Proprietor,” the Respondent refunded to the Complainant the sum of \$3,000.00, but never provided an accounting of how the balance of the engagement fee was applied. The Respondent advised Investigator Fennessey that she would be willing to make a further refund to Complainant of fees paid once she was able to determine the value of the work she performed on Complainant’s behalf. Respondent admitted, however, that she cannot locate her billing records on the case and/or can no longer access them. On May 29, 2008, the Respondent wrote to the Complainant, stating that she was enclosing all documentation concerning the Complainant’s case, and the Complainant has acknowledged that her file materials were returned to her at this time.



12. On or around November 25, 2008, a subpoena *duces tecum* was issued to the Respondent seeking production of her entire file, including *inter alia*, all correspondence, notes, emails, billing and trust records. The Respondent was required to produce her entire file on Ms. Bonds' case on or before December 19, 2008. The Respondent failed to comply with this subpoena, resulting in the interim suspension of her license effective March 24, 2009. By Order dated October 9, 2009, that interim suspension was lifted following the Respondent's production of her file on the Complainant's case to Investigators Fennessey and Sterling.

13. On September 29, 2009, after multiple attempts to contact the Respondent by telephone and email, Virginia State Bar Investigators Fennessey and William Sterling located the Respondent at her residence in Waldorf, Maryland and conducted an interview of her at that time. Respondent admitted that she never filed suit on the Complainant's behalf due to her caseload, but claimed that she had prepared a suit for filing sometime in 2006 or 2007, and intended to file the case once her caseload eased. The Respondent also acknowledged her lack of responsiveness to her client, and her failure to accomplish the work she was retained to perform.

14. During this interview, the Respondent provided Investigator Fennessey with a copy of her file in the Bonds matter. That file did not contain any pleadings, billing statements, or trust account records.

**As to VSB Docket No. 09-042-077378 (Jennifer Sexton)**

15. In or around April, 2007, the Complainant retained the Respondent to assist her with an EEOC claim arising out of the Complainant's employment with the Town of Leesburg, paying her an advance against fees of \$2,500.00.

  
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16. On or around June 9, 2008, the Respondent contacted Complainant's former employer outlining the Complainant's grievances. On or around June 12, 2008, the Complainant's former employer responded to this letter, refusing to discuss settlement of the case and declining to voluntarily agree to the relief sought in the Respondent's letter. The Respondent thereafter prepared a Complaint to be filed in the Circuit Court for the County of Loudoun.

17. During the month of September, 2008, the parties exchanged several email messages wherein the Respondent represented that she would be filing suit on Respondent's behalf shortly. On October 2, 2008, following the exchange of numerous additional email messages discussing changes to the Complaint, the Respondent requested that Complainant, "Please let me know your availability when I might be best able to reach you by phone, today and tomorrow." Although the Complainant immediately responded to this message as requested, and also made numerous subsequent efforts to contact the Respondent, this is the last contact Respondent has had with her client.

18. During Investigator Fennessey's interview with the Respondent on September 29, 2009, she admitted that the suit was never filed on Complainant Sexton's behalf, stating that proceeding with the suit would be costly and that she (the Respondent) did not have the financial resources to go forward. Respondent admitted to Investigator Fennessey that she should have, but did not, notify the Complainant that she could not file suit for this reason. The Respondent further admitted to Investigator Fennessey that she has had no contact with her client since the October 2, 2008, email



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message referenced in Paragraph 18, above. In an email message dated October 28, 2009, the Complainant terminated the Respondent's services.

19. On October 30, 2008, the Complainant filed her complaint with the Virginia State Bar.

20. On November 13, 2008, a copy of this complaint was sent to the Respondent at her address of record with the Virginia State Bar, demanding that a written response to the complaint be filed by the Respondent within twenty-one (21) days. The Respondent did not respond to this complaint despite her obligation under applicable rules to do so.

21. The Complainant has also requested an accounting of fees from the Respondent which the Respondent has failed to provide.

**As to VSB Docket No. 09-042-079863 (Perry Ball)**

22. On or around October 17, 2008, the Complainant retained the Respondent to assist him with an employment discrimination matter, paying the Respondent a total fee of \$2,550.00 in cash, all paid with money orders, in several installments. The last installment of \$200.00 was paid in April, 2009.

23. Over the course of the next several months, the Complainant forwarded information to the Respondent concerning his case, and sought to obtain the status of her efforts on his behalf. The Respondent advised Mr. Ball that she had made contact with agency personnel on his behalf, had sent correspondence to them, and was otherwise proceeding with his case.

  
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24. On or around March 20, 2009, the Complainant met with the Respondent and paid her an additional cash installment of \$500.00. On April 8, 2009, the Complainant paid the Respondent a final cash installment of \$200.00.

25. The Complainant later learned from the Virginia State Bar website that the Respondent's license to practice law had been administratively suspended, effective March 24, 2009. Thereafter, the Complainant began trying to reach the Respondent to obtain the return of his file, an accounting of fees, and a refund, but she failed to respond to his messages, leading the Complainant to contact the Virginia State Bar on June 3, 2009, to confirm her address of record and the status of her license to practice law.

26. On June 8, 2009, the Complainant filed a complaint against the Respondent with the Virginia State Bar. On June 15, 2009, a copy of this complaint was sent to the Respondent at her address of record with the Virginia State Bar, demanding that a written response to the complaint be filed by the Respondent within twenty-one (21) days. The Respondent did not respond to this complaint despite her obligation under applicable rules to do so.

27. On June 9, 2009, Complainant sent an email message to Respondent demanding the return of his file, including copies of any communications sent to agency personnel on his behalf, and requesting a refund of all fees paid. On June 10, 2009, the Respondent responded to this message, advising Complainant that she would prepare an accounting of fees and compile his file, anticipating that both would be ready for him to pick up "no later than Monday, June 15, 2009."

28. During the month of August, 2009, the parties exchanged email correspondence wherein the return of the Complainant's file, and his demand for a refund



of fees, were discussed. On August 10, 2009, Respondent informed the Complainant that she had compiled the file for his retrieval, including “documentation and correspondence related to your case,” going on to state, “I have also included a statement of my work on your matter in the file.” The Respondent refused, however, to refund any fees to him taking the position that she had earned the fees paid, having performed substantial work on his case, the value of which exceeded the amounts paid. The Respondent further advised Complainant that all funds paid by him were “received prior to the suspension action in Virginia.”

29. Thereafter, in an August 10, 2009, email to the Virginia State Bar Assistant Bar Counsel assigned to this matter, the Respondent represented that she was “forwarding a copy of this file today” and would resolve the financial dispute between the parties separately.

30. On August 20, 2009, the Complainant still had not received his file from Respondent and email inquiries directed to her on that date concerning the whereabouts of the file went unanswered. Thereafter, Virginia State Bar Investigator David G. Fennessey attempted to contact the Respondent, leaving her voice mail messages on August 24<sup>th</sup>, and September 16<sup>th</sup>. The Respondent never responded to these messages, or any other efforts to contact her.

31. Finally, on September 29, 2009, incident to his investigation of this and the above cases, Investigator Fennessey traveled to the Respondent’s residence in an effort to make contact with her, and he interviewed her on that date in the presence of Virginia State Bar Investigator William Sterling.



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32. During the course of this interview, Investigator Fennessey inquired about the Respondent's failure to respond to the many messages both he and Assistant Bar Counsel had left for her. The Respondent stated that she did not respond since she was in the process of finalizing her statement of work on Mr. Ball's case, and was attempting to locate her final letter to the Complaints Examiner with the Office of Special Counsel, both of which she wanted to include with the file returned to Mr. Ball and the Virginia State Bar. The Respondent further represented to Investigator Fennessey that she had, in fact, contacted both the Complaints Examiner with the Office of Special Counsel, Ms. Sandra Thomas, and the Director of the Directorate of Equal Employment Opportunity, Ms. Beatrice Burnfelt, on the Complainant's behalf. The Respondent advised Investigator Fennessey that she spoke with Ms. Thomas by telephone in response to Ms. Thomas' January 6, 2009, letter advising the Complainant that his file was being closed since no response had been timely received to the December 5, 2008, report issued by that agency. The Respondent also represented to Investigator Fennessey that she wrote to Ms. Thomas in January or February, 2009 requesting that Mr. Ball's file be re-opened. The Respondent claimed that Ms. Thomas never responded to her letter.

33. The Respondent also represented to Investigator Fennessey that she sent two (2) separate letters to Ms. Burnfelt seeking to open an EEOC complaint on Mr. Ball's behalf, but that she never received a response to these letters. The Respondent further informed Investigator Fennessey that she had traded telephone calls with Ms. Burnfelt, and was still awaiting a response from her.

34. During this interview, the Respondent presented Investigator Fennessey with her file on the Complainant's case, which included copies of letters she claimed to



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have sent to Ms. Thomas and Ms. Burnfelt (incorrectly identified as “Deatrice Burnfelt” on Respondent’s letters) concerning the Complainant’s claims of discrimination. There was no “statement of work” or other accounting of fees included in the file given to Investigator Fennessey.

35. Investigator Fennessey subsequently contacted both Ms. Thomas and Ms. Burnfelt, both of whom denied ever having received any contact from the Respondent whatsoever concerning the Complainant’s case, whether by telephone or in writing.

36. During Investigator Fennessey’s interview, the Respondent denied that she received any payments from the Complainant after her March 24, 2009 suspension. Investigator Fennessey successfully obtained directly from the issuing company a copy of MoneyGram Money Order No. R102476236412, the receipt for which the Complainant had earlier presented and which bore a purchase date of April 8, 2009. MoneyGram Money Order No. R102476236412 is made payable to the Respondent in the amount of \$200.00, and was apparently endorsed by her on or around April 11, 2009.

37. During Investigator Fennessey’s interview, the Respondent denied that she practiced law during the period of her interim suspension, but admitted to Investigator Fennessey that she had not sent written notification to her clients, opposing counsel, or the courts of her suspension, as was her obligation. She represented to Investigator Fennessey, however, that she did verbally notify her clients, and the Fairfax County Juvenile and Domestic Relations Court, where she had a pending case, of her suspension.

38. The Complainant denied that the Respondent ever verbally notified him of her suspension, and the Respondent conceded this, claiming that no notice to him was necessary since he discovered the fact of her suspension on his own.

  
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39. After obtaining the style of the case pending in the Fairfax County Juvenile and Domestic Relations Court in which the Respondent was counsel of record, Investigator Fennessey contacted that court, and was advised by court personnel that there was no record in either their office or the case file itself of the Respondent having contacted them to notify the court of her suspension.

40. On July 13, 2009, a subpoena *duces tecum* was served upon the Respondent seeking her entire file, including all trust account records, related to Respondent's representation of Complainant Ball. To date, the Respondent has not responded to this subpoena *duces tecum*.

41. During Investigator Fennessey's interview, Investigator Fennessey requested that the Respondent produce her trust account records for 2008. The Respondent claimed that those records were in the possession of her tax preparer, Mr. J. Jenkins. Upon inquiry from Investigator Fennessey, Mr. Jenkins denied that he had these documents, leading Investigator Fennessey to once again demand those records from the Respondent. On October 21, 2009, the Respondent represented that she was "compiling" her escrow account statements for 2008 and would contact Investigator Fennessey to arrange delivery of copies of same to him. To date, the Respondent has not made any further contact with Investigator Fennessey, nor has she produced those statements.



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42. The Respondent advised Investigator Fennessey that she has been experiencing personal, health, and financial difficulties that have had a severe and adverse impact upon her ability to practice and manage her personal and professional affairs. This information has been deemed reliable by the Virginia State Bar.



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