

VIRGINIA:

BEFORE THE FOURTH DISTRICT SECTION II SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR

IN THE MATTERS OF CRYSTAL ANITA GIST FISHER, ESQUIRE  
VSB Docket Numbers 08-042-073471 and 09-042-075770

SUBCOMMITTEE DETERMINATION  
PUBLIC REPRIMAND (WITH TERMS)

On the 19<sup>th</sup> day of January, 2009, a meeting in these matters was held before a duly convened subcommittee of the Fourth District Committee, Section II, consisting of Robert K. Coulter, Esquire, Sandra L. Northrop, and Cary S. Greenberg, Esquire, presiding.

Pursuant to Part 6, Section IV, Paragraph 13-15.B.4.c of the Rules of Virginia Supreme Court, a subcommittee of the Fourth District Committee, Section II, of the Virginia State Bar hereby serves upon the Respondent the following Public Reprimand with Terms.

**I. FINDINGS OF FACT**

1. At all times relevant hereto the Respondent, Crystal Anita Gist Fisher, Esquire (hereinafter the Respondent), has been an attorney licensed to practice law in the Commonwealth of Virginia.

**As to VSB Docket No. 08-042-073471**

2. The Respondent was retained by the Complainant to assist him with an employment discrimination matter. Over the course of the representation, the Respondent encountered difficulty obtaining the client's file from his former counsel. In addition, the Complainant could not, or did not, provide necessary documents responsive

to discovery requests filed by the employer.

3. As a result, a Motion for Summary Judgment was filed by the employer. The Respondent did not file a response to this Motion, believing she had no basis for doing so. As a result, the Motion for Summary Judgment was granted.

4. The Respondent did not keep her client adequately informed about the status of his case.

## II. NATURE OF MISCONDUCT

The Subcommittee finds that the following Disciplinary Rules have been violated:

### **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.

### **As to VSB Docket No. 09-042-075770**

5. The Complainant retained the services of Michael J. Beattie to assist him with an employment discrimination matter.<sup>1</sup> Mr. Beattie sold his practice to the Respondent, and Mr. Beattie presented the Complainant with a form requiring him to decide if he wished the Respondent to take over his case. The Complainant opted to retain the Respondent, and he was informed by Mr. Beattie that the balance of trust funds being held by Mr. Beattie would be turned over to the Respondent. The Respondent confirmed that this transfer of funds took place.

6. Thereafter, the Complainant stated that he attempted to contact the Respondent, but never heard anything from her at any point. He therefore terminated her

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<sup>1</sup> Mr. Beattie's license to practice law in Virginia has been revoked

services and requested a refund of the money that remained in trust.

7. The Respondent stated that she performed substantial services for the Complainant, but her services were terminated prior to resolution of the case, and the Complainant was therefore owed no refund of advance fees paid.

## II. NATURE OF MISCONDUCT

The Subcommittee finds that the following Disciplinary Rules have been violated:

### **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. PUBLIC REPRIMAND WITH TERMS

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

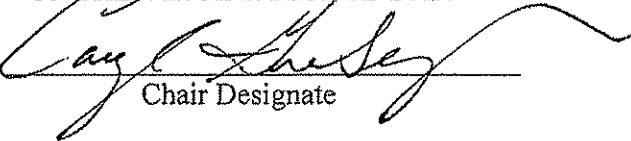
1. The Respondent shall, within ninety (90) days of the issuance of this Determination, certify in writing to Assistant Bar Counsel Kathleen M. Uston that she has attended a **live** continuing legal education program devoted to federal practice.

Upon satisfactory proof that such terms and conditions have been met, this matter shall be closed. If the terms and conditions are not met by the specified dates, or are otherwise violated by the Respondent, pursuant to Part Six, Section IV, Paragraph 13-15.G of the Rules of Court, the Respondent's license to practice law in the Commonwealth of Virginia shall be suspended for a period of six (6) months.

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

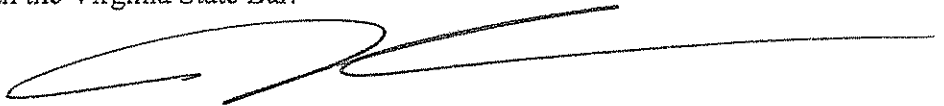
FOURTH DISTRICT SECTION II SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR

By

  
Chair Designate

CERTIFICATE OF SERVICE

I certify that I have this 22<sup>nd</sup> day of October, 2009, mailed a true and correct copy of the Subcommittee Determination (Public Reprimand with Terms) by CERTIFIED MAIL, RETURN RECEIPT REQUESTED, to the Respondent, Crystal Anita Gist Fisher, Esquire, 10462 Kelso Court, Waldorf, Maryland 20603, her last address of record with the Virginia State Bar.



Kathleen M. Uston  
Assistant Bar Counsel