

**VIRGINIA:**

**IN THE CIRCUIT COURT OF  
THE COUNTY OF CHESTERFIELD**

RECEIVED

VIRGINIA STATE BAR EX REL )  
THIRD DISTRICT COMMITTEE, )  
 )  
Complainant, )  
 )  
v. )  
 )  
STACY F. GARRETT, III, )  
 )  
Respondent )

MAY 24 2011

VSB CLERK'S OFFICE

Case No. CL11-168

**Memorandum Order**

On April 20, 2011, came the Virginia State bar, represented by Harry M. Hirsch, deputy bar counsel, and the Respondent, Stacy F. Garrett, III, pro se. The case was heard by the three-judge panel appointed by the Supreme Court of Virginia: the Honorable Jane Marum Roush, Chief Judge Designate, the Honorable Marc Jacobson, Retired, Judge Designate, and the Honorable Joseph E. Spruill, Jr., Retired, Judge Designate.

The proceedings were transcribed by a court reporter, who was duly sworn by the Chair.

**VSJ Docket Number 09-032-079386**

**(Geroe)**

1. The court heard the opening statement made by the Bar. The Respondent waived opening statement.

2. The court heard the testimony of Kenneth V. Geroe, Commissioner of Accounts of the City of Virginia Beach, Cam Moffatt, Investigator for the Virginia State Bar, and Stacy F. Garrett, III, the Respondent.

3. Both bar counsel and the Respondent made closing arguments.

4. The panel retired and deliberated and voted unanimously that the Bar had failed to prove by clear and convincing evidence that the Respondent, Stacy F. Garrett, III, had violated the following Rules of Professional Conduct: 1.3(b), 1.15(c)(3), and 8.4(b). Those charges were dismissed.

5. The panel unanimously concluded that the Bar had proven by clear and convincing evidence that the Respondent, Stacy F. Garrett, III, had violated the following 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(a).** Diligence. —

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

**Rule 3.4(d).** Fairness To Opposing Party And Counsel. —  
A lawyer shall not:

- (d) Knowingly disobey . . . a standing rule or a ruling of a tribunal made in the course of a proceeding, but the lawyer may take steps, in good faith, to test the validity of such rule or ruling.

**Rule 8.1(c).** Bar Admission And Disciplinary Matters. —  
[A] lawyer already admitted to the bar . . . in connection with a disciplinary matter, shall not:

- (c) fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this Rule does not require disclosure of information otherwise protected by Rule 1.6.

**VSB Docket Number 10-032-081824**

**(Holloway)**

1. The Court heard the opening statement made by the Bar. The Respondent waived opening statement.

2. The court heard the testimony of Florence P. Holloway, the complainant, Cam Moffatt, Investigator for the Virginia State Bar and Stacy F. Garrett, III, the Respondent.

3. Both Bar counsel and the Respondent made closing arguments.

4. The panel retired and deliberated and voted unanimously that the Bar had failed to prove by clear and convincing evidence that the Respondent, Stacy F. Garrett, III, had violated the following Rules of Professional Conduct: 1.3(b) and 1.16(c). Those charges were dismissed.

5. The panel unanimously concluded that the bar had proven by clear and convincing evidence that the Respondent, Stacy F. Garrett, III, had violated the following Rules of Professional Conduct:

**Rule 1.3(a).** Diligence. —

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

**Rule 1.4(a).** Communication. —

- (a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

**Rule 8.1(c).** Bar Admission And Disciplinary Matters. —  
[A] lawyer already admitted to the bar . . . in connection with a disciplinary matter, shall not:

- (c) fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this Rule does not require disclosure of information otherwise protected by Rule 1.6.

## **Disposition**

1. The panel heard evidence of the Respondent's prior disciplinary record. See VSB Ex. # 36.

2. The panel heard the arguments of Bar counsel and the Respondent as to the appropriate disposition.

3. The panel deliberated and unanimously concluded that the license of the Respondent, Stacy F. Garrett, III, to practice law in the Commonwealth of Virginia should be suspended for one (1) year, effective April 20, 2011. As stated from the bench, in making this decision, the panel was of the view that the Respondent's extensive contacts with the Bar's disciplinary system have seemingly had no impact on how he conducts his law practice. The panel found a long pattern of similar conduct involving failure to communicate with clients, failure diligently to pursue matters to completion, and failure to cooperate with the Bar disciplinary process.

4. A Summary Order was entered on April 20, 2011, which, among other things, directed the Respondent to comply with the requirements of Part Six, Section IV, Paragraph 13-29 of the Rules of the Supreme Court of Virginia:

### **DUTIES OF DISBARRED OR SUSPENDED RESPONDENT**

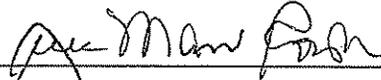
After a Suspension against a Respondent is imposed by either a Summary or Memorandum Order and no stay of the Suspension has been granted by this Court, or after a Revocation against a Respondent is imposed by either a Summary Order or Memorandum

Order, that Respondent shall forthwith give notice, by certified mail, of his or her Revocation or Suspension to all clients for whom he or she is currently handling matters and to all opposing Attorneys and the presiding Judges in pending litigation. The Respondent shall also make appropriate arrangements for the disposition of matters then in his or her care in conformity with the wishes of his or her clients. The Respondent shall give such notice within 14 days of the effective date of the Revocation or Suspension, and make such arrangements as are required herein within 45 days of the effective date of the Revocation or Suspension. The Respondent shall also furnish proof to the Bar within 60 days of the effective date of the Revocation or Suspension that such notices have been timely given and such arrangements made for the disposition of matters. The Board shall decide all issues concerning the adequacy of the notice and arrangements required herein, and the Board may impose a sanction of Revocation or additional Suspension for failure to comply with the requirements of this subparagraph 13-29

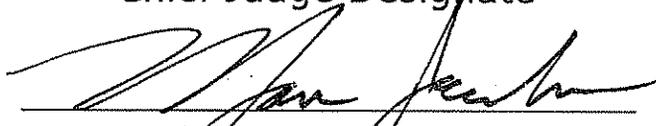
5. The Clerk of the Circuit Court shall send a certified copy of this Order to the Respondent at his last address of record with

the Virginia State Bar, 2551 Swanhurst Drive, Midlothian, VA  
23113-9613.

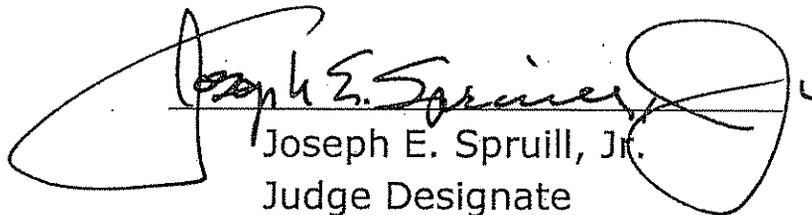
ENTERED this 12 day of May, 2011.



Jane Marum Roush  
Chief Judge Designate



Marc Jacobson  
Judge Designate



Joseph E. Spruill, Jr.  
Judge Designate