

**VIRGINIA:**

**BEFORE THE SECOND DISTRICT SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR**

**In the Matter of CYNTHIA DAWN GARRIS**

**VS** Docket No.     **07-021-0150**  
                          **07-021-1350**

**Complainant: VSB/Anonymous**

**SUBCOMMITTEE DETERMINATION  
(PUBLIC REPRIMAND WITH TERMS)**

On March 27, 2007, a duly convened Second District, Section I, Subcommittee of the Virginia State Bar consisting of Michael C. Moore, Esquire, Emanuel W. Michaels, Lay Member, and Paul K. Campsen, Esquire, presiding, considered an Agreed Disposition in the above-referenced matter. Upon due deliberation, the Subcommittee chose to accept the Agreed Disposition.

Pursuant to Part Six, Section IV, Paragraph 13(G)(1)(c)(1) of the Rules of the Supreme Court of Virginia, the Second District Subcommittee hereby serves upon the Respondent the following Public Reprimand with Terms:

**I. FINDINGS OF FACT**

1. During all times relevant hereto, the Respondent, Cynthia Dawn Garris, was an attorney licensed to practice law in the Commonwealth of Virginia.
2. On June 28, 2006, Ms. Garris appeared in the Norfolk Circuit Court pursuant to her duties as a *guardian ad litem* in a child custody dispute. Trial lasted all day without resolution, and the court planned to continue the case to the following morning.
3. Ms. Garris told the court that she was not available the following day because of a commitment in another court. In reliance on Ms. Garris' representation, the court set the case for another day.
4. In reality, Ms. Garris had no court commitments the following day, but wanted to go on a preplanned shopping trip to Williamsburg with a friend.

5. When the court learned about this, it issued a rule for Ms. Garris to appear and show cause why the court should not hold her in contempt. It conducted the hearing on July 17, 2006, held her in contempt, and fined her \$250.

6. The presiding judge advised the Virginia State Bar that, but for her previous record of no difficulty, he would have been more severe in his punishment.

7. In response to the ensuing Virginia State Bar complaint, Ms. Garris furnished a copy of a Judicial Nominations Questionnaire that she submitted to the Judicial Nominations Committee of the Norfolk Portsmouth Bar Association on December 29, 2005.

8. Question 24 read:

*Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or are you now the subject of a complaint to any court, administrative agency, bar association, disciplinary committee, or other professional group? If so, please give the particulars.*

9. In her answer to question 24, Ms. Garris mentioned three matters then under investigation that subsequently led to public discipline in March 2006, but negligently failed to mention a prior disciplinary matter that had become final less than two months earlier on November 2, 2005.

10. Ms. Garris acknowledged to the bar that she failed to mention this case on the questionnaire, but showed where she mentioned the same case on an identical questionnaire that she submitted previously in March 2005. Although she failed to mention the case on the second questionnaire, she discussed the case during the subsequent judicial interview.

## II. NATURE OF MISCONDUCT

The parties agree that the foregoing facts give rise to violations of 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     Diligence**

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

**RULE 3.3 Candor Toward The Tribunal**

- (a) A lawyer shall not knowingly:
  - (1) make a false statement of fact or law to a tribunal;

**RULE 8.4 Misconduct**

It is professional misconduct for a lawyer to:

- (c) engage in professional conduct involving dishonesty, fraud, deceit or misrepresentation;

**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 will be a predicate for the disposition of a Public Reprimand with Terms of this complaint. The terms and conditions are as follows:

1. The Respondent, Cynthia Dawn Garris, is placed on disciplinary probation for a period of one (1) year, said period to begin March 27, 2007, the date that this Subcommittee approved the Agreed Disposition. Ms. Garris will engage in no professional misconduct as defined by the Virginia Rules of Professional Conduct during such one-year probationary period. Any final determination of misconduct determined by any District Committee of the Virginia State Bar, the Disciplinary Board, or a three-judge court to have occurred during such period will be deemed a violation of the terms and conditions of this Agreed Disposition and will result in the imposition of the alternate sanction, a Thirty-Day Suspension of the Respondent's license to practice law in the Commonwealth of Virginia, to be imposed by the Virginia State Bar Disciplinary Board. The alternate sanction will not be imposed while Ms. Garris is appealing any adverse decision that might result in a probation violation.

2. In addition to Continuing Legal Education (CLE) requirements imposed on all members of the Bar, the Respondent shall, on or before March 30, 2008, complete an additional six hours of CLE, not less than three hours of which shall be in courses eligible for ethics credits as determined by the Virginia State Bar Mandatory Continuing Legal Education Board (MCLE), and the Respondent shall certify to the Bar Counsel not later than March 30, 2008 that this term has been satisfied. The certification to the Bar Counsel may utilize MCLE Form #2, but shall be sent to the Bar Counsel and not to MCLE.

Upon satisfactory proof that such terms and conditions have been met, this matter shall be closed. If, however, the terms and conditions are not met by the dates specified above, this District Committee shall **certify the case to the Virginia State Bar Disciplinary Board where this matter shall be presented as an Agreed Disposition for the alternate sanction: the suspension of the Respondent's law license for a period of thirty (30) days, effective immediately upon the entry of the Order of Suspension by the Disciplinary Board.**

The imposition of the alternate sanction will not require a hearing before the District Committee, the Virginia State Bar Disciplinary Board or a three-judge court on the underlying charges of misconduct stipulated to in the Agreed Disposition if the Virginia State Bar discovers that the Respondent has violated any of the foregoing terms and conditions. Instead, the Virginia State Bar shall issue and serve upon the Respondent a Notice of Hearing to Show Cause why the alternate sanction should not be imposed. The sole factual issue will be whether the Respondent has violated the terms of this Agreed Disposition without legal justification or excuse. All issues concerning the Respondent's compliance with the terms of the Agreed Disposition shall be determined by the Second District Committee of the Virginia State Bar.

In accordance with the Rules of the Virginia Supreme Court, Part 6: §IV, ¶13(B) (8) (c) (1), the Clerk of the Disciplinary System shall assess costs.

**SECOND DISTRICT SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR**

By



Paul K. Campsen, Esquire  
Committee Chair

**CERTIFICATE OF SERVICE**

I certify that on the 30, day of April, 2007 I caused to be mailed by Certified Mail, Return Receipt Requested, a true and correct copy of the Subcommittee Determination (Public Reprimand with Terms) to Cynthia Dawn Garris, Respondent, at 132 West Olney Road, Norfolk, Virginia 23510, her address of record with the Virginia State Bar, and by regular mail to her counsel, John R. Fletcher, Esquire, at Tavss Fletcher, 14<sup>th</sup> Floor, 555 Main Street, Norfolk, Virginia 23510, his address of record with the Virginia State Bar.



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Edward L. Davis  
Assistant Bar Counsel