

VIRGINIA:

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

**IN THE MATTER OF
LERON WILLIAM GILCHRIST**

**VS B Docket No. 07-021-2272
VS B Docket No. 07-021-064908**

**SUBCOMMITTEE DETERMINATION
(PUBLIC ADMONITION WITHOUT TERMS)**

On March 12, 2008, a duly convened Second District Subcommittee consisting of William W. King (Lay Member), Ellen C. Carlson, Esquire, and Mary M. Kellam, Esquire, Chair, presiding, considered an Agreed Disposition in the above-referenced matters. It was the unanimous decision of the Subcommittee to accept the Agreed Disposition.

Pursuant to Part 6, Section IV, Paragraph 13.G.1.d.1 of the Rules of the Virginia Supreme Court, the Second District Subcommittee of the Virginia State Bar hereby serves upon the Respondent the following Public Admonition Without Terms:

I. FINDINGS OF FACT

1. At all times relevant hereto, LeRon William Gilchrist ("Respondent"), has been an attorney licensed to practice law in the Commonwealth of Virginia.

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2. On May 31, 2006, the Circuit Court for the City of Norfolk found Brandon Lamont Ratliff guilty of possession of cocaine with intent to distribute, contrary to his plea. Mr. Gilchrist was his court-appointed counsel.

3. On July 28, 2006, the Court sentenced Mr. Ratliff to 15 years in prison, with 7 years suspended, for a net sentence of 8 years to serve, and a \$2500 fine.

4. On August 24, 2006, the Court convened to consider Mr. Gilchrist's motion to withdraw as counsel of record. According to the Court's Order, Mr. Gilchrist did not appear. Accordingly, the Court denied his motion and appointed him as counsel for the appeal.

5. His client desiring to appeal the matter, Mr. Gilchrist timely filed a notice of appeal on August 30, 2006.

6. Mr. Gilchrist, however, did not order the trial transcript and on December 1, 2006, the Court of Appeals issued an order directing him to show-cause why the appeal should not be dismissed for failure to make the transcript a part of the record.

7. Mr. Gilchrist responded to the show-cause order candidly acknowledging that the transcript was indispensable to the appeal and that he could not show cause why the appeal should not be dismissed.

8. Accordingly, on January 5, 2007, the Court of Appeals dismissed the appeal.

9. Mr. Gilchrist cooperated with the bar during its investigation and explained that he had requested his support staff to order the transcript, but that this did not occur, and by the time he realized that this did not occur, it was too late to request an extension.

10. According to court reporter Diane Dallara, no one ever ordered the transcript.

11. Mr. Gilchrist explained further that the unexpected departure of one of the law firm's partners had an impact on the practice, but acknowledged further that it was his responsibility to ensure that the appeal was properly processed.

12. Mr. Gilchrist produced a letter, dated October 31, 2007, addressed to his client at the Norfolk City Jail, informing him that the Court of Appeals would not hear his case because of Mr. Gilchrist's failure to timely file the transcript. The letter advised the client further to seek habeas corpus relief for a delayed appeal. The letter did not mention Virginia Code Section 19.2-321.1, the statute authorizing a delayed appeal under such circumstances.

13. The client never received the letter, however, having been moved from the Norfolk City Jail to the Hampton Roads Regional Jail on August 16, 2006, where he remained until May 25, 2007.

14. Mr. Gilchrist explained that no one ever told him that his client had moved, but that he assumed his client had received the letter because it was never returned.

15. Mr. Gilchrist did not inform his client about the availability of a delayed appeal under Virginia Code Section 19.2-321.1 because he did not know about the statute, which became effective July 1, 2005.

16. The client, Mr. Ratliff informed the bar that he never heard from Mr. Gilchrist about the dismissal of the appeal or a delayed appeal, but that he would consult with institutional counsel about it.

17. The deadline for filing a delayed appeal, however, expired in July 2007, 6 months after the dismissal of the appeal.

II. NATURE OF MISCONDUCT

Such conduct (Case Number 07-021-2272) by LeRon William Gilchrist 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.

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.
- (b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.
- (c) A lawyer shall inform the client of facts pertinent to the matter and of communications from another party that may significantly affect settlement or resolution of the matter.

I. FINDINGS OF FACT (Continued)

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Complainant: Virginia State Bar/Court of Appeals of Virginia

18. On September 6, 2006, Calvin Feimster, represented by Mr. Gilchrist, was tried before a jury in the Norfolk Circuit Court and convicted of child neglect and aggravated malicious wounding.

19. On November 17, 2006, the Court sentenced Mr. Feimster to a total of 2 years on the child neglect charge and 20 years on the other charge, with no time suspended, for a net total of 22 years in prison.

20. The client desired to appeal, and on December 8, 2006, Mr. Gilchrist timely filed the notice of appeal.

21. On December 11, 1006, the court appointed Mr. Gilchrist for the appeal.

22. Mr. Gilchrist also ordered the trial transcript from the court reporter by letter, dated December 8, 2006.

23. The due date for filing the transcript with the clerk of the trial court was January 16, 2007, in accordance with Rule 5A:8(a) of the Rules of Court.

24. On December 13, 2006, the court reporter informed Mr. Gilchrist's staff by telephone that the transcript would not be ready until late January 2007.

25. To Mr. Gilchrist's recollection, no one informed him of this development.

26. On January 16, 2007, the due date for filing the transcript ran. No one filed the transcript or moved for an extension of the deadline in accordance with Rule 5A:8(a).

25. The trial court received the transcript on January 19, 2007.

26. The transcript having been filed late, on February 1, 2007, the Court of Appeals issued an Order to Mr. Gilchrist directing him to show cause why the appeal should not be dismissed.

27. Mr. Gilchrist timely responded to the show-cause order, and on February 23, 2007, the Court of Appeals dismissed the appeal for failure to file the transcript.

28. Mr. Gilchrist promptly informed his client about the decision by letter, stating further, "At this point if you should decide to pursue your appeal further, you may file a habeas corpus petition with the court."

29. Mr. Gilchrist did not inform his client about the availability of a delayed appeal under Virginia Code Section 19.2-321.1 because he did not know about the statute, which became effective July 1, 2005.

30. During a conversation with the bar's investigator on September 12, 2007, the client informed the bar that he did not pursue a habeas corpus action because he did not know how, but that he would consult with institutional counsel about his remedies as suggested by the investigator.

31. By September 12, 2007, the six-month period for seeking a delayed appeal under 19.2-321.1 had passed.

32. Mr. Gilchrist cooperated during the bar's investigation and acknowledged that it was his responsibility to monitor the production of the transcript of file for an extension if needed.

II. NATURE OF MISCONDUCT

Such conduct (Case Number 07-021-064908) by LeRon William Gilchrist constitutes violations 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

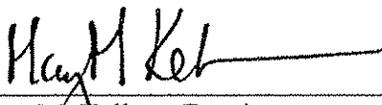
(a) A lawyer shall act with reasonable diligence and promptness in representing a client.

III. PUBLIC ADMONITION WITHOUT TERMS

Accordingly, it is the decision of the subcommittee to impose a **Public Admonition Without Terms** and LeRon William Gilchrist is hereby so admonished.

Pursuant to Paragraph 13.B.8.c. of the Rules of Court, the Clerk of the Disciplinary System shall assess costs.

SECOND DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

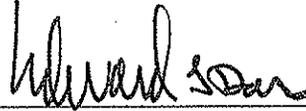
By: 

Mary M. Kellam, Esquire
Subcommittee Chair

CERTIFICATE OF MAILING

I certify that on the 20th day of March, 2008, I caused to be mailed by Certified Mail, Return Receipt Requested, a true and complete copy of the Subcommittee Determination (Public Admonition Without Terms) to LeRon William Gilchrist, Respondent, at Sams & Scott,

P.C., Suite 203, 500 Plume Street, Norfolk, VA 23510, Respondent's last address of record with the Virginia State Bar.

A handwritten signature in cursive script, appearing to read "Edward L. Davis".

Edward L. Davis
Assistant Bar Counsel