

VIRGINIA:

BEFORE THE SEVENTH DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

RECEIVED

IN THE MATTER OF
CHARLES WILLIAM GITTINS

SEP 3 2010

VSB Docket No. 10-070-082364

SUBCOMMITTEE DETERMINATION
(PUBLIC ADMONITION WITH TERMS)

VSB CLERK'S OFFICE

On August 24, 2010 a meeting in this matter was held before a duly convened Seventh District Subcommittee consisting of Minor Eager, lay member, William A. Bassler, Jr., Esq., attorney member, and Lois G. Pearson, Esq., chair presiding.

Pursuant to Part 6, Section IV, Paragraph 13-15.B.2. of the Rules of the Virginia Supreme Court, the Seventh District Subcommittee of the Virginia State Bar hereby serves upon the Respondent the following PUBLIC Admonition with Terms:

I. FINDINGS OF FACT

1. At all relevant times Respondent Charles William Gittins, Esquire, was a licensed attorney in the state of Virginia.
2. On May 25, 2010, the Staff Judge Advocate to the Commandant of the Marine Corps, Rules Counsel, held that Respondent violated JAGINST 5803.1C, Professional Conduct of Attorneys Practicing Under the Cognizance and Supervision of the Judge Advocate General, Rule 8.4(a)(4) for engaging in conduct that is prejudicial to the administration of justice.
3. The violation was based on the fact on December 22, 2009, Respondent sent an offensive email to the victim of an aggravated sexual battery committed by his client.

II. NATURE OF MISCONDUCT

Such conduct by Charles William Gittins constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

RULE 3.4 Fairness To Opposing Party And Counsel

A lawyer shall not:

(j) File a suit, initiate criminal charges, assert a position, conduct a defense, delay a trial, or take other action on behalf of the client when the lawyer knows or when it is obvious that such action would serve merely to harass or maliciously injure another.

III. PUBLIC ADMONITION WITH TERMS

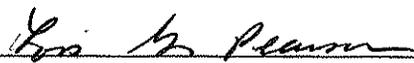
Accordingly, it is the decision of the subcommittee to offer the Respondent an opportunity to comply with certain terms and conditions, compliance with which will be a predicate for the disposition of a PUBLIC Admonition with Terms of this complaint. The terms and conditions are:

1. On or before November 30, 2010, the Respondent shall complete four (4) hours of continuing legal education credits by attending *live* MCLE courses approved by the Virginia State Bar in the subject matter of legal ethics, with an emphasis on civility. The Respondent's Continuing Legal Education attendance obligation set forth in this paragraph shall *not* be applied toward his Mandatory Continuing Legal Education requirement in Virginia or any other jurisdictions in which the Respondent may be licensed to practice law. The Respondent shall certify his compliance with the terms set forth in this paragraph by delivering a fully and properly executed Virginia MCLE Board Certification of attendance form (Form 2) to Bar Counsel, promptly following his attendance of each such CLE program(s).
2. Upon Respondent's compliance with the Terms set forth herein, a **Public Admonition, With Terms**, shall be imposed.

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, the district committee shall impose a **PUBLIC REPRIMAND** pursuant to Part Six, Section IV, Paragraph 13-15.F. of the Rules of Court.

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

SEVENTH DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

By 
Lois G. Pearson, Esq., Subcommittee Chair
Chair, Seventh District Committee

CERTIFICATE OF MAILING

I certify that on the 30 day of September 2010, I caused to be mailed by Certified Mail, Return Receipt Requested, a true and complete copy of the Subcommittee Determination (**PUBLIC Admonition With Terms**) to Charles William Gittins, Respondent, at P.O. Box 144, Middletown, VA 22645, Respondent's last address of record with the Virginia State Bar.



Alfred L. Carr, Assistant Bar Counsel