

VIRGINIA:

BEFORE THE SEVENTH DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

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APR 22 2014

IN THE MATTER OF
Phillip Stone Griffin, II

VSB
VSB Docket No. 12-070-090760

SUBCOMMITTEE DETERMINATION
(PUBLIC REPRIMAND WITHOUT TERMS)

On April 09, 2014 a meeting was held in this matter before a duly convened Seventh District Subcommittee consisting of Joshua Eugene Hummer, attorney member, John R. Morris, lay member, and Zaida Cordero Thompson, attorney member, presiding. During the meeting, the Subcommittee voted to approve an agreed disposition for a PUBLIC Reprimand without Terms pursuant to Part 6, § IV, ¶ 13-15.B.4. of the Rules of the Supreme Court of Virginia. The agreed disposition was entered into by the Virginia State Bar, by Alfred L. Carr, Assistant Bar Counsel, and Phillip Stone Griffin, II, Respondent, *pro se*.

WHEREFORE, the Seventh District Subcommittee of the Virginia State Bar hereby serves upon Respondent the following PUBLIC Reprimand without Terms:

I. STIPULATIONS OF FACT

1. At all relevant times, Respondent, Phillip Stone Griffin, II, (hereinafter "Respondent") was a duly licensed attorney in Virginia.
2. On or about May 5, 2010, Complainant, Nagender S. Rawat, (hereinafter "Complainant"), retained Respondent to collect a debt owed to Complainant by Wendy Hamill.
3. On or about September 29, 2010, Wendy Hamill filed for bankruptcy and listed Complainant as a creditor.

4. On or about September 30, 2010, Wendy Hamill's attorney, Mary Ann Solomon, Esquire, served Respondent with a Suggestion of Bankruptcy filed in the District Court of the City of Winchester. The Suggestion of Bankruptcy notified Respondent that ". . . pursuant to the provisions of the Automatic Stay of the United States Bankruptcy Code, 11 U.S.C. Section 362(a), that this Court stay all court proceedings as against the said Defendant [Wendy Hamill] . . ."
5. Respondent acknowledged to Virginia State Bar Investigator Ronald H. McCall that he received the Suggestion of Bankruptcy from Wendy Hamill's attorney.
6. In a letter dated October 8, 2010, Respondent informed Attorney Solomon he would remove the case from the District Court of the City of Winchester docket and asked her to forward him a list of the asset information.
7. On October 11, 2010, Respondent, by regular mail, sent Wendy Hamill a letter to collect the debt owed to Complainant. Respondent's letter to Ms. Hamill stated that ". . . pursuant to Virginia Code [Sections] 18.2-181 and 18.2-182, et seq., copies of which are enclosed, to pay the amount of \$4,800.00 and \$35.00 for a bad check charge . . ." The last paragraph stated that "[i]f payment is not made in full, we will have no choice but to proceed with filing a criminal complaint with the magistrate of the Commonwealth. . . . The amount of the check makes this matter a felony . . ."
8. On October 19, 2010, Respondent, by certified mail, sent Wendy Hamill the same letter to collect the debt owed to Complainant. Respondent's letter to Ms. Hamill stated that ". . . pursuant to Virginia Code [Sections] 18.2-181 and 18.2-182, et seq., copies of which are enclosed, to pay the amount of \$4,800.00 and \$35.00 for a bad check charge . . ." The last paragraph stated that "[i]f payment is not made in full, we

will have no choice but to proceed with filing a criminal complaint with the magistrate of the Commonwealth. . . . The amount of the check makes this matter a felony . . .”

9. On or about November 1, 2010, Attorney Solomon informed Respondent by letter to “cease and desist contacting our client” in an attempt to collect a debt. The letter informed Respondent that he knew, pursuant to her September 30, 2010 letter, she represented Wendy Hamill in the debt collection matter and his threats of “criminal prosecution to gain an advantage in civil proceeding, i.e., to procure payment of a debt, are violations of the *Rules of Professional Conduct.*”
10. In a letter dated November 10, 2010, from Respondent to Attorney Solomon, Respondent acknowledged that he sent the October 19, 2010 letter to Wendy Hamill, not as an individual, but as the owner of the Cluette Carrier, LLC. Cluette Carrier was the name on the bad check Wendy Hamill used to repay Complainant.

I. NATURE OF MISCONDUCT

Such conduct by Respondent constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

RULE 4.2 Communication With Persons Represented By Counsel

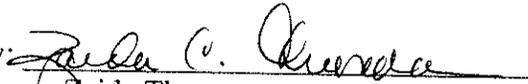
In representing a client, a lawyer shall not communicate about the subject of the representation with a person the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer or is authorized by law to do so.

II. PUBLIC REPRIMAND WITHOUT TERMS

Accordingly, having approved the agreed disposition, it is the decision of the Subcommittee to impose a PUBLIC Reprimand Without Terms and Phillip Stone Griffin, II is

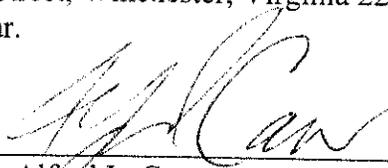
hereby so reprimanded. Pursuant to Part 6, § IV, ¶ 13-9.E of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess costs.

SEVENTH DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

By: 
Zaida Thompson
Subcommittee Chair
Secretary of the Committee

CERTIFICATE OF MAILING

I certify that on April 18, 2014, a true and complete copy of the Subcommittee Determination (PUBLIC Reprimand Without Terms) was sent by certified mail to Phillip Stone Griffin, II, Respondent, at 102 South Kent Street, Winchester, Virginia 22601, Respondent's last address of record with the Virginia State Bar.



Alfred L. Carr
Assistant Bar Counsel