

VIRGINIA:

BEFORE THE SEVENTH DISTRICT SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR

IN THE MATTER OF  
PHILLIP STONE GRIFFIN, II

VSB Docket No. 10-070-080544

SUBCOMMITTEE DETERMINATION  
(PUBLIC ADMONITION WITH TERMS)

On May 3, 2011, a meeting in this matter was held before a duly convened Seventh District Subcommittee consisting of David Penrod, Esquire, Richard Lyons, Lay Member, and Lois Pearson, Chair.

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 times relevant hereto, Phillip Stone Griffin, II, (hereinafter "the Respondent"), has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. The complaint in this matter was received by the Virginia State Bar on August 3, 2009. A letter containing the complaint was sent from the Virginia State Bar to the Respondent on August 5, 2009. The letter included the following language:

Pursuant to Rule of Professional Conduct 8.1 (c), you have a duty to comply with the bar's lawful demands for information not protected By Rule 1.6. As part of my preliminary investigation of the complaint, I demand that you submit a written answer to the complaint within 21 days of the date of this letter.

Failure to respond in a timely manner to this and other lawful demands from the bar for information about the complaint may result in the Imposition of disciplinary sanctions.

3. During an interview by Virginia State Bar Investigator Donald Lange conducted on December 10, 2010, the Respondent admitted that he had failed to provide a response to the bar complaint.

## II. NATURE OF MISCONDUCT

Such conduct by Phillip Stone Griffin, II constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

Such conduct by Phillip Stone Griffin, II constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

### **RULE 8.1 Bar Admission And Disciplinary Matters**

An applicant for admission to the bar, or a lawyer already admitted to the bar, in connection with a bar admission application, any certification required to be filed as a condition of maintaining or renewing a license to practice law, or 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; [or]

## 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. Within 21 days of the issuance of this Subcommittee Determination, the Respondent shall review Rule of Professional Conduct 8.1 and certify that he has fulfilled this term via correspondence to Marian L. Beckett, Assistant Bar Counsel, Eighth and Main Building, 707 East Main Street, Suite 1500, Richmond, VA 23219.
2. Within 21 days of the issuance of this Subcommittee Determination, the Respondent shall provide a full and complete answer to the bar complaint filed in this matter by Complainant

Shirley Frazier. The response shall be sent to Marian L. Beckett at the address in the preceding paragraph.

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 Respondent agrees that the District Committee shall impose a Public Reprimand with Terms, the terms being those set forth in terms Paragraphs 1 and 2 set forth immediately above, pursuant to Rules of Court, Part Six, Section IV, Paragraph 13-15.G.

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  
Lois G. Pearson, Esquire  
Subcommittee Chair

CERTIFICATE OF MAILING

I certify that on the 9<sup>th</sup> day of June, 2011, I caused to be mailed by certified mail a true and complete copy of the Subcommittee Determination (Public Admonition With Terms) to Phillip Stone Griffin, II, Respondent, at 102 South Kent Street, Winchester, VA 22601, Respondent's last address of record with the Virginia State Bar.

Marian L. Beckett  
Marian L. Beckett  
Assistant Bar Counsel