

VIRGINIA:

**BEFORE THE SEVENTH DISTRICT COMMITTEE  
OF THE VIRGINIA STATE BAR**

**IN THE MATTER OF  
PHILLIP STONE GRIFFIN, II**

**VS. Docket No. 06-070-2954**

**DISTRICT COMMITTEE DETERMINATION  
(PUBLIC ADMONITION WITHOUT TERMS)**

On May 12, 2009, a hearing in this matter was held before a duly convened Seventh District Committee panel consisting of Minor Eager (Lay Member), Lois G. Pearson, Esquire, D. Brock Green, Esquire, Richard E. Carter, Esquire, Thomas J. Chasler, Esquire, and Samuel R. Walker, Esquire, Chair, presiding.

The Respondent, Phillip Stone Griffin, II, appeared in person, *pro se*. The Virginia State Bar appeared through its Bar Counsel, Edward L. Davis, Esquire.

The matter proceeded upon the Notice of Hearing and Charge of Misconduct, dated March 31, 2009. The Charge of Misconduct set forth allegations that the Respondent violated Rules of Professional Conduct 1.5 (a), *Fees*, Rule 1.15 (a), *Safekeeping Property*, Rule 3.3 (a) (1), *Candor Toward the Tribunal*, Rule 4.1 (a), *Truthfulness in Statements to Others*, and Rules 8.4 (a), (b) and (c), *Misconduct*.

The Chair polled each member of the hearing panel as to whether they had any personal or financial interest that might affect or reasonably be perceived to affect their ability to be impartial. Upon receiving answers in the negative, and upon the Chair affirming that he had no such interest, the Chair advised the parties of the hearing procedures.

Thereafter, the parties made opening statements, and the panel received the testimony of the Complainant, Gloria Rickel, and the Respondent, who testified as an adverse witness. The panel also received Virginia State Bar Exhibits One through Fifteen and Seventeen without objection, and Virginia State Bar Exhibit Sixteen over the Respondent's objection.

Upon the conclusion of the bar's case in chief, the Respondent testified in his own behalf and moved for the entry of the original bar complaint, which the Committee received as Virginia State Bar Exhibit Eighteen, without objection. At the conclusion of all of the evidence, the parties made closing arguments, and the Respondent made a motion to strike which the Committee overruled. The Committee then adjourned to deliberate the Charge of Misconduct.

The Committee found that the bar had proven by clear and convincing evidence violations of Rules of Professional Conduct 3.3 (a) (1) and 8.4 (c) with respect to the Respondent's causing to be filed with the court a bill of particulars that he knew contained false information. The Committee found further that the bar had not proven by clear and convincing evidence violations of the remaining Rules of Professional Conduct charged: Rule 1.5 (a), *Fees*, Rule 1.15 (a), *Safekeeping Property*, Rule 4.1 (a), *Truthfulness in Statements to Others*, and Rules 8.4 (a) and (b), *Misconduct*, and dismissed those allegations accordingly.

The Committee then received, without objection, Virginia State Bar Exhibit Nineteen, the Respondent's prior disciplinary record consisting of a Private Dismissal for Exceptional Circumstances, issued July 18, 2008. Counsel argued the matter, and the Committee adjourned to deliberate an appropriate sanction.

Pursuant to Part 6, Section IV, Paragraph 13-16.X of the Rules of the Virginia Supreme Court, the Seventh District Committee 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, Phillip Stone Griffin, II ("Respondent"), has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. In July 2005, Gloria Rickel (Ms. Rickel) entered into a residential lease agreement to rent a home owned by Ms. Rickel.
3. Thereafter, Ms. Rickel experienced ongoing difficulties in the collection of rent and payment of utilities, in addition to unauthorized occupants on the property.
4. For this reason, on September 23, 2005, she hired Mr. Griffin to evict the occupants from the home.
5. On December 22, 2005, Ms. Rickel terminated Mr. Griffin's services and hired another attorney.
6. On March 8, 2006, Ms. Rickel complained to the Virginia State Bar.
7. On December 21, 2006, Mr. Griffin filed a Warrant in Debt against Ms. Rickel in the General District Court for the City of Winchester claiming unpaid attorneys fees of \$1,519.
8. On February 8, 2007, Mr. Griffin's attorney, Mary L.C. Daniel, Esquire, filed a Bill of Particulars in the matter, Paragraph 8 of which reads:

*The Defendant filed a complaint with the Virginia State Bar, which was dismissed and the Virginia State Bar determined that \$1,512.92 was due.*
9. The information, however, was false in that the Virginia State Bar was still investigating the complaint at the time, had never dismissed the matter, and never determined that Ms. Rickel owed any money to anyone.
10. During his testimony before the Committee, Mr. Griffin acknowledged that he drafted, reviewed and approved the bill of particulars, including the information about the bar complaint being dismissed and the bar determining that \$1,592.12 was due. He acknowledged further that he sent it to his attorney, Ms. Daniel, by facsimile around February 1, 2007, who filed it with the court. Finally, he acknowledged that the information was not true and that he should not have submitted it.

## 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:

### **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 conduct involving dishonesty, fraud, deceit or misrepresentation which reflects adversely on the lawyers fitness to practice law;

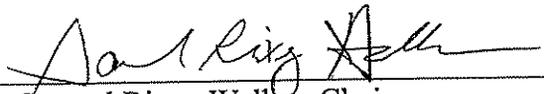
## III. PUBLIC ADMONITION WITHOUT TERMS

Accordingly, it is the decision of the Seventh District Committee to impose a Public Admonition Without Terms and Phillip Stone Griffin, II is hereby so admonished.

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

SEVENTH DISTRICT COMMITTEE  
OF THE VIRGINIA STATE BAR

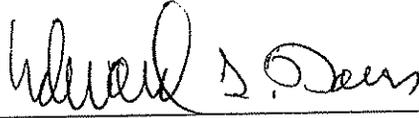
By: \_\_\_\_\_

  
Samuel Rixey Walker, Chair

### CERTIFICATE OF MAILING

I certify that on the 27th day of May, 2009, I caused to be mailed by Certified Mail, Return Receipt Requested, a true and complete copy of the District Committee Determination (Public Admonition Without 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

A handwritten signature in cursive script, appearing to read "Edward L. Davis", written above a horizontal line.

Edward L. Davis  
Bar Counsel