

**VIRGINIA:**

**BEFORE THE TENTH DISTRICT—SECTION II SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR**

**IN THE MATTER OF  
DAVID GARRETT MULLINS**

**VS B Docket Nos. 12-102-088897, 12-102-089253, and 12-102-089534**

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

On August 6, 2012 a hearing in these matters was held before a duly convened Tenth District—Section II Subcommittee consisting of Lisa A. McConnell, Chair; James W. Childress, Esq.; and Marvin W. Gilliam, Jr.

Pursuant to Part 6, Section IV, Paragraph 13-15.E of the Rules of the Virginia Supreme Court, the Tenth District—Section II Subcommittee of the Virginia State Bar hereby serves upon the Respondent the following Public Reprimand:

**VS B Docket No.: 12-102-088897**

**I. FINDINGS OF FACT**

1. At all times relevant to this matter, David Garrett Mullins (“Respondent”) was an attorney licensed to practice law in the Commonwealth of Virginia.
2. In or about July 2011, Terry Batiste (“Complainant”) retained Respondent to pursue a post-conviction petition for her son in the United States District Court for the Western District of Virginia. Complainant paid Respondent an advanced legal fee of \$1,900 for his legal services.
3. In late July and early August 2011, Complainant made repeated attempts to contact Respondent, including calling Respondent at his office and on his personal cell phone. Complainant eventually located Respondent at Respondent’s personal residence, where Respondent told Complainant that he would provide her with a weekly update on the case each Friday.
4. After on or about August 6, 2011, Complainant never received any communications from Respondent about the status of the case.

5. Respondent never filed a post-conviction petition for Complainant's son and never performed any legal services after being retained by Complainant in or about July 2011.
6. On or about August 10, 2011, Complainant filed a Complaint with the Virginia State Bar.
7. After Complainant sued Respondent in small claims court to recover the \$1,900 advanced legal fee, Respondent returned the \$1,900 advanced legal fee to Complainant.

## **II. NATURE OF MISCONDUCT**

Such conduct by David Garrett Mullins constitutes misconduct in violation of the following provisions of the Virginia Rules of Professional Conduct:

### **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.

**VS B Docket No.: 12-102-089253**

## **I. FINDINGS OF FACT**

1. At all times relevant to this matter, David Garrett Mullins ("Respondent") was an attorney licensed to practice law in the Commonwealth of Virginia.
2. On or about July 16, 2010, Jerry W. Weston ("Complainant") retained Respondent to represent him in a divorce proceeding in the Chancery Court for Sullivan County, Tennessee (the "Divorce Proceeding"). Complainant paid Respondent an advanced legal fee of \$1,000 for legal services and executed a contract whereby Respondent agreed to represent Complainant in the Divorce Proceeding.
3. Between July 2010 and September 2011, Respondent missed appointments he made to meet with Complainant, failed to return messages and phone calls left for Respondent by Complainant, and otherwise failed to communicate with Complainant about the status of Divorce Proceeding.
4. Respondent never filed a Complaint for Divorce on behalf of Complainant or otherwise provided legal services to Complainant in regard to the Divorce Proceeding.

5. On or about September 12, 2011, Complainant filed a Complaint with the Virginia State Bar.
6. By letter dated October 27, 2011, Complainant informed Respondent that he did not wish to retain Respondent's services as his attorney any longer.
7. In or about January 2012, Respondent returned the \$1,000 advanced legal fee to Complainant.

## **II. NATURE OF MISCONDUCT**

Such conduct by David Garrett Mullins constitutes misconduct in violation of the following provisions of the Tennessee Rules of Professional Conduct:

### **Tenn. Sup. Ct. R. 8, RPC 1.3: Diligence**

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

### **Tenn. Sup. Ct. R. 8, RPC 1.4: Communication**

(a) A lawyer shall:

- (3) keep the client reasonably informed about the status of the matter;
- (4) promptly comply with reasonable requests for information[.]

**VSB Docket No.: 12-102-089534**

## **I. FINDINGS OF FACT**

1. At all times relevant to this matter, David Garrett Mullins ("Respondent") was an attorney licensed to practice law in the Commonwealth of Virginia.
2. On or about May 23, 2011, Anthony A. Smith ("Complainant") retained Respondent to represent him in regard to making changes to an existing parent plan that was before a court in Tennessee. Complainant paid Respondent an advanced legal fee of \$750.
3. Complainant met with Respondent on May 23, 2011 and May 27, 2011. At the May 27, 2011 meeting, Respondent told Complainant he would make the changes Complainant had requested to the parent plan and call him on May 30, 2011.
4. Respondent did not communicate with Complainant about the parent plan or otherwise provide legal services to Complainant after May 27, 2011. Respondent never completed the legal work for which Complainant retained him.

5. On or about October 4, 2011, Complainant filed a Complaint with the Virginia State Bar.
6. Complainant also filed a civil lawsuit in Sullivan County, Tennessee to recover the \$750 advanced legal fee he paid Respondent.
7. In or about January 2012, Respondent returned the \$750 advanced legal fee to Complainant.

## **II. NATURE OF MISCONDUCT**

Such conduct by David Garrett Mullins constitutes misconduct in violation of the following provisions of the Tennessee Rules of Professional Conduct:

### **Tenn. Sup. Ct. R. 8, RPC 1.3: Diligence**

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

### **Tenn. Sup. Ct. R. 8, RPC 1.4: Communication**

(a) A lawyer shall:

- (3) keep the client reasonably informed about the status of the matter;
- (4) promptly comply with reasonable requests for information[.]

## **III. PUBLIC REPRIMAND**

Accordingly, it is the decision of the Subcommittee to impose a Public Reprimand and the Respondent is hereby so reprimanded.

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

TENTH DISTRICT SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR

By   
Lisa A. McConnell  
Chair

**CERTIFICATE OF SERVICE**

I certify that on August 15, 2012, a true and correct copy of the Subcommittee Determination (Public Reprimand Without Terms) was sent by certified mail to David Garrett Mullins, Esquire, Respondent, at, The Law Office of David G. Mullins., 1019 Carolina Avenue, Bristol, TN 37620, his last address of record with the Virginia State Bar, and by regular mail to David Garrett Mullins, Esquire, Respondent, at, P.O. Box 1191, Norton, Virginia, 24273.



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Edward J. Dillon,  
Assistant Bar Counsel