

VIRGINIA:

**BEFORE THE THIRD DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR**

**IN THE MATTER OF
COREY MARTIN NICHOLSON**

VS B Docket No. 08-033-063786

**SUBCOMMITTEE DETERMINATION
(PUBLIC REPRIMAND WITH TERMS)**

On March 25, 2008, a meeting in this matter was held before a duly convened Third District Subcommittee consisting of William A. Broschious, Esquire, Ms. Mary P. Hunton, lay member, and Dennis R. Kiker, Chair.

By agreed disposition and pursuant to Part 6, Section IV, Paragraph 13.G.4. of the Rules of the Virginia Supreme Court, the Third District Subcommittee of the Virginia State Bar hereby serves upon the Respondent the following PUBLIC Reprimand with Terms:

I. FINDINGS OF FACT

1. At all times relevant hereto, Respondent was admitted to practice law in the Commonwealth of Virginia.
2. On August 23, 2006, the Circuit Court for the City of Richmond appointed Respondent as appeals counsel for Demarcus W. Davis in his appeal of his criminal conviction. The order of appointment directed that "the time computation for filing of the appeal shall run from the date of entry of this order." The order further directed the Clerk of the Circuit Court to send a copy of the order to Respondent.
3. This appeal arose from Mr. Davis's successful petition for a writ of habeas corpus after his prior appeals counsel committed a procedural default of his appeal.
4. On September 20, 2006, Respondent filed a notice of appeal in the case. However, he thereafter failed to file the transcript or statement of facts required under Rule 5A:8.

5. Respondent has alleged that he made a number of attempts to order the trial transcript but failed as he had difficulty in learning the identity of the court reporter for the trial.
6. In response to a show-cause order of the Virginia Court of Appeals dated December 13, 2006 for failure to file the transcript or a statement of facts, Respondent filed what he entitled as *Motion for this Court to Allow Filing of Transcript* on December 28, 2008. Respondent filed this motion for a late filing over eight weeks after the transcript filing deadline of October 23, 2006.¹ Therein, Respondent argued that there was a question as to what deadline applied to the filing of the transcript.
7. On January 9, 2007, the Virginia Court of Appeals denied Respondent's motion and dismissed the appeal.
8. From the date of appointment, August 23, 2006, until December 28, 2007, Respondent failed to communicate with his client, Mr. Davis. Following Mr. Davis's inquiry to the Virginia State Bar dated December 11, 2006, Respondent wrote a status letter to Mr. Davis. Thereafter, Respondent failed to further inform Mr. Davis about the status of his matter, including failing to advise Mr. Davis that the Court of Appeals had again dismissed his appeal. Mr. Davis first learned of the dismissal of his appeal by writing to the Court of Appeals on June 28, 2007.

II. NATURE OF MISCONDUCT

Such conduct by Corey Martin Nicholson constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

RULE 1.1 Competence

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

¹ October 22, 2006 was a Sunday.

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.

III. PUBLIC REPRIMAND WITH TERMS

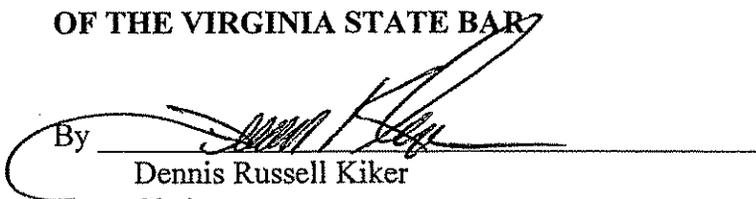
Accordingly, it is the decision of the subcommittee to offer the Respondent an opportunity to comply with certain terms and conditions, compliance with which will be a predicate for the disposition of a PUBLIC Reprimand with Terms of this complaint. The terms and conditions are:

1. On or before October 31, 2008, the Respondent shall complete and report his completion of three (3) hours of continuing legal education (CLE) in the subject of legal ethics. Such hours shall not be submitted or applied toward Respondent=s Mandatory Continuing Legal Education annual requirement in the Commonwealth of Virginia or in any other jurisdiction where Respondent is admitted to practice law. Respondent shall certify his compliance with said CLE terms on or before October 31, 2008 by delivering a fully and properly executed Virginia MCLE Board Certification of Attendance Form to Paul D. Georgiadis, Assistant Bar Counsel, Virginia State Bar, 707 E. Main Street, Suite 1500, Richmond, Virginia 23219.

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 date, this subcommittee shall Certify this matter for a Sanctions Determination pursuant to Rules of Court, Part Six, Section IV, Paragraph 13.G.5.b.

Pursuant to Part Six, Section IV, Paragraph 13.B.8.c. of the Rules of Court, the Clerk of the Disciplinary System shall assess costs.

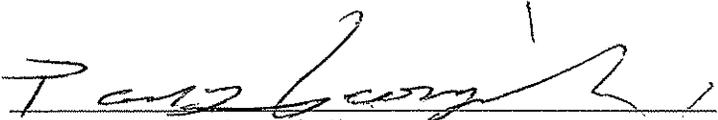
**THIRD DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR**

By 

Dennis Russell Kiker
Chair

CERTIFICATE OF SERVICE

I certify that on the 27th day of MAY, 2008, I mailed by Certified Mail, Return Receipt Requested, a true and correct copy of the Subcommittee Determination, PUBLIC Reprimand with Terms, to Corey Martin Nicholson, Esquire, Respondent, at Corey M. Nicholson PLLC, 117 East Marshall Street, Richmond, VA 23219, Respondent's last address of record with the Virginia State Bar.



Paul D. Georgiadis
Assistant Bar Counsel