

**VIRGINIA:**

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

**IN THE MATTERS OF  
STEPHANIE ALLETTE PEASE**

**VSB Docket Nos.: 07-102-0608  
07-102-064917  
07-102-070676**

**SUBCOMMITTEE DETERMINATION**

**(Approval of Agreed Disposition for Public Reprimand with Terms)**

On November 6, 2007, a duly convened Tenth District, Section II, Subcommittee consisting of Donald M. Williams, Jr., Esquire (Chair presiding), Joseph W. Rasnic, Esquire, and Patricia P. Robbins, lay member, met and considered these matters.

Pursuant to Part Six, Section IV, Paragraph 13.G.1.d(3) of the Rules of the Supreme Court of Virginia, the Tenth District, Section II, Subcommittee of the Virginia State Bar hereby approves the Agreed Disposition entered into between Respondent Stephanie Allette Pease ("Respondent") and Assistant Bar Counsel Scott Kulp, and hereby serves upon Respondent the following Public Reprimand with Terms:

**VSB Docket No.: 07-102-0608**

**FINDINGS OF FACTS**

1. At all times relevant to this matter, Respondent was an attorney licensed to practice law in the Commonwealth of Virginia.
2. Respondent served as court-appointed counsel for Martha Ann Scales who was found guilty of distributing crack cocaine and sentenced to a term of imprisonment and payment of a fine.
3. Respondent noted an appeal to the Court of Appeals.

4. The bar received information that the Court of Appeals dismissed the appeal on August 3, 2006 because there had been no response to a show cause regarding failure to timely file a transcript or statement of facts.

5. Respondent was advised of the bar's Inquiry into this matter by December 6, 2006 correspondence.

6. Respondent acknowledged she did not respond to the show cause because the response "fell through the cracks." Respondent further acknowledged many of her filings were haphazardly prepared and insufficiently reviewed.

7. Respondent acknowledged she had little to no communication with Ms. Scales after the trial.

8. While Respondent contends she sent an August 11, 2006 letter to Ms. Scales at the regional jail in Duffield, Virginia enclosing the dismissal letter and advising she would gladly discuss the matter and review potential remedies, Ms. Scales denies receiving the letter.

9. Respondent made no other attempts to communicate with Ms. Scales or to ascertain whether Ms. Scales had received the August 11, 2006 letter or whether she already had been transferred to the Department of Corrections.

10. Ms. Scales contends she learned of the dismissal for the first time during her September 26, 2007 interview with the bar's Investigator.

11. Respondent contends she has implemented new procedures to ensure that nothing is filed until it has been fully reviewed by her and placed on her calendar.

[Rules 1.3a, 1.4a, 1.4b]

**STIPULATION OF FACTS**

1. At all times relevant to this matter, Respondent was an attorney licensed to practice law in the Commonwealth of Virginia.

2. Respondent served as court-appointed counsel for Kimberly Pennington who was charged with distribution of methamphetamine. In addition, Respondent received \$1,000 from Ms. Pennington to handle the civil forfeiture of Ms. Pennington's vehicle.

3. Ms. Pennington was convicted on the criminal charge, but since it was her first offense, the penalty was held in abeyance if she incurred no additional violations in the ensuing year.

4. Ms. Pennington's vehicle was condemned and forfeited to the Commonwealth by November 9, 2006 Order.

5. Respondent noted an appeal of the civil forfeiture to the Court of Appeals.

6. The bar received information that the Court of Appeals dismissed the appeal on March 1, 2007 because the Court did not have jurisdiction to hear the case pursuant to Va. Code §§ 17.1-405 and 17.1-406; moreover, since the Notice of Appeal was not timely filed in the trial court, the Court could not transfer the case to the Virginia Supreme Court.

7. Respondent acknowledged little familiarity with Va. Code §§ 17.1-405 and 17.1-406 dealing with the Court of Appeals' jurisdiction.

8. Respondent acknowledged she had little to no communication with Ms. Pennington after the trial, and she opined that this appeal simply "fell through the cracks."

9. Respondent failed to inform Ms. Pennington (a) that her appeal had been dismissed, (b) of the reasons for the dismissal, and (c) of any recourse she might have to revive the appeal.

[Rule 1.3a, 1.4a, 1.4b]

**VSB Docket No.: 07-102-070676:**

### **STIPULATION OF FACTS**

1. At all times relevant to this matter, Respondent was an attorney licensed to practice law in the Commonwealth of Virginia.

2. Respondent served as court-appointed counsel for Glen Trent.

3. Mr. Trent pled guilty to possession of a firearm while in the possession of drugs and was sentenced to a term of imprisonment, all of which was suspended. Mr. Trent was placed on first offender status for felony possession of drugs and misdemeanor possession of marijuana.

4. After Mr. Trent's first offender status was later revoked, Respondent moved for reconsideration, resulting in the trial court's reinstatement of the first offender status for the felony drug charge; however, the court denied first offender status for the misdemeanor charge and sentenced Mr. Trent to time served.

5. Respondent noted an appeal to the Court of Appeals to challenge the trial court's revocation of first offender status after Mr. Trent's positive drug screen on the day he was placed on first offender status.

6. The bar received information that the Court of Appeals dismissed the appeal on March 1, 2007 because two hearing transcripts deemed indispensable to the appeal were not timely filed.

7. Respondent acknowledged she had little to no communication with Mr. Trent, and she opined that this appeal simply “fell through the cracks.”

8. Respondent failed to inform Mr. Trent (a) that his appeal had been dismissed, (b) of the reasons for the dismissal, and (c) of any recourse he might have to revive the appeal.

[Rule 1.3a, 1.4a, 1.4b]

### **NATURE OF MISCONDUCT**

The foregoing Findings of Fact for VSB Docket Nos. 07-102-0608, 07-102-064917, and 07-102-070676 give rise to the following violations of the Rule 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.
- (b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

### **SUBCOMMITTEE DETERMINATION**

It is the decision of the Tenth District, Section II, Subcommittee to accept the Agreed Disposition of the parties. Accordingly, a hearing is not necessary to resolve this matter and Respondent shall receive a Public Reprimand with Terms pursuant to Part Six, Section IV, Paragraph 13.G.1.d(3) of the Rules of the Supreme Court of Virginia. This Public Reprimand with Terms is public discipline under the Rules of the Supreme Court of Virginia.

WHEREFORE, the Respondent is hereby issued a single Public Reprimand for the foregoing matters (VSB Docket Nos. 07-102-0608, 07-102-064917, and 07-102-070676) with the following Terms:

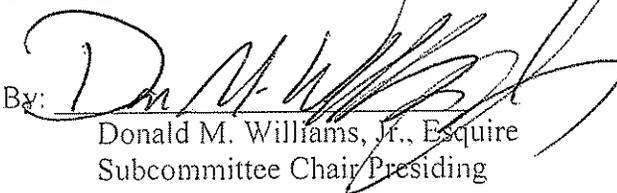
Attend six (6) hours of MCLE-approved Continuing Legal Education in the area of Virginia appellate practice and certify completion by delivering a fully and properly executed Virginia MCLE Board Certification of Attendance Form(s) to Assistant Bar Counsel Scott Kulp by **June 18, 2008**. These six (6) hours of CLE shall not count toward Respondent's annual MCLE requirement and Respondent shall not submit these hours to the MCLE Department of the Virginia State Bar or any other Bar organization.

If, however, the foregoing Terms are not met by the date specified, this District Committee shall impose as an Alternate Sanction a Certification For Sanction Determination as defined by Part Six, Section IV, Paragraph 13.A of the Rules of the Virginia Supreme Court and set forth in Part Six, Section IV, Paragraph 13.G.5.b. of the Rules of the Virginia Supreme Court. If there is disagreement as to whether the Terms were fully and timely completed, the Tenth District, Section II, Committee will conduct a hearing on the issue. At the hearing, the sole issue shall be whether Respondent fully completed the Terms within the time specified above. The Respondent shall have the burden of proof by clear and convincing evidence at the hearing.

Pursuant to Part Six, Section IV, Paragraph 13.b.8.c.(1) of the Rules of the Virginia Supreme Court, the Clerk of the Disciplinary System shall assess costs.

**TENTH DISTRICT, SECTION II, SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR**

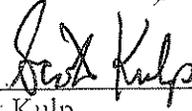
By:



Donald M. Williams, Jr., Esquire  
Subcommittee Chair Presiding

CERTIFICATE OF SERVICE

I certify I have, this the 14<sup>th</sup> day of DECEMBER, 2007, mailed by CERTIFIED MAIL, RETURN RECEIPT REQUESTED, a true and complete copy of the Subcommittee Determination (Public Reprimand with Terms) to Respondent Stephanie Allette Pease, at her last address of record with the Virginia State Bar, Stephanie A. Pease, P.C., 100 North Court Street, P.O. Box 645, Abingdon, VA 24212.



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Scott Kulp  
Assistant Bar Counsel