

VIRGINIA:

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

**IN THE MATTER OF
Alana Sherrise Powers**

VS **Docket No. 13-022-091248**

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

On April 19, 2013 a meeting was held in this matter before a duly convened Second District Subcommittee consisting of Mona Schapiro Flax, Esquire, Ms. Elisabeth Martingayle, lay member, and Leslie Frances Spasser, Esquire, Chair presiding. During the meeting, the Subcommittee voted to approve an agreed disposition for a PUBLIC Reprimand without Terms pursuant to Part 6, § IV, ¶ 13-15.B.4. of the Rules of the Supreme Court of Virginia. The agreed disposition was entered into by the Virginia State Bar, by Paul D. Georgiadis, Assistant Bar Counsel, and Alana Sherrise Powers, Respondent, *pro se*.

WHEREFORE, the Second District Subcommittee of the Virginia State Bar hereby serves upon Respondent the following PUBLIC Reprimand without Terms:

FINDINGS OF FACT

1. At all times relevant hereto, Alana Sherrise Powers, "Respondent", has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. Between April 8, 2011-June 22, 2011, Respondent represented Mr. S in a domestic relations matter.
3. On June 22, 2011, Respondent concluded the representation and wrote to Mr. S, "This concludes my representation of you in this matter. A final bill will be sent to you within 60 days(s) with any balance...from your retainer."

4. Notwithstanding her promise and notwithstanding Mr. S's numerous e-mails and telephone calls over the next year, Respondent failed to provide an accounting and the \$550.00 refund that Respondent ultimately calculated as due.
5. Respondent did not issue the refund and accounting until December 21, 2012, two days after meeting with the Virginia State Bar investigator on December 19, 2012.
6. During the course of the bar's investigation, Respondent has admitted that she has not maintained the required trust account records.
7. In mitigation, Respondent has cited, and the bar does not challenge evidence of a progressively worsening orthopedic injury arising from her service in the United States Army that has prevented her from consistently attending to her law practice.

NATURE OF MISCONDUCT

Such conduct by Respondent constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

RULE 1.15 Safekeeping Property

(b) Specific Duties. A lawyer shall:

(3) maintain complete records of all funds, securities, and other properties of a client coming into the possession of the lawyer and render appropriate accountings to the client regarding them;

(4) promptly pay or deliver to the client or another as requested by such person the funds, securities, or other properties in the possession of the lawyer that such person is entitled to receive;

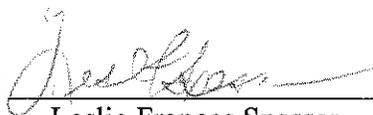
RULE 1.4 Communication

(a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

PUBLIC REPRIMAND WITHOUT TERMS

Accordingly, having approved the agreed disposition, it is the decision of the Subcommittee to impose a PUBLIC Reprimand Without Terms, and Alana Sherrise Powers is hereby so reprimanded. Pursuant to Part 6, § IV, ¶ 13-9.E of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess costs.

SECOND DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

By: 
Leslie Frances Spasser
Subcommittee Chair

CERTIFICATE OF MAILING

I certify that on the 11th day of ^{June} ~~May~~, 2013, a true and complete copy of the Subcommittee Determination (PUBLIC Reprimand Without Terms) was sent by certified mail to Alana Sherrise Powers, Respondent, at Alana Sherrise Powers, Esq., Sherrise Powers, PLC, 419 Russell Street, Portsmouth, VA 23707 Respondent's last address of record with the Virginia State Bar.


Paul D. Georgiadis
Assistant Bar Counsel