

VIRGINIA:

BEFORE THE SECOND DISTRICT COMMITTEE  
OF THE VIRGINIA STATE BAR

IN THE MATTER OF  
ALANA SHERRISE POWERS

VSB Docket No. 07-022-2782

DISTRICT COMMITTEE DETERMINATION  
(PUBLIC ADMONITION WITHOUT TERMS)

On February 21, 2008, a hearing in this matter was held before a duly convened Second District Committee—Section II panel consisting of Bobby W. Davis, Esquire, Tonya Bullock, Esquire, Ms. Dianne B. Frantz, lay member, Mr. William King, lay member, and Megan E. Furlich-Burns, Esquire, Chair.

Pursuant to Part 6, Section IV, Paragraph 13.H.2.1.(2) of the Rules of the Virginia Supreme Court, the Second District Committee of the Virginia State Bar hereby serves upon the Respondent the following Public Admonition Without Terms:

1. 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. On November 10, 2005, the Norfolk Circuit Court sentenced Respondent's client Dennis R. Lane to a prison term of two and a half years.
3. At the conclusion of the November 10, 2005 sentencing hearing, Lane was very upset and disruptive in the courtroom. He asserted to Respondent that he was innocent, and that the length of his sentence exceeded that of others who had been found guilty of worse crimes.
4. Lane, through Respondent, advised the Court that he desired to appeal the conviction.
5. The Court thereupon appointed Respondent for the appeal.

7. Respondent avers that she wrote to Mr. Lane at the Norfolk City Jail on November 14, 2005. Therein, Respondent advised Mr. Lane that “should you wish to appeal, you have thirty (30) days to notify me in writing.”
8. Having never received said letter, Lane did not respond to Respondent’s letter.
9. Respondent did not attempt to visit or otherwise further communicate with Lane at the Norfolk City Jail to ascertain his further wishes regarding appealing his conviction.
10. Notwithstanding her client’s stated intent to appeal his conviction, Respondent’s acceptance of the Court’s appointment as appeals counsel, and Respondent’s statement that the appeal would be noted the day of her appointment as appeals counsel, Respondent failed to note the appeal.

## II. NATURE OF MISCONDUCT

Such conduct by Alana Sherrise Powers constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

### RULE 1.3 Diligence

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

The Committee failed to find the charged violations of Rules 1.16(c) and 1.16(d).

## III. PUBLIC ADMONITION WITHOUT TERMS

In considering an appropriate sanction, the Committee considered as mitigating evidence that at the time of the misconduct, Respondent was new to private practice, having only practiced previously as an assistant commonwealth’s attorney and public defender. The Committee further considered mitigating that Respondent’s prior discipline record arose from similar appeal defaults that occurred at roughly the same time and for which Respondent has previously been disciplined.

Accordingly, it is the decision of the Second District Committee to impose a Public Admonition Without Terms and Alana Sherrise Powers is hereby so admonished.

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

SECOND DISTRICT COMMITTEE  
OF THE VIRGINIA STATE BAR

By:   
Megan Elizabeth Furlich Burns, Chair

CERTIFICATE OF MAILING

I certify that on the 14<sup>th</sup> day of March, 2008, 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 Alana Sherrise Powers,  
Respondent, at Sherrise Powers, P.L.C., Dominion Tower, Suite 435, 999 Waterside  
Drive, Norfolk, Virginia 23510, Respondent's last address of record with the Virginia  
State Bar.

  
Paul D. Georgiadis  
Assistant Bar Counsel