

VIRGINIA:

BEFORE THE SECOND DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

IN THE MATTER OF
PATRICK ALLEN ROBBINS

VSB Docket No. 08-021-074543

SUBCOMMITTEE DETERMINATION
(PUBLIC REPRIMAND WITH TERMS)

On February 17, 2009, a Second District Subcommittee consisting of Mary M. Kellam, Esquire, Presiding Chair, Robert J. Krask, Esquire, Member, and Michael S. Brewer, Lay Member, convened to consider an Agreed Disposition in the above-referenced matter. It was the unanimous decision of the Subcommittee to accept the Agreed Disposition.

Pursuant to Part 6, Section IV, Paragraph 13.G.4. of the Rules of the Virginia Supreme Court, the Second 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, Patrick Allen Robbins ("Respondent") has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. Larry Thomas Mears ("Mears") was convicted in the Accomack County Circuit Court of possession of a firearm by a convicted felon and sentenced to five years imprisonment on April 12, 2007.
3. Respondent was appointed to represent Mears on appeal and timely filed a Petition for Appeal on behalf of Mears with the Court of Appeals of Virginia (Record No. 0920-07-1). The Court of Appeals of Virginia dismissed the appeal on March 4, 2008 on the basis that the Petition for Appeal filed by the Respondent did not comply with Rules 5A:12(c)/5A:20(e) in that it did

not cite to a single principal of law or legal authority in support of the sole argument on appeal that there was insufficient evidence to support Mears' conviction.

4. Case law and applicable provisions of the Rules cited above establish that an appellate court will not consider an argument on appeal that is not supported by legal authority. *E.g., Epps v. Commonwealth*, 47 Va. App. 687, 718 (2006)(failing to cite in brief any authority in support of argument that judge lacked authority to demand sheriff return court order was in violation of Rule 5A:20(c) and that issue was thus not considered on appeal); *See also Buchanan v. Buchanan*, 14 Va. App. 53, 56 (1992).

5. Following the dismissal of the Petition for Appeal, Respondent did not seek a delayed appeal pursuant to §19.2-321.1 of the Code of Virginia, 1950, as amended, and did not advise Mears of his right to pursue that remedy. Instead, Respondent filed a Petition for Appeal with the Supreme Court of Virginia that was substantively identical to the initial Petition for Appeal filed with the Court of Appeals of Virginia and also failed to cite to any legal authority supportive of his argument. The Supreme Court of Virginia refused the Petition for Appeal on August 4, 2008.

II. NATURE OF MISCONDUCT

Such conduct by Patrick Allen Robbins 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.

III. PUBLIC REPRIMAND WITH TERMS

Accordingly, it is the decision of the Subcommittee to accept the Agreed Disposition of a Public Reprimand with Terms. The terms and conditions with which the Respondent must comply are as follows:

1. Respondent shall enroll and attend the 39th Annual Criminal Law Seminar sponsored by Virginia CLE, the hours for which shall not be credited toward the Respondent's compliance with his annual mandatory CLE requirement. The Respondent shall, on or before April 15, 2009, certify in writing completion of this requirement to M. Brent Saunders, the Assistant Bar Counsel assigned to this case.

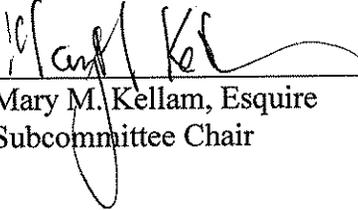
2. Respondent shall review the following materials available through Virginia CLE:
a) the video of the seminar conducted in 2004 titled "A Guide to Appellate Practice in Virginia;"
and b) the book published in 2008 titled "Appellate Practice – Virginia and Federal Courts."
The Respondent shall, on or before May 1, 2009, certify in writing completion of this requirement to M. Brent Saunders, the Assistant Bar Counsel assigned to this case. The Respondent shall not undertake the representation of any new client in a criminal appeal until such certification has been provided.

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 dates, the alternative disposition shall be a Certification for Sanction 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.

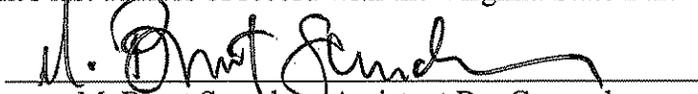
SECOND DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

By


Mary M. Kellam, Esquire
Subcommittee Chair

CERTIFICATE OF SERVICE

I certify that on the 25th day of FEBRUARY, 2009, I mailed by Certified Mail, Return Receipt Requested, a true and correct copy of the Subcommittee Determination (Public Reprimand with Terms) to Patrick Allen Robbins, Esquire, Respondent, at 23365 Front Street, PO Box 757, Accomac, VA 23301, Respondent's last address of record with the Virginia State Bar.


M. Brent Saunders, Assistant Bar Counsel