

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR
EIGHTH DISTRICT COMMITTEE

IN THE MATTER OF
ERIC LEE SISLER

VS B Docket Nos.: 05-080-1178
05-080-1179
05-080-1181
05-080-1184

DISTRICT COMMITTEE DETERMINATION
(PUBLIC REPRIMAND)

On October 19, 2006, a hearing in these matters was held before a duly convened Eighth District Committee panel consisting of Sharon R. Chickering, Esquire, Anderson W. Douthat, IV, Lay Member, Tracy A. Giles, Esquire, Don S. Reid, Lay Member, Melissa W. Robinson, Esquire, Daniel C. Summerlin, III, Esquire, and Wilson F. Vellines, Esquire, Chair presiding. The respondent, Eric Lee Sisler, Esquire ("Respondent") appeared in person *pro se*. The Virginia State Bar appeared through its Assistant Bar Counsel, Kathryn R. Montgomery, Esquire. Darlene Owings of Cavalier Reporting, Inc. transcribed the proceedings.

The matter proceeded upon the Notice of Hearing and Charges of Misconduct issued on July 27, 2006, which set forth allegations that Respondent's conduct violated Rules of Professional Conduct 1.3 (a), *Diligence*, 1.4 (a) (b) *Communication*, and 8.1 (d), *Bar Admission and Disciplinary Matters*.

Prior to the commencement of the proceedings, the Bar withdrew the Rule 1.4(a) charge. The panel received Virginia State Bar Exhibits 1-10 without objection, and the parties made opening statements. The panel received the live testimony of retired Virginia State Bar Investigator, Clyde K. Venable, Karen Strickler, and Respondent. The panel also received the *de bene esse* testimony of Betty Plogger Camden and Michael Camden, who were incarcerated on the day of the hearing.

Upon the conclusion of the Bar's evidence, Respondent presented his evidence, which included Respondent's Exhibits 1-5 and his own testimony. Thereafter, the parties presented closing arguments. The Committee then retired for deliberations and dismissed the all Charges of Misconduct in VSB Docket Numbers 05-080-1178, 05-080-1179, and 05-080-1184. The Committee found by clear and convincing evidence a violation of Rule 1.3(a) in VSB Docket Number 05-080-1181. The Committee dismissed a Rule 8.1(d) charge in the same case. The Committee then received evidence for the sanction determination, which consisted of Respondent's prior disciplinary record, and again retired to consider the appropriate sanction.

Pursuant to Part 6, Section IV, Paragraph 13.H.2 (1)(2)(d) of the Rules of the Virginia Supreme Court, the Eighth District Committee of the Virginia State Bar hereby serves upon the Respondent the following Public Reprimand:

VSB Docket No. 05-080-1181
Complainant: VSB

I. FINDINGS OF FACT

1. At all times relevant to this matter, Respondent Eric Lee Sisler was an attorney licensed to practice law in the Commonwealth of Virginia.
2. Respondent was court-appointed to represent Betty Camden on a charge of setting fire to a dwelling, for which she was convicted. At Ms. Camden's request, Respondent then filed an appeal.
3. On September 16, 2002, Respondent sent Ms. Camden a letter stating that the transcript had been filed, and that he was working on the petition, which was due on October 4, 2002.

4. On October 6, 2002, two days after the petition was due to be filed, Respondent met with Ms. Camden and told her he saw no grounds for an appeal.
5. Thereafter, Respondent filed nothing further with the Court of Appeals on Ms. Camden's behalf.
6. On October 17, 2002, the appeal was dismissed by the Virginia Court of Appeals for failure to file a petition.
7. Respondent advised Bar that although the petition was due October 4, 2002, he did not meet with Ms. Camden until October 6, 2002 to discuss whether to pursue the appeal.
8. Ms. Camden wanted to appeal her conviction and did not authorize Respondent to decide whether to proceed with the appeal.
9. Respondent's failure to perfect Ms. Camden's appeal constituted a conscious disregard for the responsibility owed to his client.
10. Respondent has since taken measures to ensure that this type of misconduct does not reoccur.

II. NATURE OF MISCONDUCT

Upon due deliberation, the Committee found that Respondent's conduct was in violation of the following Rule of Professional Conduct:

RULE 1.3 Diligence

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

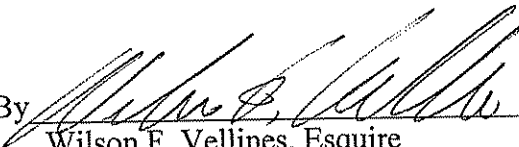
The Committee did not find a violation of the Rule 8.1(d) by clear and convincing evidence and dismissed that charge accordingly.

III. PUBLIC REPRIMAND

It is the decision of the Committee to impose a Public Reprimand upon Respondent Eric Lee Sisler, and he is so reprimanded.

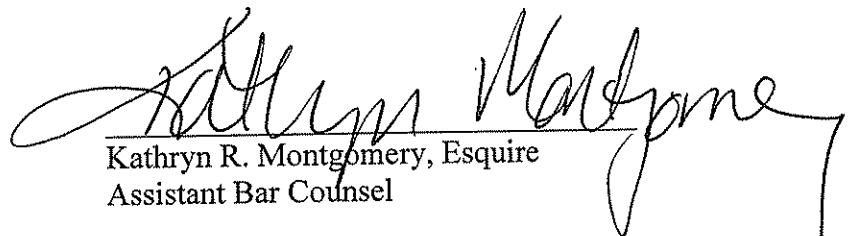
Pursuant to Paragraph 13.B.8.c.1 of the Rules of Court, the Clerk of the Disciplinary System shall assess costs.

**EIGHTH DISTRICT COMMITTEE
OF THE VIRGINIA STATE BAR**

By 
Wilson F. Vellines, Esquire
Eight District Committee Chair

CERTIFICATE OF SERVICE

I certify that on the 1st day of November, 2006, I mailed by Certified Mail, Return Receipt Requested, a true copy of the District Committee Determination (Public Reprimand) to the respondent, Eric Lee Sisler, Esquire, 103 E. Washington Street, Lexington, Virginia 24450-2517, his last address of record with the Virginia State Bar.


Kathryn R. Montgomery, Esquire
Assistant Bar Counsel