

**VIRGINIA:**

**BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD**

**IN THE MATTER OF  
PAUL GRANVILLE WATSON, IV**

**VSB Docket No. 09-022-077938**

**ORDER OF SUSPENSION**

On the 21st day of May, 2010, a meeting in this matter was held before a panel of the Virginia State Bar Disciplinary Board consisting of Raighne C. Delaney, Pleasant S, Brodnax, Randall Garnet Johnson, Jr., Jody Katz, Lay Member, and William Hanes Monroe, Jr., Chair, (Collectively, the "Board").

Paul D. Georgiadis, Assistant Bar Counsel, represented the Virginia State Bar ("Bar").

Paul Granville Watson, IV, ("Respondent") appeared in person, pro se.

Tracy J. Johnson, a registered professional reporter, Chandler & Halasz, P. O. Box 9349, Richmond, Virginia 23227, (804) 730-1222, after being duly sworn reported the hearing and transcribed the proceedings.

The Chair opened the proceeding and polled the Board members to determine whether any had a personal or financial interest in the proceeding that would impair, or reasonably could be perceived to impair his or her ability to be impartial. Each Board member responded in the negative.

This matter came before the Board upon the Certification of the Second District Subcommittee, dated December 10, 2009 ("Certification"). The Certification was sent to Respondent on that date.

At the hearing's commencement, the Chair admitted, Bar Exhibit A, consisting of attachments 1 through 17, without objection. The Board then continued with the evidentiary hearing with respect to the alleged misconduct. Following that portion of the hearing, the Board recessed to determine whether the Bar had demonstrated that the Respondent committed the charged ethical misconduct. The Board made the following findings of fact on the basis of clear and convincing evidence:

## I. FINDINGS OF FACT

1. At all times relevant hereto, Paul Granville Watson, IV, "Respondent", has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. By order dated October 16, 2007, the Accomack County Circuit Court appointed Respondent to represent Ryricka Nikita Custis.
3. Following the entry of the court's sentencing order on July 15, 2008, Respondent noted an appeal on or about July 28, 2008.

### Diligence

4. Although the Virginia Court of Appeals received the trial record on September 25, 2008, the Court failed to promptly notify Respondent of its receipt of the record. Accordingly, the Court issued to Respondent an extension by which it commenced the 40-day time period for filing the petition for appeal to begin on November 25, 2008.<sup>1</sup>
5. Notwithstanding the additional time granted to Respondent, Respondent failed to draft much less file a petition for appeal. Accordingly, on January 20, 2009 the Virginia Court of Appeals issued its order dismissing the appeal for failure to file a petition for appeal.
6. Having received the January 20, 2009 order of dismissal, an informal bar inquiry dated January 5, 2009 and a formal bar complaint dated January 27, 2009, Respondent

---

<sup>1</sup> RULE 5A:12. Petition for Appeal. --

(a) When Required. - When an appeal to the Court of Appeals does not lie as a matter of right, a petition for appeal must be filed with the clerk of the Court of Appeals not more than 40 days after the filing of the record with the Court of Appeals. An extension of 30 days may be granted on motion in the discretion of the Court of Appeals in order to attain the ends of justice. Four copies shall be filed. Carbon copies are acceptable.

nonetheless took no further action in this matter until he filed a motion for a delayed appeal on May 23, 2009.<sup>2</sup>

#### Communication

7. On August 22, 2008, Mr. Custis wrote to Respondent requesting a copy of his appeal, his file, discovery, and transcripts. Respondent's sole response was a letter dated October 16, 2008 in which he transmitted the transcripts of the trial and sentencing. Therein, Respondent failed altogether to convey the requested appeal documents or to advise Respondent that he had commenced the appeal by filing the notice of appeal.
8. On or about January 5, 2009, Mr. Custis wrote to the Clerk of the Virginia Court of Appeals requesting information on the status of his appeal as he had not received any information from Respondent regarding his appeal.
9. On January 5, 2009, the Intake Office of the Virginia State Bar wrote to Respondent forwarding a complaint from Mr. Custis in which Mr. Custis advised the bar about a lack of information about his appeal and Respondent's failure to respond to his inquiries. Therein, the bar requested that Respondent advise Mr. Custis of the appeal's status within five (5) days of the letter and demanded that Respondent provide the Bar with a copy of any written communication, or a summary of any oral communication no later than January 15, 2009. The Bar cited Rule 8.1(c) for his duty to comply and that a failure to do so could result in the imposition of disciplinary sanctions. Notwithstanding the Bar's request and demand for information regarding any such communications, Respondent failed to communicate with Mr. Custis.

---

<sup>2</sup> Ultimately, this motion was granted.

10. Only on February 20, 2009 did Respondent communicate with Mr. Custis when he wrote a one sentence letter to him stating, “Your appeal was dismissed, and I will be filing a Motion for Delayed Appeal.”
11. Thereafter, Respondent failed to further communicate with Mr. Custis until on or about May 4, 2009, when he wrote a two sentence to the bar advising the bar of his mailing of “all materials” to Mr. Custis and of his plans to telephone Mr. Custis.

#### Duty to Cooperate with Bar Demands for Information

12. On January 27, 2009, the Bar again mailed to Respondent a copy of the complaint, advised him that the matter was now a formal complaint, and demanded “a written answer to the complaint within 21 days of the date of this letter.” The Bar cited Rule 8.1(c) for his duty to comply and that a failure to do so could result in the imposition of disciplinary sanctions.
13. Notwithstanding the Bar’s demand for a written answer, Respondent failed to respond to the 21 day letter. The Bar requested a response on April 20, 2009. While Respondent briefly replied to the Bar with a non-responsive two sentence letter dated May 4, 2009, that does not address the Bar’s allegations. As a result, the Bar was forced to spend resources, including Bar Counsel and an investigator, to review this matter.

## **II. NATURE OF MISCONDUCT**

Such conduct by Paul Granville Watson, IV 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.

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.

RULE 8.1      Bar Admission And Disciplinary Matters

An applicant for admission to the bar, or a lawyer in connection with a bar admission application, in connection with any certification required to be filed as a condition of maintaining or renewing a license to practice law, in connection with a disciplinary matter, shall not:

- (c) fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this Rule does not require disclosure of information otherwise protected by Rule 1.6.

III.      **FINDINGS OF MISCONDUCT**

After considering Exhibit A and the Respondent's testimony, the Board recessed to deliberate. After due deliberation, the Board made the following unanimous findings:

The Board finds by clear and convincing evidence a violation of Rule 1.3. Respondent failed to file the appeal by the date required, and provides no justification for such failure.

The Board finds by clear and convincing evidence a violation of Rule 1.4. Not only did the Respondent fail to communicate in a timely basis with Mr. Curtis, but he ignored the Bar's request that he do so promptly.

The Board finds by clear and convincing evidence a violation of Rule 8.1(c). Assuming that Respondent's failure to provide the Bar with documentation that he was communicating with Mr. Curtis does not constitute a failure of this rule, the Respondent still failed to respond to the formal Complaint. Even after the Bar prompted him to do so a second time, he submitted a two sentence response that did not even address the allegations. The Respondent's failure in this regard is magnified both by the Bar's informal prompting of the Respondent to address the issues prospectively and because the Respondent's failure to cooperate forced the Bar to spend

additional resources investigating this matter, which might not have been necessary, if the Respondent had cooperated in the first instance.

Upon reaching these conclusions, the Board reconvened and the Chair announced the findings of misconduct, as set forth above.

#### IV. SANCTIONS HEARING

Following the misconduct hearing, the Board received further evidence of aggravation and mitigation from the Bar and Respondent, including Respondent's prior disciplinary record which was admitted into evidence as Exhibit B, without objection. The prior disciplinary record is summarized as follows:

<u>#</u>	<u>Date</u>	<u>Discipline</u>	<u>Rule Violations</u>	<u>Summary</u>
1.	6/14/07	Public Reprimand w/ terms	1.1, 1.3a, 1.4a	Appeal failure
2.	4/29/08	Dismissal de minimis	1.3a	Appeal failure
3.	10/21/08	Dismissal de minimis	1.1, 1.3a	<u>Three</u> appeal failures
4.	3/23/09	Public Reprimand	1.3a, 8.1	Failure to prosecute divorce Bar Cooperation failure
5.	3/23/09	Public Reprimand	1.4a, 8.1	Communication failure Bar Cooperation failure
6.	3/23/09	Public Reprimand	8.1	Bar Cooperation failure

In mitigation, the Respondent offered that he had changed his practice and would not have any more problems in the filing and handling of appeals. The Board found this statement not credible, given that he was afforded a *dismissal de minimis* in April 2008 for failing to file a petition for appeal, and explanation was that he had changed his practices. The Respondent explained that he was under some financial pressure, but did not offer enough evidence for the Board to weigh this factor one way or the other. The Board did credit the Respondent with two

mitigating factors. First, the Respondent takes full responsibility for his failures and presents himself well. Second, the Respondent has sincerely dedicated himself to serving the indigent community in his region of the state. However, this does not excuse his failures to file appeals within the time or manner required by law.

Given the aggravating factors, namely the long disciplinary record, and the mitigating factors, as explained above, the Board concurs with Bar's request for progressive discipline, namely a 60 day suspension.

ACCORDINGLY, it is ORDERED that the Respondent, Paul Granville Watson, IV be suspended from the practice of law for a period of sixty (60) days, effective May 21, 2010.

It is further ORDERED that, as directed in the Board's February 19, 2010, Summary Order in this matter, Respondent must comply with the requirements of Part Six, Section IV, Paragraph 13-29 of the Rules of the Supreme Court of Virginia. The Respondent shall forthwith give notice by certified mail, return receipt requested, of the suspension of Respondent's license to practice law in the Commonwealth of Virginia, to all clients for whom Respondent is currently handling matters and to all opposing attorneys and presiding judges in pending litigation. The Respondent shall also make appropriate arrangements for the disposition of matters then in Respondent's care in conformity with the wishes of Respondent's client. Respondent shall give such notice within fourteen (14) days of the effective date of this order, and make such arrangements as are required herein within forty-five (45) days of the effective date of the suspension. The Respondent shall also furnish proof to the Bar within sixty (60) days of the effective day of this order that such notices have been timely given and such arrangements made for the disposition of matters.

It is further ORDERED that if the Respondent is not handling any client matters on the effective date of this order, Respondent shall submit an affidavit to that effect to the Clerk of the Disciplinary System at the Virginia State Bar. All issues concerning the adequacy of the notice and arrangements required by Paragraph 13 shall be determined by the Virginia State Bar Disciplinary Board, unless the Respondent makes a timely request for hearing before a three-judge court.

It is further ORDERED that pursuant to Part Six, Section IV, Paragraph 13-9E of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess all costs against the Respondent.

It is further ORDERED that the Clerk of the Disciplinary System shall mail an attested copy of this order to Respondent Paul Granville Watson, IV, at his address of record with the Virginia State Bar, P. O. Box 600, Eastville, Virginia 23347, by certified mail, return receipt requested. The Clerk of the Disciplinary System shall also hand deliver an attested copy of this order to Paul D. Georgiadis, Assistant Bar Counsel, 707 East Main Street, Suite 1500, Richmond, Virginia 23219.

ENTERED this 1<sup>st</sup> day of June, 2010

VIRGINIA STATE BAR DISCIPLINARY BOARD

By:

A handwritten signature in black ink, appearing to read "W. H. Monroe, Jr.", written over a horizontal line.

William H. Monroe, Jr.  
Chair