

VIRGINIA:

**BEFORE THE SECOND DISTRICT COMMITTEE—SECTION II
OF THE VIRGINIA STATE BAR**

**IN THE MATTER OF
GEORGE ANTHONY YANCEY**

VSB DOCKET NO. 10-022-083268

**MEMORANDUM ORDER
(Public Reprimand without Terms)**

This show cause matter regarding failure to fulfill terms came to be heard on the 20th day of May, 2010, before a duly convened panel of the Second District Committee of the Virginia State Bar consisting of Kara M. O'Brien, Esquire; Ms. Elizabeth Martingayle, lay member, Mary Kellam, Esquire, Mr. David M. Jones, lay member, Brandon H. Zeigler, Esquire, and Jeffrey L. Marks, Esquire, Chair presiding.

The Virginia State Bar appeared by its Assistant Bar Counsel Paul D. Georgiadis. Neither the Respondent nor his counsel, Curtis T. Brown, appeared, although each had actual and timely notice of the hearing. The bar issued a Notice of Show Cause Hearing and a First Amended Notice of Show Cause Hearing on March 26, 2010 and March 29, 2010 setting this Show Cause matter to be heard on April 15, 2010. Upon objection by Respondent's counsel on March 30, 2010 of his unavailability on that noticed date and upon agreement by Respondent's counsel of availability on the next scheduled District Committee hearing date of May 20, 2010 at 9:00 a.m., the bar issued a Second Amended Notice of Hearing on March 31, 2010 setting the hearing on this matter for May 20, 2010 at 9:00 a.m. Both the Respondent and his counsel each received and signed for the Second Amended Notice of Show Cause Hearing on April 1, 2010.

On May 20, 2010, the bar proffered to the Committee that in his March 30, 2010 telephone call to the bar, Respondent's counsel indicated he would promptly fulfill the terms in question of providing client Travis Andrews a copy of his trial transcripts and would provide notice to the bar of such. If this were done, the bar agreed it would dismiss the show cause proceeding.

The Committee finds that Respondent took no such prompt steps when he delayed ordering the transcripts until May 5, 2010.

By facsimile of May 19, 2010 sent at 5:38 p.m., Respondent's counsel advised the Chair that he was "unavailable" for the previously agreed upon show cause hearing set for May 20, 2010 "due to a previously scheduled trial in the Federal District Ct. in Newport News, Va at 9:00 a.m."

Upon review of the record and argument, the Committee finds the motion for a continuance untimely and without just cause. Accordingly, the motion for a continuance is

DENIED.

The terms at issue were initially imposed by Committee Determination dated March 25, 2008. Therein, the Second District Committee ordered :

Within 60 days of the entry date of this order, obtain and provide to client Travis Andrews his trial transcripts.

Within 60 days of the entry date of this order, provide written certification of proof of compliance with said Term to Assistant Bar Counsel Paul D. Georgiadis

If the terms and conditions are not met by the specified dated, the district committee shall impose a Public Reprimand...

Pursuant to Pt. 6, §IV, ¶13 -16BB of the Rules of the Supreme Court of Virginia, the Respondent bears the burden of proof of terms compliance on the Respondent. In the event of the failure to comply with the terms within the stated time period as determined by the Committee, the “alternative disposition shall be imposed.”

Upon consideration of the evidence before it, the Committee finds that Respondent did not fulfill the terms within the specified 60 day time period. Therefore, the alternative sanction of public reprimand without terms must be imposed.

Following Respondent’s appeals and subsequent defaulted appeal, the Norfolk Circuit Court entered a final order on September 29, 2009 lifting a stay of the pending sanctions--Public Admonition with Terms as well as the alternate sanction therein of Public Reprimand without Terms. The Court’s order required the 60 day deadline for compliance with said terms to commence as of the September 29, 2009 entry of the order.

Respondent took a further appeal, noting an appeal of the September 29 order. On February 2, 2010, the Virginia Supreme Court dismissed this further appeal, finding that the September 29, 2009 “is not an appealable order.”

Respondent did not order the trial transcript until May 5, 2010. Thereafter, Respondent did not mail the transcript to client Travis Andrews until the late afternoon of May 18, 2010, and failed to advise the bar of this until he sent his letter so advising by facsimile sent at 5:56 P.M. on May 18, 2010.

Measured by either order—September 29, 2009 or February 2, 2010, the Committee finds that Respondent’s alleged compliance falls well outside of the 60 day deadline for terms compliance. Pursuant to Pt. 6, §IV, ¶13 -16BB, the Committee is required to and does impose the alternate sanction of Public Reprimand without Terms. The Respondent is hereby Publicly Reprimanded for his violations of Rules 1.3a, Diligence, and 1.16(d), Declining or Terminating

Representation, as set forth in the Committee's Determination dated March 25, 2008.

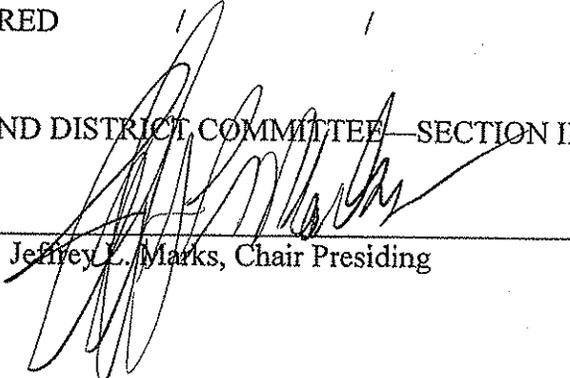
IT IS FURTHER ORDERED that costs shall be assessed against the Respondent by the Clerk of the Disciplinary System pursuant to Pt. 6, §IV, ¶13-9E of the Rules of Court.

The court reporter who transcribed these proceedings is Cynthia Noah, Ronald Graham and Associates, Inc., 5344 Hickory Ridge, Virginia Beach, VA 23455-6680.

ENTERED

SECOND DISTRICT COMMITTEE SECTION II

By


Jeffrey L. Marks, Chair Presiding

CERTIFICATE OF SERVICE

I certify that on the 2nd day of June, 2010, I caused to be mailed by Certified Mail, Return Receipt Requested, a true and correct copy of the District Committee Determination (Public Reprimand Without Terms) to George Anthony Yancey, Esquire, Suite 202, 801 Boush Street, Norfolk, VA 23510, his last address of record with the Virginia State Bar, and a true and correct copy of the District Committee Determination (Public Reprimand Without Terms) by Certified Mail, Return Receipt Requested to Respondent's Counsel Curtis Tyrone Brown, Esq. Suite 210, 5900 East Virginia Beach Boulevard, Norfolk, VA 23502, his last address of record with the Virginia State Bar.


Paul D. Georgiadis
Assistant Bar Counsel