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VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF NORFOLK

NOV 17 2010

VIRGINIA STATE BAR EX REL.
SECOND DISTRICT COMMITTEE

VSB CLERK'S OFFICE

Complainant

v.

CL 10-6053

GEORGE ANTHONY YANCEY
Respondent

(In the Matter of George Anthony Yancey)
(VSB Docket No. 10-022-083268)

MEMORANDUM ORDER

This cause came to be heard on October 27, 2010 by a duly convened, three-judge court consisting of the Honorable Alfred D. Swersky, Retired Judge, the Honorable Bruce H. Kushner, Judge, and the Honorable Bradley B. Cavedo, Chief Judge Presiding. The Virginia State Bar appeared by its Assistant Bar Counsel Paul D. Georgiadis. Respondent George Anthony Yancey appeared with his counsel, Curtis T. Brown, Esquire.

This cause came before the Court on Respondent Yancey's appeal of the June 2, 2010 Order of the Second District Committee—Section II. The Order appealed from imposed an alternate sanction of Public Reprimand without Terms as a result of the District Committee's May 20, 2010 show cause hearing on Respondent's failure to comply with terms previously imposed by the Committee. With his notice of appeal of the Order, Respondent made timely demand pursuant to §54.1-3935 of the Code of Virginia that this appeal be heard by a three-judge panel of this Court.

Pursuant to Pt. 6, §IV, ¶13-17D of the Rules of Court, the Court considered the record in this matter, the briefs of the parties, and the oral argument of the parties. By unanimous decision, the Court

AFFIRMS the June 2, 2010 Order of the District Committee.

With respect to the District Committee's decision to deny Respondent's May 19, 2010 motion to continue the May 20, 2010 show cause hearing, the Court finds that the District Committee acted within its discretion in denying the motion to continue.

With respect to Respondent's failure to comply with the Committee's previously issued terms of providing client Travis Andrews a copy of his trial transcripts and providing written proof thereof to Assistant Bar Counsel Georgiadis, all within 60 days of the order, the Court finds that pursuant to Pt. §IV, ¶13-16BB of the Rules of Court, the burden of proof of compliance with said terms rested with the Respondent Yancey who failed to appear at the District Committee's May 20, 2010 show cause hearing and thereby failed to present any evidence of his terms compliance. Notwithstanding said burden, the Court further finds that there was substantial affirmative evidence in the record to find Respondent failed to comply with said terms.

Wherefore, the Court hereby

AFFIRMS the District Committee's sanction of Public Reprimand without Terms and hereby reprimands the Respondent George Anthony Yancey for his conduct in violation of Rules 1.3(a) and 1.16(d) of the Rules of Professional Conduct.

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 Susan E. Feehery, Biggs & Fleet Court Reporters, 125 St. Paul's Boulevard, Suite 309, Norfolk, Virginia 23510.

Let the Clerk of the Court send a copy *teste* to all counsel of record and to the Clerk of the Disciplinary System, Virginia State Bar, 707 E. Main Street, Suite 1500, Richmond, VA 23219.

ENTERED 11, 15, 2010



Bradley B. Cavedo
Chief Judge Designate

I ASK FOR THIS:



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SEEN AND OBJECTED TO:

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