

**VIRGINIA:**

**BEFORE THE SECOND DISTRICT COMMITTEE  
OF THE VIRGINIA STATE BAR**

**IN THE MATTER OF  
GEORGE ANTHONY YANCEY**

**VS B Docket No. 07-022-0217**

---

**DISTRICT COMMITTEE DETERMINATION  
(PUBLIC ADMONITION WITH TERMS)**

On November 15, 2007 and January 17, 2008, a hearing in this matter was held before a duly convened Second District Committee, Section II, panel consisting of Jeffrey L. Marks, Esquire, Ms. Dianne B. Frantz, lay member, Bretta M. Zimmer Lewis, Esquire, Tanya Bullock, Esquire, Mr. David M. Jones, lay member, and Megan E. Furlich Burns, Esquire, Chair.

The bar appeared by its Assistant Bar Counsel, Paul D. Georgiadis. The Respondent, George Anthony Yancey, appeared along with his Counsel, Curtis T. Brown.

Pursuant to Part 6, Section IV, Paragraph 13.H.2.1(2) of the Rules of the Virginia Supreme Court, the Second District Committee of the Virginia State Bar hereby serves upon the respondent the following Public Admonition With Terms:

**I. FINDINGS OF FACT**

1. At all relevant times hereto, George Anthony Yancey ("Respondent"), has been an attorney licensed to practice law in the Commonwealth of Virginia. On or about February 10, 2003, Respondent was contacted by Paula Beeks, an aunt of Travis Andrews, who was seeking representation for Andrews in a habeas corpus action.
2. Following the consultation, Beeks paid Respondent's employer, the LaMondue Law Firm, \$800.00 out of a total fee of \$1,500.00 to commence investigation, research, drafting and filing of a petition for writ of habeas corpus on behalf of Travis Andrews ("Client"), who was incarcerated at St. Brides Correctional Facility.

3. On March 25, 2003, Respondent wrote to Client advising of his scheduled interview with Client on March 31, 2003, and further advised: "Once we have met, I will begin researching and drafting your habeas corpus petition. I will need you to review it and sign it once it is complete so that I may make copies and forward it to the Court."
4. On or about March 31, 2003, Respondent met with Client at St. Bride's Correctional Facility and received a number of documents from Client, including the transcripts of his two trials. During his review of the documents at the facility, Respondent determined that the statute of limitations for filing the petition would run on July 9, 2003.
5. Respondent took the transcripts with him and placed them in his case file at his office.
6. On June 13, 2003, Respondent left the employment of the LaMondue Law Firm for the firm of Sams & Scott. On June 24, 2003, Respondent submitted to his employer, Carl LaMondue, "a list of clients who have decided to retain my services." The letter indicated cases in one category as being "needed immediately due to deadlines" to be turned over "no later than June 26, 2003." However, Respondent included the case of Travis Andrews in a second category of cases, "needed by or before July 1, 2003."
7. On July 1, 2003, Respondent appeared at the office of the LaMondue Law Firm to obtain the previously requested case file of Travis Andrews because he was concerned that he would not have enough time to work on the case before the statute of limitations ran. Respondent did not obtain the file at that time.
8. On July 3, 2003, LaMondue delivered the file of Travis Andrews to Respondent at his new office at Sams & Scott.
9. On or about July 9, 2003, the deadline for filing the Petition for a Writ of Habeas Corpus expired without Respondent filing the petition.
10. At no time prior to the expiration of the deadline for filing the Petition for a Writ of Habeas Corpus did Respondent advise Client or Paula Beeks that he was terminating his representation.
11. Respondent failed to return the transcripts and other documents Client entrusted to him and is now unable to locate them.

## **II. NATURE OF MISCONDUCT**

Such conduct by George Anthony Yancey constitutes misconduct in violation of the following provision 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 1.16 Declining Or Terminating Representation*

- (d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, refunding any advance payment of fee that has not been earned and handling records as indicated in paragraph (e).

The Committee dismissed the Charges of Misconduct alleging violations of Rule 1.4(a), Communication.

**III. PUBLIC ADMONITION WITH TERMS**

Accordingly, it is the decision of the Second District Committee to offer the Respondent an opportunity to comply with certain terms and conditions, compliance with which will be a predicate for the disposition of a Public Admonition with Terms of this complaint. The terms and conditions are:

1. Within 60 days of the entry date of this order, obtain and provide to client Travis Andrews his trial transcripts.
2. 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 date, the district committee shall impose a Public Reprimand pursuant to Part Six, Section IV, Paragraph 13.H.2.p. of the Rules of Court.

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

SECOND DISTRICT COMMITTEE  
OF THE VIRGINIA STATE BAR

By:   
Megan Elizabeth Furlich Burns  
Committee Chair

**CERTIFICATE OF MAILING**

I certify that on the <sup>25<sup>th</sup></sup>~~24~~ day of March, 2008, I caused to be mailed by Certified Mail, Return Receipt Requested, a true and complete copy of the District Committee Determination (Public Admonition With Terms) to George Anthony Yancey, Respondent, at Suite 202, 801 Boush Street, Norfolk, VA 23510, Respondent's last address of record with the Virginia State Bar, and by first class mail, postage prepaid to Curtis T. Brown, Respondent's Counsel, at 5900 E. Virginia Beach Blvd., Suite 208, Norfolk, VA 23502.

  
Paul D. Georgiadis  
Assistant Bar Counsel