

**VIRGINIA:**

**BEFORE THE TENTH DISTRICT SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR**

**IN THE MATTER OF  
ANTHONY ELMER COLLINS**

**VSB Docket No. 08-102-062602**

**SUBCOMMITTEE DETERMINATION  
(PUBLIC REPRIMAND WITHOUT TERMS)**

On August 11, 2009, a hearing in this matter was held before a duly convened Tenth District—Section II Subcommittee consisting of R. Lucas Hobbs, Chair presiding, Sandra Montgomery, Lay Member, and Joseph W. Rasnic, Esquire, member.

Pursuant to Part Six, Section IV, Paragraph 13-15.E. of the Rules of the Virginia Supreme Court, the Tenth District Subcommittee of the Virginia State Bar hereby approves the agreed disposition entered into by the parties and serves upon the Respondent the following Public Reprimand without Terms:

**I. FINDINGS OF FACT**

1. At all times relevant, Respondent has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. At all times relevant, the complainant, Dwayne L. Gilmore (“Complainant”) was incarcerated.
3. By a *nunc pro tunc* order entered on November 4, 2004, Judge Stump of the Circuit Court of Wise County and City of Norton appointed Respondent as guardian *ad litem* to Complainant effective January 1, 2004.
4. On November 17, 2005, on behalf of Complainant, Respondent moved the Circuit Court of Wise County for an order allowing Complainant visitation with his daughter while imprisoned. Respondent noticed the hearing for December 7, 2005.
5. On November 25, 2005, Respondent’s receptionist sent Complainant a letter advising of the December 7, 2005 hearing in Wise County Circuit Court and stating that he must appear.

6. According to Respondent, no hearing was held on December 7, 2005 or at any other time on Respondent's motion for visitation.
7. Respondent failed to communicate with Complainant about the hearing or lack thereof.
8. Hearing nothing from Respondent, Complainant asked Terry Driskill, the Institutional Attorney at his prison facility, to contact Respondent on his behalf about the outcome of the hearing.
9. By letter dated March 6, 2006, Terry Driskill asked that Respondent correspond with Complainant regarding the outcome of the December 7, 2005 hearing.
10. Despite Mr. Driskill's letter, Complainant still did not hear from Respondent.
11. On August 28, 2006, Complainant filed a bar complaint with the Virginia State Bar complaining that Respondent had not communicated with him about the December 7, 2005 hearing.
12. In response to the bar complaint, on September 15, 2006, Respondent filed a new motion for visitation on Complainant's behalf. Respondent also filed a motion for an order to transport Complainant to the hearing. Respondent noticed the hearing for September 29, 2006.
13. By letter dated September 15, 2006, Respondent advised Complainant of the new motions and of the new hearing date.
14. By letter dated September 18, 2006, Respondent's receptionist advised Complainant of the September 29, 2006 hearing date and stated that he must appear.
15. Respondent copied the Virginia State Bar on the new motions and his letter to Complainant. As a result, the bar closed the complaint with no action taken.
16. According to Respondent, no hearing was held on September 29, 2006. Respondent said sometime thereafter he learned that the motions had been denied.
17. Respondent failed to communicate with Complainant about the hearing or lack thereof.
18. By letter dated May 19, 2007, Complainant advised the Virginia State Bar that he had heard nothing further from Respondent and did not know the outcome of the September 29, 2006 hearing. In response to this letter, the bar reopened the complaint against Respondent.
19. Respondent admitted to the bar's investigator that the letters described in Paragraphs 5, 13, and 14 above comprise the totality of his correspondence with Complainant about the visitation matter.

20. Respondent has been cooperative with the bar's investigation.

## II. NATURE OF MISCONDUCT

Such conduct by Anthony Elmer Collins constitutes misconduct in violation of the following provision of the Rules of Professional Conduct:

### 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.

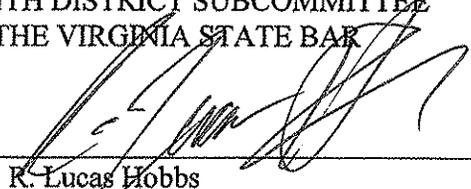
## III. PUBLIC REPRIMAND

Accordingly, it is the decision of the subcommittee to impose a Public Reprimand without Terms and the Respondent is hereby so reprimanded.

Pursuant to Paragraph 13-9.E. the Clerk of the Disciplinary System shall assess costs.

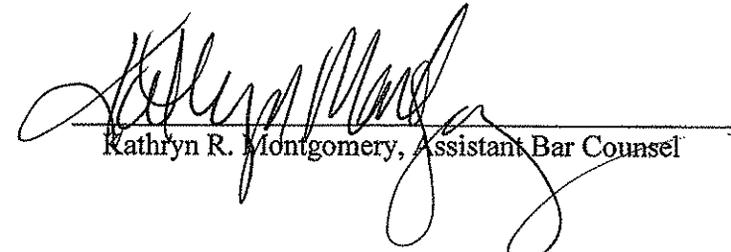
TENTH DISTRICT SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR

By

  
R. Lucas Hobbs  
Subcommittee Chair

## CERTIFICATE OF SERVICE

I certify that on Aug 18, 09, 2009, I caused to be mailed by Certified Mail, Return Receipt Requested, a true and correct copy of the Subcommittee Determination (Public Reprimand Without Terms) to Anthony Elmer Collins, Esquire, Respondent, at, Collins & Collins, P.O. Box 3465, 306 East Main Street, Wise, VA 24293, his last address of record with the Virginia State Bar.

  
Kathryn R. Montgomery, Assistant Bar Counsel