

VIRGINIA:

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

**In the Matter of Danny Shelton Shipley
VSB Docket Number 05-021-3964**

**SUBCOMMITTEE DETERMINATION
(PUBLIC ADMONITION WITH TERMS)**

On December 28, 2005, a duly convened Second District, Section I, Subcommittee consisting of Donald C. Schultz, Esquire, Emanuel W. Michaels, Lay Member, and Afshin Farashahi, Esquire, presiding, considered the above-referenced matter and determined that an Agreed Disposition for a Public Admonition with Terms would be acceptable as an appropriate disposition if it were set for hearing before the District Committee.

The Respondent having tendered such an agreement, the Second District Subcommittee, therefore, pursuant to Part Six, Section IV, Paragraph 13(G)(1)(c)(1) of the Rules of the Supreme Court of Virginia, hereby serves upon the Respondent the following Public Admonition with Terms:

I. FINDINGS OF FACT

1. During all times relevant hereto, the Respondent, Danny Shelton Shipley, was an attorney licensed to practice law in the Commonwealth of Virginia.
2. On February 15, 2000, the Circuit Court for the City of Norfolk convicted Lloyd Edward Anderson of abduction and imposed a two-year suspended sentence.
3. On June 17 2004, Mr. Anderson was convicted of abduction again, and sentenced to ten years in prison with seven and one-half years suspended.
4. In light of the new conviction, the Commonwealth moved to revoke the suspended sentence from the previous conviction.

5. On July 20, 2004, the court found that Mr. Anderson had violated the terms of his probation and, on November 19, 2004, revoked the entire two-year suspended sentence. The order became final on November 30, 2004. Mr. Shipley was his appointed counsel.
6. Mr. Shipley timely noted an appeal.
7. The transcript became due on January 29, 2005, but was not filed until February 4, 2005.
8. On February 14, 2005, the Court of Appeals issued an order directing the appellant to show-cause why the appeal should not be dismissed for failure to timely file the transcript.
9. Having received no response to its show-cause order, on March 9, 2005, the Court of Appeals dismissed the appeal. Mr. Shipley informed his client of his error.
10. The client desiring his two sentences to run concurrently, Mr. Shipley filed a motion to reconsider his sentence on March 3, 2005. He also had the court enter an order holding his client at the local jail pending conclusion of the motion.
11. On April 7, 2005, Mr. Anderson complained to the bar that he had heard nothing further from Mr. Shipley. On June 10, 2005, Mr. Shipley was allowed to withdraw and another attorney substituted to pursue Mr. Anderson's claim of ineffective assistance of counsel for a delayed appeal.

II. NATURE OF MISCONDUCT

The parties agree that the foregoing facts give rise to violations of the following Rules of Professional Conduct:

RULE 1.3 Diligence

- a. A lawyer shall act with reasonable diligence and promptness in representing a client.

III. PUBLIC ADMONITION WITH TERMS

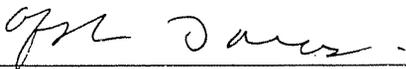
Accordingly, it is the decision of the Subcommittee to offer the Respondent an opportunity to comply with certain terms and conditions, compliance with which will be a predicate for the disposition of a Public Admonition with Terms of this complaint. The terms and conditions are:

1. By April 1, 2006, the Respondent, Danny Shelton Shipley, will engage a risk manager, at his own expense, to audit his office procedures and make recommendations.
2. The risk manager will be one approved by the Virginia State Bar.
3. By July 1, 2006, the respondent will furnish a written report setting forth the nature of the risk manager's audit, any recommendations made by the risk manager, and the Respondent's compliance with the recommendations, if any.

Upon satisfactory proof that the terms and conditions have been met, this matter shall be closed. If, however, the terms and conditions are not met by the dates set forth above, the District Committee will impose the alternate sanction: Certification for Sanction Determination at the Virginia State Bar Disciplinary Board.

In accordance with the Rules of the Virginia Supreme Court, Part 6: §IV, ¶13(B) (8) (c) (1), the Clerk of the Disciplinary System shall assess costs.

**SECOND DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR**

By 
Afshin Farashahi, Esquire
Committee Chair

CERTIFICATE OF SERVICE

I certify that on the 22nd, day of March, 2006 I caused to be mailed by Certified Mail, Return Receipt Requested, a true and correct copy of the Subcommittee Determination (Public Admonition with Terms) to Danny Shelton Shipley,

Respondent, at the First Virginia Bank Tower, Suite 1410, 555 East Main Street, Norfolk,
Virginia 23510, his last address of record with the Virginia State Bar.

A handwritten signature in black ink, appearing to read "Edward L. Davis", written over a horizontal line.

Edward L. Davis
Assistant Bar Counsel