

VIRGINIA :

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

**IN THE MATTER OF ROYCE LEE GIVENS, JR, ESQ.
VSB Docket # 04-070-0396**

**SUBCOMMITTEE DETERMINATION
PUBLIC REPRIMAND**

On August 12, 2004, a meeting in this matter was held before a duly convened Seventh District Subcommittee consisting of Douglas K. Baumgardner, Esquire, Larry Lambert, lay member, and Grant Richardson, Esquire, presiding.

Pursuant to the provisions of the Rules of the Supreme Court of Virginia, Part 6, § IV, ¶13(G)(1), the Seventh District Subcommittee of the Virginia State Bar hereby serves upon the Respondent the following Public Reprimand, as set forth below:

I. FINDINGS OF FACT

1. At all times relevant hereto Royce Lee Givens, Jr., Esquire, (“Respondent”), was an attorney licensed to practice law in the Commonwealth of Virginia.

2. In January 1999, Respondent undertook the representation of Sharon Payne in a claim against a financial institution and its chief officer (“Defendant”).

3. During a trial on the matter, the court granted Defendant’s motion to strike.

4. Thereafter, on Defendant’s motion for sanctions and an award of attorney’s fees, in a letter opinion dated August 17, 2001, the trial court ruled that “[t]he suit was not warranted by existing law” “was imposed for an improper purpose, and “imposed upon the Plaintiff and her counsel [Respondent] jointly and severally” a sanction of \$5,000.00.

5. In a letter opinion dated November 1, 2001, the trial court ordered “plaintiff and her counsel [Respondent], jointly and severally,” to pay Defendant’s attorneys fees and costs in the amount of \$37,725.22.

6. Respondent has paid the amounts ordered by the trial court.

II. NATURE OF MISCONDUCT

The Subcommittee finds that the following Rules of Professional Conduct have been violated:

Rule 3.1. Meritorious Claims And Contentions.

A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law. A lawyer for the defendant in a criminal proceeding, or the respondent in a proceeding that could result in incarceration, may nevertheless so defend the proceeding as to require that every element of the case be established.

III. PUBLIC REPRIMAND

Accordingly, it is the decision of the Subcommittee to offer the Respondent a disposition of this complaint by imposition of a PUBLIC REPRIMAND.

IV. COSTS

Pursuant to Part Six, § IV, ¶ 13(B)(8)(c) of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess costs against the Respondent.

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

By _____
Chair/Chair Designate

CERTIFICATE OF SERVICE

I certify that I have this ____ day of _____, 2004, mailed a true and correct copy of the Subcommittee Determination (**PUBLIC REPRIMAND**) by CERTIFIED MAIL, RETURN RECEIPT REQUESTED, to the Respondent, Royce Lee Givens, Esquire, 116-P Edwards Ferry Road, N.E., Leesburg, Virginia 20176, his address of record with the Virginia State Bar, and a copy thereof by first class mail, postage prepaid, to David Ross Rosenfeld, Esq., Second Floor, 118 South Royal Street, Alexandria, Virginia 22314-3392.

Linda Mallory Berry
Assistant Bar Counsel