

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

**IN THE MATTER OF
PAUL CHRISTOPHER GALANIDES**

VSb DOCKET NO. 20-031-118030

**AGREED DISPOSITION MEMORANDUM ORDER
PUBLIC REPRIMAND WITH TERMS**

On September 28, 2020 this matter was heard by the Virginia State Bar Disciplinary Board upon the joint request of the parties for the Board to accept the Agreed Disposition signed by the parties and offered to the Board as provided by Part Six, Section IV, Paragraph 13-6.H of the *Rules of the Supreme Court of Virginia*. The panel consisted of Yvonne S. Gibney, Chair; Stephanie G. Cox; David J. Gogal; Michael J. Sobey; and Tambera D. Stephenson, Lay Member. The Virginia State Bar was represented by Renu M. Brennan, Bar Counsel. Respondent Paul Christopher Galanides was present and was represented by counsel, Jeffrey H. Geiger. The Chair polled the members of the Board as to whether any of them were aware of any personal or financial interest or bias which would preclude any of them from fairly hearing the matter to which each member responded in the negative. Court Reporter Lisa A. Wright, Chandler and Halasz, P.O. Box 9349, Richmond, Virginia 23227, telephone (804) 730-1222, after being duly sworn, reported the hearing and transcribed the proceedings.

WHEREFORE, upon consideration of the Agreed Disposition, the Certification, Respondent's Answer to Certification and Demand for Three-Judge Panel, Respondent's letter requesting to withdraw his request for three-judge panel, Respondent's Disciplinary Record, the presentations of the parties, and after due deliberation;

It is **ORDERED** that the Agreed Disposition is accepted and the Respondent shall receive a Public Reprimand with Terms, as set forth in the Agreed Disposition, which is attached

and incorporated in this Memorandum Order and that, pursuant to Part Six, Section IV, Paragraph 13-18.O of the *Rules of the Supreme Court of Virginia*, a one-year suspension shall be imposed as an alternative sanction if all the terms and conditions are not met by the deadlines imposed in the Agreed Disposition.

It is further **ORDERED** that the sanction is effective September 28, 2020.

The Clerk of the Disciplinary System shall assess costs pursuant to Part Six, Section IV, Paragraph 13-9.E. of the *Rules of the Supreme Court of Virginia*.

It is further ORDERED that an attested copy of this Order be mailed to the Respondent by certified mail, return receipt requested, regular and electronic mail to his last address of record with the Virginia State Bar at Law Office of Paul C. Galanides, P.C., 1561 E. Main Street, Richmond, VA 23219, and a copy by electronic mail to Jeffrey H. Geiger, Respondent's Counsel, at Sands Anderson, PC, Bank of America Plaza, 1111 E. Main Street, Suite 2400, P.O. Box 1998, Richmond, VA 23218-1998, and a copy by electronic mail to Renu M. Brennan, Bar Counsel, Virginia State Bar, Suite 700, 1111 E. Main Street, Richmond, VA 23219.

Entered this 28th day of September, 2020

VIRGINIA STATE BAR DISCIPLINARY BOARD

Yvonne S. Gibney

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Gibney
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Yvonne S. Gibney
Chair



VIRGINIA:

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OF THE VIRGINIA STATE BAR

IN THE MATTER OF
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VS B Docket No. 20-031-118030

AGREED DISPOSITION
PUBLIC REPRIMAND WITH TERMS

Pursuant to the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-6.H., the Virginia State Bar, by Renu M. Brennan, Bar Counsel and Paul Christopher Galanides, Respondent, and Jeffrey Hamilton Geiger, Respondent's counsel, hereby enter into the following Agreed Disposition arising out of the referenced matter.

I. STIPULATIONS OF FACT

1. Respondent was admitted to the Virginia State Bar ("VSB") in 2000. At all relevant times, Respondent was a member in good standing of the VSB.
2. On June 4, 2015, after a four-day trial in Henrico Circuit Court, a jury convicted Complainant Arnold R. Eason ("Eason") of several criminal offenses.
3. By Order entered September 18, 2015, the Henrico County Circuit Court sentenced Eason in accordance with the jury verdict to serve 45 years and six months of incarceration.
4. Eason's trial counsel timely filed an appeal with the Court of Appeals ("COA"). By Memorandum Opinion dated November 8, 2016, the COA affirmed the Henrico County Circuit Court.
5. On December 8, 2016, Eason's trial counsel timely filed a Petition for Appeal with the Supreme Court of Virginia ("SCV").
6. On December 9, 2016, Eason retained Joseph D. Morrissey and his firm Morrissey & Goldman, LLC to argue Eason's appeal to the SCV, and, if unsuccessful, to pursue a Petition for Writ of Habeas Corpus ("Habeas Petition") in state court.
7. Eason paid Morrissey a \$15,000 flat fee for the representation.
8. On January 11, 2017, Morrissey was substituted in as counsel before the SCV.

9. On May 15, 2017, Respondent, then with Morrissey's firm, filed a Notice of Appearance with the SCV.
10. On May 19, 2017, Respondent argued Eason's appeal before a writ panel of the SCV.
11. By Order entered June 16, 2017, the SCV refused Eason's appeal.
12. By letter dated July 13, 2017, Respondent advised Eason that the SCV refused his appeal. Respondent stated as follows:

“My understanding of our Retainer Agreement ... is that we will now pursue on your behalf the Writ of Habeas Corpus. ... Once I have reviewed the file, I will come and speak with you about the arguments that I recognize we might be able to make in a Writ of Habeas Corpus. ... A Habeas Corpus Petition such as this must be filed within 1 year of the Supreme Court's June 16, 2017 decision on your Petition for Appeal. ... At this point the type of work involved is reviewing and reading. Once we have gotten past that stage we will be in touch regarding the next stage of our preparation.”
13. Virginia Code § 8.01-654(A)(2) provides, “a habeas corpus petition attacking a criminal conviction or sentence ... shall be filed within two years from the date of the final judgment in the trial court or within one year from either final disposition of the direct appeal in state court or the time for filing such appeal has expired, whichever is later.” Code § 8.01-654(A)(2) “contains no exception allowing a petition to be filed after the expiration of the limitations periods.” *Hines v. Kuplinski*, 267 Va. 1, 2, 591 S.E.2d 692, 693 (2004).
14. Eason called Respondent prior to the filing deadline. Eason stated that during this call, Respondent, contrary to his statements in his July 13, 2017 letter, argued the limitations period expired July 16, 2018, not June 16, 2018. Respondent stated that the SCV Order was not final until the time period to petition for writ of certiorari to the United States Supreme Court lapsed.
15. In his interview with the bar investigator, Respondent stated that he was handling several cases at the time the Habeas Petition was due and that he had thus convinced himself that there was a valid argument that he could file the Habeas Petition on or before July 16, instead of June 16.
16. Respondent did not tell Eason that he was over-burdened and could not timely file the Habeas Petition, nor did he provide Eason the option of receiving a partial refund and seeking new counsel.
17. On July 16, 2018, one month after the deadline to file the Habeas Petition expired, Respondent visited Eason, for the first and only time, to have him sign the Habeas Petition which Respondent filed that day.

18. By letter dated July 27, 2018, Respondent provided Eason a copy of the Habeas Petition and stated that he would, in a few weeks, submit a Motion to Allow Discovery. Respondent did not submit a Motion to Allow Discovery.
19. On October 18, 2018, the Office of the Attorney General (“OAG”) moved to dismiss the Habeas Petition on the grounds that the Habeas Petition was time barred. In the alternative, the OAG requested relief on substantive grounds.
20. Respondent did not advise Eason of the Motion to Dismiss the Habeas Petition or the grounds.
21. Respondent did not oppose the Motion to Dismiss the Habeas Petition or advance his argument, or any law in support, that the Habeas Petition was timely because the SCV Order was not final until the time period lapsed to petition for writ of certiorari to the Supreme Court of the United States.
22. By letter dated May 31, 2019, Respondent forwarded to the Henrico County Circuit Court an endorsed, as seen and objected, Order dismissing the Habeas Petition. The Order did not reference Respondent’s current address. Respondent did not correct his address on the Order. Respondent’s cover letter enclosing the Order referenced his correct address.
23. Respondent did not advise Eason that he endorsed the Order dismissing the Habeas Petition.
24. By Order entered June 10, 2019, endorsed by Respondent and bearing his incorrect address, the Henrico County Circuit Court dismissed the Habeas Petition.
25. Respondent asserts that he did not receive the Order dismissing the Habeas Petition until August 1, 2019, after the 21-day time limit to appeal the dismissal of the Habeas Petition expired.
26. Respondent did not advise Eason that the Henrico County Circuit Court denied the Habeas Petition, or of the fact that the time to appeal the denial had passed, nor did Respondent advise Eason of Eason’s rights or options as of the dismissal of the Habeas Petition. Respondent asserts that he did not advise Eason of the dismissal because he wanted to resolve the situation.
27. Respondent requested the OAG agree to entry of a *nunc pro tunc* order because he did not timely receive the Order dismissing the Habeas Petition. The OAG declined Respondent’s request.
28. Respondent did not seek relief from the denial of the Habeas Petition pursuant to Va. Code §8.01-428(C) which provides for relief where a party has not received notice of the entry of a final order. The deadline to seek such relief was 60 days from June 10 or by August 9, 2019.

29. On September 19, 2019, without consulting with Eason about the dismissal or his options, Respondent filed a Motion to Reopen for reconsideration and re-entry and to set aside the judgment pursuant to Va. Code §8.01-677, which codified the writ of *coram vobis*, to correct clerical errors. Respondent alleged as the basis of the motion that the Clerk erred in mailing the Order to his address as stated on the Order (which he endorsed) as that address was incorrect.
30. By Order entered November 19, 2019, the Henrico County Circuit Court denied the Motion to Reopen under Rule 1:1 because Respondent filed the motion one year beyond the 21 days after the June 2019 Order denying the Habeas Petition.
31. By letter dated November 12, 2019, three months after Respondent asserts he was aware of the denial of the Habeas Petition, Respondent enclosed the Order dismissing the Habeas Petition.
32. Notwithstanding that Respondent did not oppose the OAG's Motion to Dismiss the Habeas Petition, in response to the bar complaint, Respondent argued that the Habeas Petition was timely filed because the one-year deadline ran from 30 days after the SCV Order was entered, as that was the date that the SCV Order became final.
33. Respondent never refunded any portion of the \$15,000 fee to Eason.
34. Respondent's failure to timely file the *habeas corpus* petition deprived Eason of his opportunity for habeas relief in the courts of the Commonwealth of Virginia, and his failure to refund any portion of the retainer fee to his client may impact Eason's ability to retain counsel for other post-conviction relief efforts.

II. NATURE OF MISCONDUCT

Such conduct by the Respondent constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

RULE 1.1 Competence

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

RULE 1.2 Scope of Representation

(a) A lawyer shall abide by a client's decisions concerning the objectives of representation, subject to paragraphs (b), (c), and (d), and shall consult with the client as to the means by which they are to be pursued. A lawyer shall abide by a client's decision, after consultation with the lawyer, whether to accept an offer of settlement of a matter. In a criminal case, the lawyer shall abide by the client's

decision, after consultation with the lawyer, as to a plea to be entered, whether to waive jury trial and whether the client will testify.

RULE 1.3 Diligence

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

(b) A lawyer shall not intentionally fail to carry out a contract of employment entered into with a client for professional services, but may withdraw as permitted under Rule 1.16.

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.

(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

(c) A lawyer shall inform the client of facts pertinent to the matter and of communications from another party that may significantly affect settlement or resolution of the matter.

RULE 1.7 Conflict of Interest: General Rule.

(a) Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if:

(2) there is significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.

(b) Notwithstanding the existence of a concurrent conflict of interest under paragraph(a), a lawyer may represent a client if each affected client consents after consultation, and:

(1) the lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client;

(2) the representation is not prohibited by law;

(3) the representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal; and

(4) the consent from the client is memorialized in writing.

RULE 1.16 Declining Or Terminating Representation

(a) Except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:

- (1) the representation will result in violation of the Rules of Professional Conduct or other law;

(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).

RULE 8.4 Misconduct

It is professional misconduct for a lawyer to:

- (b) commit a criminal or deliberately wrongful act that reflects adversely on the lawyer's honesty, trustworthiness or fitness to practice law;

III. PROPOSED DISPOSITION

Accordingly, Bar Counsel and the Respondent tender to the Disciplinary Board for its approval the agreed disposition of a public reprimand with terms as representing an appropriate sanction if this matter were to be heard through an evidentiary hearing by a panel of the Disciplinary Board. Bar Counsel and the Respondent agree that the effective date for the sanction shall be the date of entry of the Disciplinary Board Order approving this Agreed Disposition. The term with which the Respondent must comply is as follows:

1. That Respondent shall obtain twelve (12) live hours of Continuing Legal Education credits by attending courses approved by the Virginia State Bar in the subject matter of Law Office Management, Civil and Criminal Procedure. Such credits shall not be applied toward Respondent's Mandatory Continuing Legal Education Requirement in Virginia or in any other jurisdiction in which Respondent is licensed to practice law. Respondent shall certify his compliance with the terms set forth in this paragraph by

delivering a fully and properly executed Virginia MCLE Board Certification of Attendance Form to Bar Counsel Renu M. Brennan, or her designee, promptly following Respondent's attendance of each such CLE program no later than twelve (12) months from the date that the Disciplinary Board enters a final Memorandum Order approving the agreed disposition.

Upon satisfactory proof that such term and conditions have been met, this matter shall be closed. If, however, all the term and conditions are not met by the deadlines imposed above, the Respondent agrees that the Disciplinary Board shall impose a one-year suspension pursuant to Rules of Court, Part Six, Section IV, Paragraph 13-18.O.

If the Agreed Disposition is approved, the Clerk of the Disciplinary System shall assess costs pursuant to ¶ 13-9.E of the Rules.

THE VIRGINIA STATE BAR

By: Renu M. Brennan
Renu M. Brennan, Bar Counsel

Paul Christopher Galanides
Paul Christopher Galanides, Respondent

Jeffrey Hamilton Gelger
Jeffrey Hamilton Gelger, Respondent's Counsel