

VIRGINIA:

**BEFORE THE SECOND DISTRICT SUBCOMMITTEE, SECTION I
OF THE VIRGINIA STATE BAR**

**In the Matter of Danny Shelton Shipley
VSB Docket Number 04-021-2465**

**SUBCOMMITTEE DETERMINATION
(PUBLIC ADMONITION)**

On January 28, 2005, a duly convened Second District, Section I, Subcommittee consisting of Robert W. McFarland, Esquire, David J. McDonald, Lay Member, and Paul K. Campsen, Esquire, presiding, considered an Agreed Disposition in the above-referenced matter. It was the decision of the Subcommittee to accept the Agreed Disposition.

Pursuant to Part Six, Section IV, Paragraph 13.G.1.c (1) of the Rules of the Supreme Court of Virginia, the First District Subcommittee of the Virginia State Bar hereby serves upon the Respondent the following Public Admonition:

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. In 2003, the Norfolk Circuit Court appointed Mr. Shipley to represent Shelton D. Gallop on narcotics charges.
3. On March 12, 2003, the Court found Mr. Gallop guilty and, on May 20, 2003, sentenced him to five years and two months to serve in the Department of Corrections.
4. Mr. Shipley timely noted an appeal.
5. By oversight, Mr. Shipley failed to order the trial transcript in accordance with a new court policy.
6. Mr. Shipley explained that he had received a copy of the new policy, but that he did not handle very many appeals, and had forgotten about it.

7. No transcript having been filed, on August 29, 2003, the Court of Appeals issued an order for Mr. Shipley to show cause why the appeal should not be dismissed, and directed him to state any questions that could be considered without a transcript or statement of facts.
8. Mr. Shipley did not respond to the show-cause order.
9. Accordingly, on September 23, 2003, the court dismissed the appeal.
10. Having not heard from his attorney, Mr. Gallop wrote to Mr. Shipley in October 2003 asking about the status of the appeal.
11. By letter dated October 31, 2003, Mr. Shipley responded to his client, fully explaining his error, and saying that he would file a motion for a delayed appeal.
12. Mr. Gallop sent two more letters to Mr. Shipley, but did not hear from him again, and complained to the Virginia State Bar in February 2004.
13. Mr. Gallop also filed his own petition for a writ of habeas corpus on March 4, 2004.
14. Following the bar complaint, on March 10, 2004, Mr. Shipley prepared and sent his client a petition for a writ of habeas corpus, correctly citing his errors, and seeking a delayed appeal
15. Mr. Shipley also gave his client detailed instructions about how to execute the petition. The client complied, and Mr. Shipley filed the petition on April 1, 2004.

II. NATURE OF MISCONDUCT

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.

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.

RULE 3.4 Fairness To Opposing Party And Counsel

A lawyer shall not:

- (d) Knowingly disobey or advise a client to disregard a standing rule or a ruling of a tribunal made in the course of a proceeding, but the lawyer may take steps, in good faith, to test the validity of such rule or ruling.

III. PUBLIC ADMONITION

Accordingly, it is the decision of the Subcommittee to impose a **Public Admonition**.

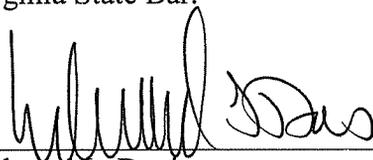
In accordance with the Rules of the Virginia Supreme Court, Part 6: §IV, ¶13(B) (8) (c) (1), the Clerk of the Disciplinary System shall assess costs.

FIRST DISTRICT SUBCOMMITTEE OF THE VIRGINIA STATE BAR

By 
Paul K. Campsen, Subcommittee Chair

CERTIFICATE OF SERVICE

I certify that I have this 8th day of February, 2005, mailed by CERTIFIED MAIL, RETURN RECEIPT REQUESTED, a true and correct copy of the Subcommittee Determination (Public Admonition) to Danny Shelton Shipley, the Respondent, at First Virginia Bank Tower, 555 East Main Street, Suite 1410, Norfolk, Virginia 23510, his address of record of record with the Virginia State Bar.


Edward L. Davis
Assistant Bar Counsel