

**BEFORE THE BOARD OF DISCIPLINARY APPEALS
APPOINTED BY
THE SUPREME COURT OF TEXAS**

**IN THE MATTER OF
TRACI LEIGH BRANSFORD
STATE BAR CARD NO. 02897520**

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CAUSE NO. 64637

AGREED JUDGMENT OF SUSPENSION

On this day, the above-styled and numbered reciprocal disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner appeared by attorney and Respondent appeared in person as indicated by their respective signatures below and announced that they agree to the findings of fact, conclusions of law and orders set forth below solely for the purposes of this proceeding which has not been fully adjudicated. The Board of Disciplinary Appeals, having reviewed the file and in consideration of the agreement of the parties, is of the opinion that Petitioner is entitled to entry of the following findings and orders:

Findings of Fact. The Board of Disciplinary Appeals finds that:

- (1) Respondent, Traci Leigh Bransford, Bar Card No. 02897520, is an attorney licensed and authorized to practice law in the State of Texas.
- (2) On or about February 25, 2020, an Agreed Disposition (Suspension Without Terms) was received in Case No. CL20-452, styled *Virginia State Bar Ex Rel First District Committee, VSB Docket No. 19-010-115084*, v. *Traci Leigh Bransford Marquis*, In the Circuit Court for the City of Chesapeake, Virginia, that states in pertinent part as follows:
 1. On December 15, 2015, Respondent sent an email to the Regulatory Compliance Department asking that her membership status with the Virginia State Bar be changed from Active to Associate status, Thereafter, Respondent's law license was suspended administratively on October 12, 2016, for failure to pay annual dues. Respondent's license to practice law remains administratively suspended.

2. Complainant, Claudine Ellis, is a resident of the Commonwealth of Virginia.
3. Ms. Ellis required assistance in forming a not for profit charity pursuant to 26 U.S.C. 501(c)(3) and Respondent represented to her that she was able to represent her interests in preparing the necessary legal documents to create the entity.
4. On August 16, 2016, Respondent forwarded to Ms. Ellis a retainer agreement/engagement letter to provide legal services and create an attorney client relationship for the work to be performed in connection with forming the non profit foundation ("Agreement").
5. The letterhead on the Agreement stated that Respondent was licensed in Virginia despite the fact that she was an Associate Member of the Virginia State Bar as of the date of the Agreement.
6. The Agreement called for Ms. Ellis to pay Respondent a fee of \$2,500.00 to commence the legal services contemplated in that document.
7. On August 31, 2016, Ms. Ellis executed the Agreement and paid Respondent the agreed upon fee for her to begin the work.
8. Respondent deposited Ms. Ellis's \$2,500.00 directly into a personal account and not into an attorney trust account as required by Rule 1.15(a) of the Virginia Rules of Professional Conduct, because she did not maintain one.
9. While having been paid to start the work, Respondent did not complete all of the paperwork necessary to complete the 501(c)(3) registration.
10. Sometime around October of 2018, Ms. Ellis began texting Respondent, demanding a refund.
11. Respondent was unresponsive to Ms. Ellis about her failure to complete the paperwork associated with the 501(c)(3) registration.
12. Ms. Ellis filed the instant complaint with the Virginia State Bar on or about March 8, 2019.
13. On March 22, 2019, the Virginia State Bar sent Respondent a Proactive Letter and a copy of Ms. Ellis's complaint asking that Respondent address the concerns Ms. Ellis raised.

14. On March 29, 2019, Respondent emailed the Virginia State Bar's Intake Department that she was dealing with family health issues and that all deals she was working on for her current clients had stopped.
 15. In that response, she also represented that she intended to provide Ms. Ellis with a full refund, but would not be able to do so until April or May of 2019.
 16. In her March 29, 2019, response, Respondent provided documents she worked on as part of the undertaking contemplated by the Agreement.
 17. The documents that Respondent provided were not all of the necessary documents required to obtain federal true-exempt status for a corporation under 26 U.S.C. §501(c)(3).
 18. In her response to the Complaint dated June 16, 2018, Respondent acknowledged receiving Ms. Ellis' demand for a refund beginning in October of 2018.
 19. Respondent refunded Ms. Ellis the full \$2,500.00 on May 21, 2019, using an electronic payment platform.
- (3) Such conduct by Respondent constitutes misconduct in violation of the following provisions of the Virginia Rules of Professional Conduct: Rule 1.3(a) Diligence (A lawyer shall act with reasonable diligence and promptness in representing a client); Rule 1.4(a) (A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information); Rule 1.15(a)(1) Safekeeping Property Depositing Funds (All funds received or held by a lawyer or law firm on behalf of a client or a third party, or held by a lawyer as a fiduciary, other than reimbursement of advances for costs and expenses shall be deposited in one or more identifiable trust accounts; all other property held on behalf of a client should be placed in a safe deposit box or other place of safekeeping as soon as practicable); Rule 1.15(b)(5) Specific Duties, (A lawyer shall not disburse funds or use property of a client or third party without their consent or convert funds or property of a client or third party, except as directed by a tribunal); Rule 1.16(a) Declining or Terminating Representation (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); Rule 7.1 Communications Concerning A Lawyer's Services (A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services. A communication is false or misleading if it contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading); 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).

- (4) On or about February 26, 2020, an Agreed Disposition Memorandum Order for a Suspension Without Terms was entered in Case No. CL20-452, styled *In the Matter of Traci Leigh Bransford Marquis, VSB Docket No. 19-010-115084*, Before the Circuit Court for the City of Chesapeake, Virginia, which states in pertinent part as follows:

...It is ORDERED that the Circuit Court accepts the Agreed Disposition and the Respondent shall receive a suspension for Thirty Days. The Agreed Disposition, is attached to, and incorporated in this Memorandum Order...

- (5) Respondent, Traci Leigh Bransford, is the same person as the Traci Leigh Bransford Marquis, who is the subject of the Agreed Disposition (Suspension Without Terms).
- (6) The Order entered in the Circuit Court for the City of Chesapeake, Virginia, First District Committee, is final.

Conclusions of Law. Based upon the foregoing findings of facts the Board of Disciplinary

Appeals makes the following conclusions of law:

- (1) This Board has jurisdiction to hear and determine this matter. Tex. R. Disciplinary P. 7.08(H) ("TRDP");
- (2) Reciprocal discipline identical, to the extent practicable, to that imposed by the Circuit Court for the City of Chesapeake, Virginia, is warranted in this case. TRDP 9.03.
- (3) Respondent should be suspended for thirty (30) days.

It is, accordingly, **ORDERED, ADJUDGED, and DECREED** that Respondent, Traci Leigh Bransford, State Bar Card No. 02897520, is hereby **SUSPENDED** from the practice of law in Texas for a period of thirty (30) days beginning August 6, 2020, and ending September 4, 2020.

It is further **ORDERED, ADJUDGED and DECREED** that Respondent, Traci Leigh Bransford, during said suspension is prohibited from practicing law in Texas, and accordingly with

respect to practicing law in Texas, holding herself out as a Texas attorney at law, performing any legal service for others in Texas, accepting any fee directly or indirectly for Texas legal services or holding herself out to others using her name, in any manner, in conjunction with the words "attorney," "counselor," or "lawyer" in Texas."

It is further ORDERED that Respondent, Traci Leigh Bransford, within thirty (30) days of the date of this judgment, shall notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court, if any, in which Respondent, Traci Leigh Bransford, has any legal matter pending, if any, of her suspension, of the style and cause number of the pending matter(s), and of the name, address, and telephone number of the client(s) Respondent is representing in that court.

It is further ORDERED Respondent shall file with the State Bar of Texas, Statewide Compliance Monitor, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701), within thirty (30) days of the date of this judgment, an affidavit stating Respondent has notified in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Respondent has any matter pending of the terms of this judgment, the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) Respondent is representing in Court.

It is further ORDERED that Respondent, Traci Leigh Bransford, within thirty (30) days of the date of this judgment, shall notify each of her current clients and opposing counsel, if any, in writing, of her suspension. In addition to such notification, Respondent is ORDERED to return all files, papers, unearned fees paid in advance, and all other monies and properties which are in her possession but which belong to current or former clients, if any, to those respective clients or former clients within thirty (30) days of the date of this judgment if requested.

It is further ORDERED Respondent shall file with the State Bar of Texas, Statewide Compliance Monitor, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701), within thirty (30) days of the date of this judgment, an affidavit stating all current clients and opposing counsel have been notified of Respondent's suspension and that all files, papers, monies and other property belonging to all current clients have been returned as ordered herein. If Respondent should be unable to return any file, papers, money or other property requested by any client or former client, Respondent's affidavit shall state with particularity the efforts made by Respondent with respect to each particular client and the cause of his inability to return to said client any file, paper, money or other property.

It is further ORDERED that Respondent, Traci Leigh Bransford, within thirty (30) days of the date of this judgment, surrender her Texas law license and permanent State Bar Card to the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711, for transmittal to the Clerk of the Supreme Court of Texas.

It is further ORDERED that a certified copy of the Petition for Reciprocal Discipline on file herein, along with a copy of this Judgment, be sent to the Office of the Chief Disciplinary Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

IT IS FURTHER ORDERED that this Judgment of Suspension shall be made a matter of public record and be published in the Texas Bar Journal.

Signed this 6th day of August 2020.

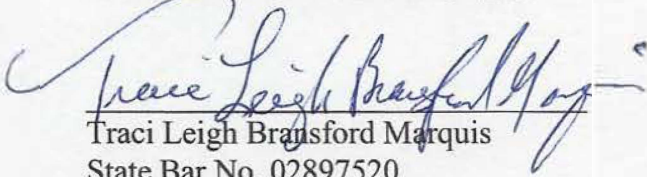


CHAIR PRESIDING
BOARD OF DISCIPLINARY APPEALS

APPROVED AS TO FORM:



Judith Gres DeBerry
Assistant Disciplinary Counsel
State Bar No. 24040780
ATTORNEY FOR PETITIONER



Traci Leigh Bransford Marquis
State Bar No. 02897520
RESPONDENT