



FILED
Aug. 4, 2020

THE BOARD of DISCIPLINARY APPEALS
Appointed by the Supreme Court of Texas

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

IN THE MATTER OF §
TRACI LEIGH BRANSFORD § CAUSE NO. 64637
STATE BAR CARD NO. 02897520 §

PETITION FOR RECIPROCAL DISCIPLINE

TO THE BOARD OF DISCIPLINARY APPEALS:

Petitioner, the Commission for Lawyer Discipline (hereinafter called “Petitioner”), brings this action against Respondent, Traci Leigh Bransford, (hereinafter called “Respondent”), showing as follows:

1. This action is commenced by Petitioner pursuant to Part IX of the Texas Rules of Disciplinary Procedure. Petitioner is also providing Respondent a copy of Section 7 of this Board’s Internal Procedural Rules, relating to Reciprocal Discipline Matters.

2. Respondent is a member of the State Bar of Texas and is licensed and authorized to practice law in Texas. Respondent may be served with a true and correct copy of this Petition for Reciprocal Discipline at Traci Leigh Bransford Marquis, 8010 Ashley Circle Drive N., Houston, Texas 77071.

3. 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: (Exhibit 1)

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.

4. 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).

5. 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: (Exhibit 2)

...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...

6. Copies of the Agreed Disposition (Suspension Without Terms) and Agreed Disposition Memorandum Order for a Suspension Without Terms are attached hereto as Petitioner's Exhibits 1 and 2, and made a part hereof for all intents and purposes as if the same were copied verbatim herein. Petitioner expects to introduce certified copies of Exhibits 1 and 2 at the time of the hearing in this case.

7. Petitioner prays that, pursuant to Rule 9.02, Texas Rules of Disciplinary Procedure, that this Board issue notice to Respondent, containing a copy of this Petition with exhibits, and an order directing Respondent to show cause within thirty (30) days from the date of the mailing of the notice, why the imposition of the identical discipline in this state would be unwarranted. Petitioner further prays that upon trial of this matter that this Board enter a judgment imposing discipline identical with that imposed by the Circuit Court for the City of Chesapeake, Virginia, and that Petitioner have such other and further relief to which it may be entitled.

Respectfully submitted,

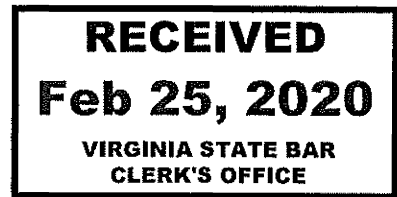
Seana Willing
Chief Disciplinary Counsel

Judith Gres DeBerry
Assistant Disciplinary Counsel
Office of the Chief Disciplinary Counsel
State Bar of Texas
P.O. Box 12487
Austin, Texas 78711
Telephone: 512.427.1350
Telecopier: 512.427.4167
Email: jdeberry@texasbar.com



Judith Gres DeBerry
Bar Card No. 24040780

ATTORNEYS FOR PETITIONER



VIRGINIA :

IN THE CIRCUIT COURT FOR THE CITY OF CHESAPEAKE

VIRGINIA STATE BAR EX REL
FIRST DISTRICT COMMITTEE
VSB Docket No. 19-010-115084

v.

Case No. CL20-452

Traci Leigh Bransford Marquis

AGREED DISPOSITION
(Suspension Without Terms)

Pursuant to the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-6.H., the Virginia State Bar, by Paulo E. Franco, Jr., Assistant Bar Counsel and Traci Leigh Bransford Marquis, 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. At all times relevant, Respondent was an attorney licensed in the Commonwealth of Virginia.
2. Respondent was admitted to the Bar of the Commonwealth of Virginia on September 15, 2004.
3. Respondent was an active member of the Virginia State Bar when first admitted.
4. 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.
5. Complainant, Claudine Ellis, is a resident of the Commonwealth of Virginia.
6. 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.



7. 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").
8. 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.
9. The Agreement called for Ms. Ellis to pay Respondent a fee of \$2,500.00 to commence the legal services contemplated in that document.
10. On August 31, 2016, Ms. Ellis executed the Agreement and paid Respondent the agreed upon fee for her to begin the work.
11. 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.
12. While having been paid to start the work, Respondent did not complete all of the paperwork necessary to complete the 501(c)(3) registration.
13. Sometime around October of 2018, Ms. Ellis began texting Respondent, demanding a refund.
14. Respondent was unresponsive to Ms. Ellis about her failure to complete the paperwork associated with the 501(c)(3) registration.
15. Ms. Ellis filed the instant complaint with the Virginia State Bar on or about March 8, 2019.
16. 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.
17. 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.
18. 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.
19. In her March 29, 2019 response, Respondent provided documents she worked on as part of the undertaking contemplated by the Agreement.

20. 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).

21. In her response to the Complaint dated June 16, 2018, Respondent acknowledged receiving Ms. Ellis' demand for a refund beginning in October of 2018.

22. Respondent refunded Ms. Ellis the full \$2,500.00 on May 21, 2019, using an electronic payment platform.

II. NATURE OF MISCONDUCT

Such conduct by Respondent constitutes misconduct in violation of the following provisions of the 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 1.15 Safekeeping Property

(a) Depositing Funds.

(1) 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.

(b) Specific Duties. A lawyer shall:

(5) 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 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;

* * * *

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.

* * * *

III. PROPOSED DISPOSITION


Accordingly, Assistant Bar Counsel and the Respondent tender to the Disciplinary Board for its approval the agreed disposition of **SUSPENSION for Thirty Days** as representing an appropriate sanction if this matter were to be heard through an evidentiary hearing by a panel of the Disciplinary Board.

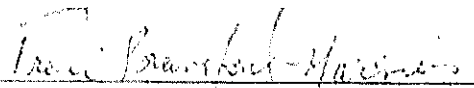
The Respondent and his counsel agree further that if the Three-Judge Panel designated to hear this matter approves this agreed disposition, this agreed disposition becomes **Final and Non-Appealable** and the Respondent waives the right to seek a stay of the sanction or appeal this agreed disposition or the Memorandum Order to be issued.

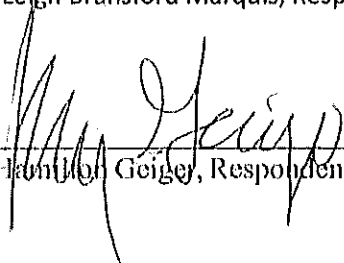
The Respondent and his counsel agree further that if, for any reason, the Three-Judge Panel designated to hear this matter declines to approve this disposition, then the same Three-Judge Panel shall hear, preside over and conclude the hearing of this matter in accordance with the designation by the Supreme Court of Virginia as previously scheduled, and the Respondent waives any challenge to the composition of the Three-Judge Panel based on its consideration and/or rejection of this agreement.

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: 
Paulo E. Franco, Jr., Assistant Bar Counsel


Traci Leigh Bransford Marquis, Respondent


Jeffrey Hamilton Geiger, Respondent's Counsel

VIRGINIA:

BEFORE THE CIRCUIT COURT FOR THE CITY OF CHESAPEAKE

**IN THE MATTER OF
TRACILEIGH BRANSFORD MARQUIS**

**CASE NO. CL20-452
VSB DOCKET NO. 19-010-115084**

**AGREED DISPOSITION MEMORANDUM ORDER
FOR A SUSPENSION WITHOUT TERMS**

This matter came to be heard on Wednesday, February 26, 2020, before a Circuit Court Three-Judge panel, upon the joint request of the parties for the Court to accept the Agreed Disposition endorsed by the parties and offered to the Court as provided by the Rules of the Supreme Court of Virginia. The panel consisted of the Honorable Bonnie L. Jones, Judge of the Eighth Judicial Circuit, Designated Chief Judge, the Honorable Phillip L. Hairston, Judge of the Thirteenth Judicial Circuit, and the Honorable William R. Savage, III, Retired Judge of the Fifth Judicial Circuit. Traci Leigh Bransford Marquis was not present and was represented by counsel, Jeffrey H. Geiger, Esq. The Virginia State Bar appeared through its Assistant Bar Counsel, Paulo E. Franco, Jr. The Chief Judge polled the members of the panel 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 judge responded in the negative. Court Reporter, Angela N. Sidener, CCR, RPR, 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, respondent's Disciplinary Record, the arguments of the parties, and after due deliberation,

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.

It is further **ORDERED** that the sanction is effective February 26, 2020.

The Respondent must comply with the requirements of Part Six, § IV, ¶ 13-29 of the Rules of the Supreme Court of Virginia. The Respondent shall forthwith give notice by certified mail of the Revocation or Suspension of his or her license to practice law in the Commonwealth of Virginia, to all clients for whom he or she is currently handling matters and to all opposing attorneys and presiding Judges in pending litigation. The Respondent shall also make appropriate arrangements for the disposition of matters then in his or her care in conformity with the wishes of his or her clients. The Respondent shall give such notice within 14 days of the effective date of the Revocation or Suspension, and make such arrangements as are required herein within 45 days of the effective date of the Revocation or Suspension. The Respondent shall also furnish proof to the Bar within 60 days of the effective day of the Revocation or Suspension that such notices have been timely given and such arrangements made for the disposition of matters.

It is further **ORDERED** that if the Respondent is not handling any client matters on the effective date of the Revocation or Suspension, he or she shall submit an affidavit to that effect within 60 days of the effective date of the Revocation or Suspension to the Clerk of the Disciplinary System at the Virginia State Bar. All issues concerning the adequacy of the notice and arrangements required by Paragraph 13-29 shall be determined by the Virginia State Bar Disciplinary Board, which may impose a sanction of Revocation or additional Suspension for failure to comply with the requirements of this subparagraph.

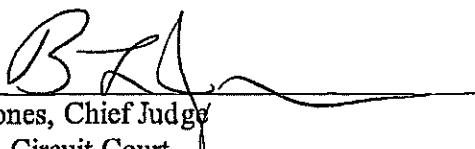


The Clerk of the Disciplinary System shall assess costs pursuant to ¶13-9 E. of the Rules.

A copy teste of this Order shall be mailed, to the Respondent, Traci Leigh Bransford Marquis, at her last address of record with the Virginia State Bar, 8010 Ashley Circle Drive N, Houston, TX 77071, with an attested copy to: Jeffrey H. Geiger, Esq., Sands Anderson, PC, Bank of America Plaza, 1111 E Main Street, Suite 2400, PO Box 1998, Richmond, VA 23218-1998 Paulo E. Franco, Jr, Assistant Bar Counsel, Virginia State Bar, 1111 East Main Street, Suite 700, Richmond, Virginia 23219-0026, and to the Clerk of the Disciplinary System, Virginia State Bar, 1111 East Main Street, Suite 700, Richmond, VA 23219-0026.

ENTERED THIS 26TH DAY OF FEBRUARY, 2020

CIRCUIT COURT FOR THE CITY OF CHESAPEAKE



Bonnie L. Jones, Chief Judge
Three-Judge Circuit Court