

VIRGINIA:

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

**IN THE MATTER OF  
Alexander Harkness Bell**

**VSJ Docket No. 20-010-118703**

**SUBCOMMITTEE DETERMINATION  
(PUBLIC REPRIMAND WITHOUT TERMS)**

On August 04, 2021 a meeting was held in this matter before a duly convened First District Subcommittee consisting of Robert Clifford Barclay, IV, Chair, Vaughn Thomas Breedlove, Member, and Andrew Ryan Owen, Lay Member. During the meeting, the Subcommittee voted to approve an agreed disposition for a Public Reprimand without Terms pursuant to Part 6, § IV, ¶ 13-15.B.4. of the Rules of the Supreme Court of Virginia. The agreed disposition was entered into by the Virginia State Bar, by Prescott L. Prince, Assistant Bar Counsel, and Alexander Harkness Bell, Respondent, Jeffrey Hamilton Geiger, Esquire, counsel for Respondent.

WHEREFORE, the First District Subcommittee of the Virginia State Bar hereby serves upon Respondent the following Public Reprimand without Terms:

**I. FINDINGS OF FACT**

1. At all times relevant, Respondent was an attorney licensed to practice law in the Commonwealth of Virginia. Respondent was admitted to practice law in the Commonwealth on 25 April 2013.
2. Complainant Ashley Grant and her husband, Anthony Grant, Jr., retained Respondent on or about 23 June 2017 as substitute counsel in litigation regarding issues related to the quality of construction of their newly constructed home. When they retained Respondent, the Grants' prior counsel had already filed an eleven-count complaint against the builder, the real estate agency, a local government, and two city employees.

3. The Grants paid Respondent an initial fee of \$2,000. Over the course of the representation, the Grants paid Respondent more than \$5,000.
4. On 4 February 2019, counsel for the real estate agency (Blue Skyy Realty) propounded written discovery, including Interrogatories and Requests for Admission. Responses were due on or about 25 February 2019. Respondent sent counsel for Blue Skyy Realty an email acknowledging receipt of the Interrogatories and Requests for Admission, but he did not timely file responses to the Interrogatories and Requests for Admission nor did he inform the Grants of the existence of the discovery requests until many months after the responses were due.
5. When interviewed in furtherance of the Virginia State Bar (“VSB”) investigation of this matter, Respondent acknowledged that he failed to timely respond to discovery, but he was unable to provide an explanation for his failure to respond.
6. On or about 28 June 2019, counsel for Blue Skyy Realty filed a Motion for Summary Judgment, asking the Court to deem as admitted the Requests for Admission and, based on such admissions, rule in favor of Blue Skyy, dismissing Plaintiffs' claims with prejudice.
7. Respondent never filed a written response to the Motion for Summary Judgment.
8. Even after receiving the Motion for Summary Judgment in June 2019, Respondent still did not inform the Grants of his failure to respond to discovery or of the existence of the Motion for Summary Judgment until approximately October 2019.
9. The Grants asserted that, throughout the course of the representation, Respondent was consistently slow to respond to requests for information.
10. Respondent responded to the Interrogatories and Requests for Admission on or about 22 January 2020, that being seven months after the filing of the Motion for Summary Judgment and only six days before the hearing on Blue Skyy Realty’s Motion for Summary Judgment.
11. Summary judgment was granted to Blue Skyy Realty after a hearing on the motion on 28 January 2020.
12. Respondent acknowledged to the Grants that he “dropped the ball” regarding discovery, but further asserted that he believed that, even absent his error, the Grants could not have been successful against Blue Skyy Realty.
13. When the Grants asked him to do so, Respondent declined to file a Motion to Reconsider, asserting that there was no evidence to support such a motion. Thereafter, the Grants terminated the representation.

14. It is noted, in mitigation, that Respondent has made substantial changes in practice since the events detailed above. Respondent has accepted a position as an associate in the law office of another attorney. The office now includes two attorneys and 10 paralegals. Respondent's practice now primarily consists of primarily worker's compensation and criminal defense cases, and he no longer does civil litigation. Respondent believes the additional staff support and change in focus of representation will decreased the likelihood of errors such as that addressed herein.

## 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.

## III. PUBLIC REPRIMAND WITHOUT TERMS

Accordingly, having approved the agreed disposition, it is the decision of the Subcommittee to impose a Public Reprimand Without Terms and Alexander Harkness Bell is hereby so reprimanded. Pursuant to Part 6, § IV, ¶ 13-9.E of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess costs.

FIRST DISTRICT SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR

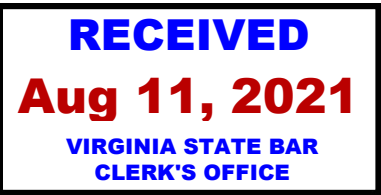
By:   
Robert Clifford Barclay, IV  
Subcommittee Chair

CERTIFICATE OF MAILING

I certify that on 11 Aug 2021 a true and complete copy of the Subcommittee Determination (Public Reprimand Without Terms) was sent by certified mail to Alexander Harkness Bell, Respondent, at Alexander Harkness Bell, Esquire, Philip J. Geib, PC, 103-104, 4360 Shore Drive, Virginia Beach, VA 23455, Respondent's last address of record with the Virginia State Bar, and by first class mail, postage prepaid to Jeffrey Hamilton Geiger, counsel for Respondent, at Sands Anderson, PC, Bank of America Plaza, 1111 E Main St Ste 2400, PO Box 1998, Richmond, VA 23218-1998.



Prescott L. Prince  
Assistant Bar Counsel



VIRGINIA:

BEFORE THE FIRST DISTRICT SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR

IN THE MATTER OF  
ALEXANDER HARKNESS BELL

VSB Docket No. 20-010-118703

AGREED DISPOSITION  
PUBLIC REPRIMAND WITHOUT TERMS

Pursuant to the Rules of the Supreme Court of Virginia, Part 6, § IV, ¶ 13-15.B.4, the Virginia State Bar, by Prescott L. Prince, Assistant Bar Counsel, and Alexander Harkness Bell, Respondent, and Jeffrey Hamilton Geiger, Esquire, counsel for Respondent, 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 to practice law in the Commonwealth of Virginia. Respondent was admitted to practice law in the Commonwealth on 25 April 2013.
2. Complainant Ashley Grant and her husband, Anthony Grant, Jr., retained Respondent on or about 23 June 2017 as substitute counsel in litigation regarding issues related to the quality of construction of their newly constructed home. When they retained Respondent, the Grants' prior counsel had already filed an eleven-count complaint against the builder, the real estate agency, a local government, and two city employees.
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5. When interviewed in furtherance of the Virginia State Bar ("VSB") investigation of this matter, Respondent acknowledged that he failed to timely respond to discovery, but he was unable to provide an explanation for his failure to respond.
  6. On or about 28 June 2019, counsel for Blue Skyy Realty filed a Motion for Summary Judgment, asking the Court to deem as admitted the Requests for Admission and, based on such admissions, rule in favor of Blu Skyy, dismissing Plaintiffs' claims with prejudice.
  7. Respondent never filed a written response to the Motion for Summary Judgment.
  8. Even after receiving the Motion for Summary Judgment in June 2019, Respondent still did not inform the Grants of his failure to respond to discovery or of the existence of the Motion for Summary Judgment until approximately October 2019.
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  11. Summary judgment was granted to Blue Skyy Realty after a hearing on the motion on 28 January 2020.
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(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.

## III. PROPOSED DISPOSITION

Accordingly, Assistant Bar Counsel and Respondent tender to a subcommittee of the First District Committee for its approval of the Agreed Disposition without Terms as representing an appropriate sanction if this matter were to be heard through an evidentiary hearing by the First District Committee.

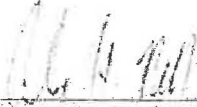
If the agreed disposition is approved, the Clerk of the Disciplinary System shall assess costs.

Pursuant to Part 6, § IV, ¶ 13-30.B of the Rules of the Supreme Court of Virginia, Respondent's prior disciplinary record shall be furnished to the subcommittee considering this agreed disposition.

THE VIRGINIA STATE BAR

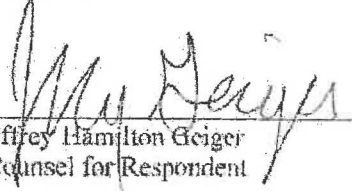


Prescott L. Prince  
Assistant Bar Counsel



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Alexander Harkness Bell, Esquire  
Respondent



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Jeffrey Hamilton Geiger  
Counsel for Respondent