

VIRGINIA

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

**IN THE MATTER OF
MARLENE ALICE HARRIS**

VSB DOCKET NO. 25-031-134513

**AGREED DISPOSITION MEMORANDUM ORDER
(SIX-MONTH SUSPENSION)**

On September 11, 2025, this matter was heard, telephonically, by the Virginia State Bar Disciplinary Board (“the 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 6, Section IV, Paragraph 13-6.H of the Rules of the Supreme Court of Virginia. The panel consisted of Lisa A. Wilson, chair, Stephanie G. Cox, Bretta M. Z. Lewis, Michael J. Sobey, and Martha J. Goodman, Lay Member. The Virginia State Bar was represented by Renu M. Brennan, Bar Counsel. Marlene Alice Harris (“Respondent”) was present and was not represented by counsel. 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 this 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 Disciplinary Record, the arguments of the parties, and after due deliberation,

It is **ORDERED** that the Board accepts the Agreed Disposition and the Respondent shall receive a Six-Month Suspension, as set forth in the Agreed Disposition, which is attached and incorporated in this Memorandum Order.

It is further **ORDERED** that the sanction is effective March 21, 2026.

It is further **ORDERED** that the Respondent must comply with the requirements of Part 6, Section IV, Paragraph 13-29 of the Rules of the Supreme Court of Virginia. The Respondent must forthwith give notice by certified mail of the Suspension of her license to practice law in the Commonwealth of Virginia, to all clients for whom she is currently handling matters and to all opposing Attorneys and presiding Judges in pending litigation. The Respondent must also make appropriate arrangements for the disposition of matters then in her care in conformity with the wishes of her clients. The Respondent must give such notice immediately and in no event later than 14 days of the effective date of the Suspension, and make such arrangements as are required herein as soon as is practicable and in no event later than 45 days of the effective date of the Suspension. The Respondent must also furnish proof to the Clerk of the Disciplinary System of the Virginia State Bar within 60 days of the effective date of the Suspension that such notices have been timely given and such arrangements have been 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 Suspension, she shall submit an affidavit to that effect within 60 days of the effective date of the Suspension to the Clerk of the Disciplinary System at the Virginia State Bar. The Board must decide all issues concerning the adequacy of the notice and arrangements required herein. The burden of proof shall be on the Respondent to show compliance. If the Respondent fails to show compliance, the Board may impose a sanction of Revocation or additional Suspension for failure to comply with the requirements of subparagraph 13-29.

It is further **ORDERED** that pursuant to Part 6, Section IV, Paragraph 13-9.E, of the Rules of the Supreme Court of Virginia, the Clerk shall assess all costs against the Respondent.

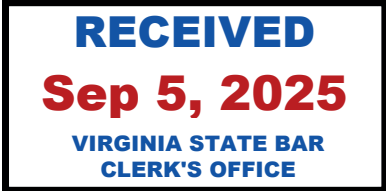
It is further **ORDERED** that an attested copy of this Order be mailed by the Clerk to the

Respondent by electronic, regular first-class and certified mail, return receipt requested, to her Virginia State Bar address of record, at PO Box 4279, Midlothian, VA 23112, and a copy by electronic mail to Renu M. Brennan, Bar Counsel.

ENTERED THIS 11th DAY OF SEPTEMBER, 2025
VIRGINIA STATE BAR DISCIPLINARY BOARD

A handwritten signature in cursive script that reads "Lisa A. Wilson".

Lisa A. Wilson
Chair Designate



VIRGINIA:

BEFORE THE DISCIPLINARY BOARD OF THE VIRGINIA STATE BAR

IN THE MATTER OF Marlene Alice Harris

VSB Docket No. 25-031-134513

AGREED DISPOSITION (SIX-MONTH SUSPENSION)

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 Marlene Alice Harris, Respondent, hereby enter into the following Agreed Disposition for a Six-Month Suspension, arising out of the referenced matter.

I. STIPULATIONS OF FACT

- 1. In 2002, Respondent was licensed to practice law.
2. By Order entered January 4, 2023, the Circuit Court of Dinwiddie ("Trial Court") appointed Respondent to represent Ray Louis Campbell on a show cause for a probation violation and any appeals "until relieved or replaced by another lawyer." Campbell received two new criminal convictions which violated the terms of his probation.

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ORDER OF APPOINTMENT OF COUNSEL
THE REQUEST FOR APPOINTMENT OF A LAWYER WAS EXECUTED UNDER OATH. HAVING EXAMINED THE ADULT AND CONSIDERED OTHER COMPETENT EVIDENCE, I FIND THAT

- [] the Adult is not indigent and not entitled to representation by a court-appointed attorney.
[X] the Adult is indigent within the guideline set forth in the law and is entitled to representation by court-appointed counsel;
[] the Adult is not indigent and the Adult refuses to either employ counsel or waive his right to representation by a lawyer, but that the following circumstances and the ends of justice require the appointment of counsel:

Therefore I appoint the lawyer indicated below to represent the adult at such hearings and all other stages of the proceeding in this court and in any other court to which this case may be appealed or certified until relieved or replaced by another lawyer.
[] The Clerk shall send a copy of this Order to the Indigent Defense Commission as notice that the lawyer indicated below is not on the list maintained by the Commission, but has otherwise demonstrated to the Court an appropriate level of training and experience.

NAME, ADDRESS OF COURT APPOINTED LAWYER: Marlene Harris, esquire, P.O. Box 4279, Midlothian, Va 23112, 304-938-4912 or 804-858-3373

Handwritten next hearing date and time: 1/18/2023 9:00 AM. Date: 1/4/2023. Signature of Judge.

3. On January 18, 2023, Respondent represented Campbell at the revocation hearing/trial on the probation violation. The Trial Court found that Campbell violated probation on a felony offense. In one of two cases, the Trial Court revoked and resuspended the remaining balance but imposed 10 years of active incarceration. In the other case, the Trial Court revoked and resuspended the remaining balance of the previously suspended sentence. The Trial Court entered its Order (“Ruling”) January 25, 2023.
4. After the January 18, 2023 revocation hearing concluded, Campbell requested that Respondent note an appeal of the Trial Court’s Ruling.
5. After the January 18, 2023 hearing, Respondent did not communicate with Campbell. Campbell wrote to Respondent, and he left messages by phone for Respondent.
6. By letter dated February 6, 2023, Campbell attempted to note an appeal with the Trial Court. In this letter, Campbell noted that he was unable to contact Respondent since January 18 despite letters and phone calls.
7. On February 17, 2023, Respondent noted Campbell’s appeal with the Court of Appeals of Virginia (“CAV”).
8. In April and May 2023, Respondent timely filed the assignment of error and opening brief.
9. Campbell was unaware that Respondent noted an appeal on his behalf. Respondent asserts that she mailed a copy of the Notice of Appeal and opening brief to Campbell. Campbell did not receive the package or any communications from Respondent after he requested that she appeal.
10. By Order entered and emailed to Respondent on January 26, 2024, the CAV affirmed the Trial Court’s Ruling.
11. Respondent did not notify Campbell that the CAV affirmed the Trial Court’s Ruling nor did she notify Campbell of his right to appeal to the Supreme Court of Virginia.

“Until relieved or replaced” means that an attorney who is appointed to defend an indigent remains counsel to the indigent for purposes of any appeal unless relieved or replaced. *Dodson v. Director, Dept. of Corrections*, 233 Va. 303, 355 S.E.2d 573 (1987).

Standard 10.2.1.E of the Standards of Practice for Indigent Defense Counsel states: “[W]hen a court appoints counsel to represent a client on appeal, unless otherwise stated by the appointing court, that appointment is to represent the client in the Court of Appeals of Virginia and in the Supreme Court of Virginia.”

Standard 10.2.1.D specifies “If a client has not explicitly elected to appeal to the Supreme Court of Virginia after losing an appeal in the Court of Appeals of Virginia, and counsel has not learned that the client desires to abandon his appeal in the Supreme Court of Virginia, counsel should continue to prosecute the client’s appeal in the Supreme Court of Virginia.”

12. Unaware that Respondent had noted an appeal to the CAV, and that it had been denied, Campbell spoke with the institutional attorney at the correctional center where he was serving his sentence. The attorney initially informed Campbell that he could appeal and sometime later, unclear when, informed Campbell that his appeal had been denied.
13. Respondent did not note an appeal on Campbell's behalf to the Supreme Court of Virginia, notwithstanding that her last communication with Respondent had been that he desired to appeal the Trial Court's Ruling, and Campbell had never indicated any intent to abandon his appeal.
14. On January 16, 2025, Campbell filed a bar complaint stating that Respondent did not communicate with him and that she failed to perfect his appeal.
15. On January 16, 2025, Campbell also completed a petition for writ of *habeas corpus pro se*, which was filed on January 28, 2025 with the Supreme Court of Virginia.
16. Respondent did not respond to the bar complaint. Respondent produced a copy of her file to the bar during its investigation, which contained only documents from the Trial Court. Respondent also participated in an interview with the bar investigator. Respondent agreed that the email address on the January 26, 2024 email from the CAV attaching the Order affirming the Trial Court's Ruling was accurate. She stated that she is not sure if she saw the CAV's Order in January 2024 because she then had mental health issues.
17. By Order entered March 14, 2025, the Supreme Court of Virginia dismissed Campbell's *habeas* petition, in part, because two of the claims were non-jurisdictional issues which could have been raised at trial and on direct appeal and were thus not properly raised in a *habeas* petition.

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.

By failing to appeal the Court of Appeals' dismissal of Campbell's appeal to the Supreme Court of Virginia when Campbell had advised Respondent of his desire to appeal the Trial Court's Ruling and Campbell had not indicated any intent to abandon his appeal, Respondent violated Rule 1.3(a).

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.

By failing to notify Campbell that she had noted an appeal of the Trial Court's Ruling and by failing to notify Campbell that the Court of Appeals of Virginia denied his appeal, Respondent violated Rule 1.4(a).

RULE 1.4 Communication

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

By failing to notify Campbell of his right to pursue his appeal to the Supreme Court of Virginia, Respondent violated Rule 1.4(b).

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:

(2) the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client[.]

By failing to withdraw as counsel for Campbell when she was unable to represent Campbell, failing to communicate with him regarding his appeal and to pursue an appeal to the Supreme Court of Virginia, and by preventing the Trial Court from appointing other counsel to represent Campbell, Respondent violated Rule 1.16(a)(2).

III. PROPOSED DISPOSITION

Accordingly, Bar Counsel and Respondent tender to the Disciplinary Board for its approval the agreed disposition of a Six-Month Suspension, to commence on March 21, 2026, 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 Respondent agree that the effective date for the sanction shall be March 21, 2026.

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 brennan*
Renu M. Brennan
Bar Counsel

Marlene
Marlene Alice Harris
Respondent