

3. At the time of her suspension, Ms. Calonge was licensed to practice law in New York. Her license to practice law in that state was suspended in a reciprocal disciplinary proceeding based on the Virginia suspension on June 19, 2008. The New York license was reinstated on October 13, 2011.

4. At the time of her suspension, Ms. Calonge was an attorney with CGA Immigration Associates, P.C. The entity converted from a professional corporation to a limited liability company known as CGA Immigration Associates, LLC on May 21, 2008. Ms. Calonge remained as an employee of CGA Immigration Associates, P.C. and its subsequent iterations as Administrative Manager throughout her suspension. Ms. Calonge also retained an ownership interest in CGA Immigration Associates, P.C. and its subsequent iterations until approximately November 2008.

5. By letter dated March 2, 2010, the Bar informed Ms. Calonge that it had initiated the instant investigation. The investigation was predicated on a letter dated January 25, 2010 from Rachel A. McCarthy ("Ms. McCarthy"), Bar Counsel, U.S. Citizenship and Immigration Services. Ms. McCarthy presented that CGA Immigration Associates, LLC had filed a petition [dated September 24, 2008] with the United States Citizenship and Immigration Services on behalf of one of its employees; that the petition was signed by Ms. Calonge as Administrative Manager; and queried whether employment as Administrative Manager violated "... the terms of her suspension from the practice of law in the Commonwealth of Virginia."

6. Ms. Calonge responded to the bar's complaint on March 19, 2010. Ms. Calonge acknowledged that she had indeed signed the Form I-129, Petition for a Nonimmigrant Worker on behalf of an employee of CGA Immigration Associates, LLC. Ms. Calonge and her counsel have steadfastly held the position over the ensuing three (3) years that filing a Form I-129 is not

the practice of law and that such forms are routinely filed by employers on behalf of their employees.

7. On February 25, 2013, the bar issued a subpoena *duces tecum* to Ms. Calonge for trust account records maintained by Ms. Calonge and/or CGA Immigration Associates for the period of February 1, 2008 through January 31, 2013. Ms. Calonge responded to the subpoena, and in response to subsequent questions from the bar's investigator, advised that she did not have a trust account prior to July, 2012.

8. The trust account created in July 2012 was for the purpose of handling a personal injury settlement in the amount of Ten Thousand Dollars (\$10,000.00). Ms. Calonge properly disbursed the settlement proceeds but has not reconciled the trust account. Ms. Calonge also deposited One Hundred Dollars (\$100.00) and Two Thousand Dollars (\$2,000.00) in the trust account contemporaneous with the Ten Thousand Dollar (\$10,000.00) deposit. Ms. Calonge has no records to explain the basis for these two deposits.

9. The following mitigating factors recognized in the Standards For Imposing Lawyer Sanctions adopted by the American Bar Association and recognized by the Supreme Court of Virginia have also been taken into consideration in this matter:

- a. Ms. Calonge cooperated with, and demonstrated a cooperative attitude towards, the investigation of this matter.
- b. The absence of a dishonest or selfish motive.
- c. The Virginia State Bar experienced significant delay in investigating the instant matter.
- d. The Virginia State Bar did not discover any evidence of harm to clients.

II. NATURE OF MISCONDUCT

Such conduct by Respondent constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

Rule 5.5

(a) A lawyer, law firm or professional corporation shall not employ in any capacity a lawyer whose license has been suspended or revoked for professional misconduct, during such period of suspension or revocation, if the disciplined lawyer was associated with such lawyer, law firm, or professional corporation at any time on or after the date of the acts which resulted in suspension or revocation.

Rule 1.15

(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 or placed in a safe deposit box or other place of safekeeping as soon as practicable.

(2) For lawyers or law firms located in Virginia, a lawyer trust account shall be maintained only at a financial institution approved by the Virginia State Bar, unless otherwise expressly directed in writing by the client for whom the funds are being held.

(3) No funds belonging to the lawyer or law firm shall be deposited or maintained therein except as follows:

(i) funds reasonably sufficient to pay service or other charges or fees imposed by the financial institution or to maintain a required minimum balance to avoid the imposition of service fees, provided the funds deposited are no more than necessary to do so; or

(ii) funds in which two or more persons (one of whom may be the lawyer) claim an interest shall be held in the trust account until the dispute is resolved and there is an accounting and severance of their interests. Any portion finally determined to belong to the lawyer or law firm shall be withdrawn promptly from the trust account.

(b) Specific Duties. A lawyer shall:

...

(2) identify and label securities and properties of a client, or those held by a lawyer as a fiduciary, promptly upon receipt;

(3) maintain complete records of all funds, securities, and other properties of a client coming into the possession of the lawyer and render appropriate accountings to the client regarding them;

...

(c) Record-Keeping Requirements. A lawyer shall, at a minimum, maintain the following books and records demonstrating compliance with this Rule:

(1) Cash receipts and disbursements journals for each trust account, including entries for receipts, disbursements, and transfers, and also including, at a minimum: an identification of the client matter; the date of the transaction; the name of the payor or payee; and the manner in which trust funds were received, disbursed, or transferred from an account.

(2) A subsidiary ledger containing a separate entry for each client, other person, or entity from whom money has been received in trust. The ledger should clearly identify:

(i) the client or matter, including the date of the transaction and the payor or payee and the means or methods by which trust funds were received, disbursed or transferred; and

(ii) any unexpended balance.

...

(d) Required Trust Accounting Procedures. In addition to the requirements set forth in Rule 1.15 (a) through (c), the following minimum trust accounting procedures are applicable to all trust accounts.

...

(3) Reconciliations.

(i) At least quarterly a reconciliation shall be made that reflects the trust account balance for each client, person or other entity.

(ii) A monthly reconciliation shall be made of the cash balance that is derived from the cash receipts journal, cash disbursements journal, the trust account checkbook balance and the trust account bank statement balance.

(iii) At least quarterly, a reconciliation shall be made that reconciles the cash balance from (d)(3)(ii) above and the subsidiary ledger balance from (d)(3)(i).

(iv) Reconciliations must be approved by a lawyer in the law firm.

(4) The purpose of all receipts and disbursements of trust funds reported in the trust journals and ledgers shall be fully explained and supported by adequate records.

III. PUBLIC REPRIMAND WITH TERMS

Accordingly, having approved the agreed disposition, it is the decision of the Subcommittee to impose a Public Reprimand with Terms. The terms are:

1. No later than thirty (30) days following the entry of the Committee Determination, Respondent shall, at her sole cost and expense, retain the services of a lawyer or other professional approved by Assistant Bar Counsel as a law office management consultant ("Consultant"), to review, audit and make written recommendations concerning the Respondent's law practice methods, systems, escrow/trust account maintenance and record-keeping, as set forth more fully below, to ensure compliance with all provisions of the Virginia Rules of Professional Conduct. Respondent shall advise Assistant Bar Counsel whom she has engaged as a consultant within seven (7) days of the engagement. The Respondent shall grant the Consultant full access to her law practice office, books, records and files for the purpose of conducting the review and monitoring of Respondent's compliance with the Consultant's recommendations. The Respondent shall be obligated to pay when due the Consultant's fees and costs for services rendered (including provision to the Bar and to the Respondent of information concerning this matter), and any failure to do so shall be considered a violation of the Terms set forth herein.

2. The Office of Bar Counsel shall have full access, through telephone and in-person communication and/or written reports and correspondence, to the Consultant's findings and recommendations and assessment of the Respondent's compliance with said recommendations.

3. As soon as possible after retention, and no later than necessary for compliance with the timing of all required reports set forth herein, the Consultant shall audit the policies, practices and procedures of Respondent's law office to ensure that they are in compliance with

the Virginia Rules of Professional Conduct, and in particular to ensure that all client and third party funds are properly deposited and accounted for. In the event the Consultant determines that the Respondent has policies, practices and procedures in place to ensure her future compliance with the provisions of the Rules of Professional Conduct, the Consultant shall so certify in writing to the Respondent and the Bar. In the event the Consultant determines that the Respondent does not have such policies, practices and procedures in place, the Consultant shall notify the Respondent and the Bar, in writing, of the measures that the Respondent must take to effect compliance. Respondent shall cooperate with the Consultant to ensure that such writing is submitted to the Bar within ninety (90) days of the Consultant's retention by Respondent.

4. Respondent shall immediately institute and follow any and all measures dictated by the Consultant, as set forth above, such that all measures are in place by no later than sixty (60) days after the date of the Consultant's report. Immediately following this sixty (60) day period, the Consultant shall again review Respondent's law practice office, books, records and files. Within three (3) weeks thereafter, Respondent shall ensure the Office of Bar Counsel receives a copy of the Consultant's written report of Respondent's compliance with each of the Consultant's recommendations. The Respondent's failure to conform her practices to the Consultant's recommendations in a timely fashion, as set forth above, shall be considered a violation of the Terms set forth herein.

5. The Consultant shall again examine Respondent's law practice methods, systems, escrow/trust account maintenance and record-keeping at an agreed date not earlier than six (6) months and not later than nine (9) months following the date of the Consultant's initial certification of Respondent's compliance to the Virginia State Bar, as set forth above. The Consultant shall at that time either re-certify Respondent's compliance, or issue a report to the

Virginia State Bar indicating that Respondent is not then in compliance with the Rules of Professional Conduct. Any material lack of compliance by Respondent under this paragraph shall be considered a violation of the Terms set forth herein.

If Respondent fails to comply with any of the terms within the time periods prescribed herein, pursuant to Part 6, §IV, ¶13-15.G of the Rules of the Supreme Court of Virginia, the alternative disposition shall be a Certification For Sanction Determination. Any proceeding initiated due to failure to comply with terms will be considered a new matter, and an administrative fee and costs will be assessed.

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.

FIFTH DISTRICT – SECTION II SUBCOMMITTEE
OF THE VIRGINIA STATE BAR



Leslie Weber Hoffman
Subcommittee Chair

CERTIFICATE OF MAILING

I certify that on 9/4/2013, a true and complete copy of the Subcommittee Determination (Public Reprimand With Terms) was sent by certified mail to Gloria Salazar Calonge, Respondent, at Suite C8-S, 3705 South George Mason Drive, Falls Church, VA 22041, Respondent's last address of record with the Virginia State Bar, and by first class mail, postage prepaid to Michael L. Rigsby, counsel for Respondent, at Michael L. Rigsby, P.C., P.O. Box 29328, Henrico, VA 23242.



Anastasia K. Jones
Assistant Bar Counsel