

VIRGINIA:

BEFORE THE FIFTH DISTRICT SECTION I SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

IN THE MATTER OF
Darlene Rife Langley, Esquire

VS B Docket No. 14-051-096398

SUBCOMMITTEE DETERMINATION
(PUBLIC REPRIMAND WITH TERMS)

On November 25, 2014 a meeting was held in this matter before a duly convened Fifth District Section I Subcommittee consisting of Stephanie J. Smith, Esquire, Carl S. Person, Lay Member, and Nancy J. Crawford, Esquire, presiding. During the meeting, the Subcommittee voted to approve an agreed disposition for a Public 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 Kathleen Maureen Uston, Assistant Bar Counsel, and Darlene Rife Langley, Respondent, pro se.

WHEREFORE, the Fifth District Section I Subcommittee of the Virginia State Bar hereby serves upon Respondent the following Public Reprimand with Terms:

I. FINDINGS OF FACT

1. At all times relevant hereto, Darlene Rife Langley (hereinafter "Respondent") has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. Complainant and his wife retained Respondent to assist them with a case involving an easement dispute with their neighbor.
3. During the course of the litigation, Respondent failed to timely respond to discovery requests propounded by the opposing party, resulting in sanctions being awarded against Complainant. In fact, Complainant was unaware that discovery requests were outstanding since Respondent had failed to advise him of the pending discovery requests.
4. In addition, Respondent failed to inform Complainant of a hearing on the other parties' Motion to Compel those discovery responses at which sanction in the amount of \$500.00 were

awarded against him for failure to respond to this discovery. Respondent never informed Complainant of the \$500.00 sanction award entered against him.

5. Following the hearing on this Motion to Compel, Respondent failed to communicate with Complainant, during which time he was trying to contact her to determine the status of the case.

6. Ultimately, Complainant retained another attorney to assist him. Despite successor counsel's attempts to reach her, Respondent also failed to timely respond to successor counsel.

7. During the course of Respondent's representation of Complainant, opposing counsel contacted Respondent and offered at least once to try to resolve the matter through mediation. It does not appear that Respondent informed her client of this offer.

8. Respondent does not deny that she failed to communicate with her client and failed to act diligently on Complainant's behalf, stating that she was dealing with certain health issues. However, she never advised her client of this fact.

9. Respondent also admitted that she did not advise her client of the sanction award, but stated that she deducted the \$500.00 award entered against Complainant for failure to respond to discovery from his legal bill. Complainant was forced to pay this amount personally to the other party.

10. Respondent has stated that she now has both her practice and her health under control. In addition, Complainant's successor counsel advised the Virginia State Bar that, while there was some delay in Respondent's responding to him, she finally did so and was very cooperative and helpful.

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.

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

(c) A lawyer shall inform the client of facts pertinent to the matter and of communications from another party that may significantly affect settlement or resolution of the matter.

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[.]

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:

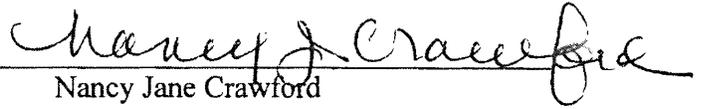
1. On or before December 31, 2014, Respondent shall refund to Complainant the sum of \$500.00.

2. Respondent shall read the above cited Rules of Professional Conduct, and all of the Comments thereto, and shall certify in writing to Assistant Bar Counsel Kathleen M. Uston that she has done so.

If the terms are not met by the time specified, pursuant to Part 6, §IV, ¶13-15.F of the Rules of the Supreme Court of Virginia, the District Committee shall hold a hearing and Respondent shall be required to show cause why a Sixty (60) Day Suspension of her license to practice law should not be imposed. 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.

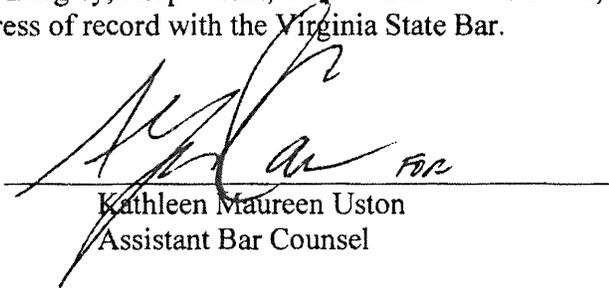
FIFTH DISTRICT SECTION I SUBCOMMITTEE
OF THE VIRGINIA STATE BAR



Nancy Jane Crawford
Chair, Fifth District Committee Section I
Subcommittee Chair

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of January, ²⁰¹⁵~~2014~~, a true and complete copy of the Subcommittee Determination (Public Reprimand With Terms) was sent by certified mail to Darlene Rife Langley, Respondent, at 5607 Eastbourne Drive, Springfield, VA 22151, Respondent's last address of record with the Virginia State Bar.



Kathleen Maureen Uston
Assistant Bar Counsel