

VIRGINIA:

*Before the Virginia State Bar Disciplinary Board*

*In the Matter of*

*KYLE CORNELIA LEFTWICH*

*VSB Docket No. 10-033-084258*

*Attorney at Law*

*On September 15, 2010, came Kyle Cornelia Leftwich and presented to the Board an Affidavit Declaring Consent to Revocation of /her license to practice law in the courts of this Commonwealth. By tendering her Consent to Revocation at a time when disciplinary charges are pending, she admits that the charges in the attached Affidavit Declaring Consent to Revocation document are true.*

*The Board having considered the said Affidavit Declaring Consent to Revocation, and Bar Counsel having no objection, the Board accepts her Consent to Revocation. Accordingly, it is ordered that the license to practice law in the courts of this Commonwealth heretofore issued to the said Kyle Cornelia Leftwich be and the same hereby is revoked, and that the name of the said Kyle Cornelia Leftwich be stricken from the Roll of Attorneys of this Commonwealth.*

*Entered this 16<sup>th</sup> day of September, 2010*

*For the Virginia State Bar Disciplinary Board*

*By Barbara S. Lanier*  
*Barbara Sayers Lanier, Clerk of the Disciplinary System*

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

RECEIVED

IN THE MATTER OF  
KYLE CORNELIA LEFTWICH

SEP 15 2010

VSB Docket No. 10-033-084258

VSB CLERK'S OFFICE

AFFIDAVIT DECLARING CONSENT TO REVOCATION

Kyle Cornelia Leftwich, after being duly sworn, states as follows:

1. That Kyle Cornelia Leftwich was licensed to practice law in the Commonwealth of Virginia on 10/15/1993;
2. That Kyle Cornelia Leftwich submits this Affidavit Declaring Consent to Revocation pursuant to Rule of Court, Part 6, Section IV, Paragraph 13-28.
3. That Kyle Cornelia Leftwich's consent to revocation is freely and voluntarily rendered, that Kyle Cornelia Leftwich is not being subjected to coercion or duress, and that Kyle Cornelia Leftwich is fully aware of the implications of consenting to the revocation of her license to practice law in the Commonwealth of Virginia;
4. Kyle Cornelia Leftwich is aware that there is currently pending a complaint, an investigation into, or a proceeding involving, allegations of misconduct, the docket number for which is set forth above, and the specific nature of which is here set forth:

From September 15, 1994 to June 11, 2010 the Respondent, Kyle Cornelia Leftwich, was employed as a lawyer at the law firm of Marks & Harrison. The Respondent's practice included the representation of disability claimants before the Social Security Administration. When she successfully concluded a claim, the Social Security Administration would issue a check for legal fees payable to her as the claimant's counsel. Although the checks were made payable to her as counsel for the claimants, they were the property of the law firm, in accordance with her employment agreement. Beginning in 2003, however, the Respondent began diverting some of these fee checks to her own use rather than delivering them to the law firm as she was contractually obligated to do. The law firm had

no agreement with the Respondent authorizing her to withhold these fee checks for her personal use, and the Respondent diverted the funds to herself without the knowledge of the law firm. Upon discovery of these discrepancies in 2010, the law firm conducted an investigation. The Respondent acknowledged that by diverting and depositing into her personal bank account the funds that were owed by her to the law firm, she breached her contractual obligations to the firm. The exact amount that the Respondent wrongfully diverted could not be determined. The Respondent and the law firm, however, agreed upon and reached an accord and satisfaction in the amount of \$450,000 (four hundred fifty thousand dollars) for her to repay the law firm in settlement of the law firm's demand for repayment. Such conduct by the Respondent is in violation of Rules 8.4(b) and 8.4(c) of the Rules of Professional Conduct.

5. Kyle Cornelia Leftwich acknowledges that the material facts which the allegations of misconduct are predicated are true; and

6. Kyle Cornelia Leftwich submits this Affidavit and consents to the revocation of her license to practice law in the Commonwealth of Virginia because she knows that if the disciplinary proceedings based on the said alleged misconduct were brought or prosecuted to a conclusion, she could not successfully defend them.

Executed and dated on September 9, 2010.

  
\_\_\_\_\_  
Kyle Cornelia Leftwich  
Respondent

COMMONWEALTH OF VIRGINIA  
CITY/COUNTY OF Richmond, to-wit:

The foregoing Affidavit Declaring Consent to Revocation was subscribed and sworn to before me by Kyle Cornelia Leftwich on September 9, 2010.

  
\_\_\_\_\_  
Notary Public

My Commission expires: 1/31/2011, 222897