

**VIRGINIA :**

**BEFORE THE THIRD DISTRICT SECTION I SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR**

**IN THE MATTERS OF  
NNIKA EVANGELINE WHITE**

**VS B Docket Nos. 09-031-076943 and 09-031-078618**

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

On April 7, 2010 a meeting in this matter was held before a duly convened Third District Section I Subcommittee consisting of Joseph P. Rapisarda, Jr., Chair, Graham C. Daniels, Esquire, and Mary Hunton, Lay Person.

Pursuant to Part 6, Section IV, Paragraph 13-15.B.4. of the Rules of the Virginia Supreme Court, the Third District Section I Subcommittee of the Virginia State Bar hereby serves upon the Respondent the following PUBLIC Admonition Without Terms:

**VS B DOCKET No. 09-031-076943  
COMPLAINANT: Katherine R. Harlow**

**I. FINDINGS OF FACT**

1. At all times relevant hereto, Nnika Evangeline White ("Respondent"), has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. Respondent was admitted to the practice of law in the Commonwealth of Virginia on October 17, 2001.
3. Katherine R. Harlow ("Harlow") retained Respondent to represent her interest in bankruptcy proceedings.
4. Respondent quoted Harlow a fee of \$1400, but initially paid a fee of \$950.
5. Respondent ultimately filed the case in the United States Bankruptcy Court for the Western District of Virginia.
6. Respondent attended Harlow's Section 341 hearing on June 3, 2008.

7. On June 5, 2008, Harlow completed the required financial management course and faxed the certificate of completion to Respondent's office.

8. Respondent's interoffice notes reflect that her assistant received a call from Harlow confirming that they had received a certificate and that they would take care of filing it with the Court.

9. Respondent failed to file that information with the Bankruptcy court in a timely fashion.

10. On August 11, 2008, Harlow received a notice from the Bankruptcy court that the required certificate of completion had not been filed with the court.

11. Harlow alleges she sent the certificate to Respondent's office again on August 22, 2008.

12. Respondent alleges that she did not receive the certificate. Nonetheless, on September 8, 2008 the Bankruptcy court issued an order dismissing Harlow's case for failure to file the required certificate.

13. On October 3, 2008, Harlow filed her complaint with the Virginia State Bar.

14. On November 12, 2008, Respondent filed a form B23 with the Bankruptcy court, without the certificate attached, and filed a motion to reopen the case and for an extension of time to file the certificate of completion. Respondent paid for the cost of filing the motion to reopen.

15. The Bankruptcy court granted the motions and entered an order of discharge in Harlow's case on December 7, 2008.

16. Harlow attempted to call Respondent's office after receiving the August 11, 2008 notice, but despite having spoken with Respondent's assistant several times did not speak with Respondent at any time after August 28, 2008.

17. As part of its investigation of this case, Respondent failed to answer the Virginia State Bar's demand for information and a response to the Complaint dated October 21, 2008. Respondent's failure to answer came even though the Bar granted her an extension of time in which to respond.

18. As part of the investigation, the Bar's investigator scheduled a meeting with Respondent on September 15, 2009. Respondent contacted the investigator to cancel the meeting because she claimed she was not feeling well.

19. Respondent agreed to reschedule the meeting for September 16, 2009 at 2 pm, since Respondent would be close to the Bar's office due to her having to appear in Bankruptcy court.

20. Respondent failed to appear for that meeting as well. The investigator attempted to call Respondent's office but no one answered. Respondent failed to return the investigator's call.

21. On September 18, the Bar issued a subpoena compelling Respondent to appear on September 29, 2009 to be interviewed at the Bar's offices.

22. Respondent appeared at the Bar's offices on September 29, 2009 and advised the investigator that she had been unable to make the September 16, 2009 meeting because the Court had adjourned late that day. Respondent alleges that she had forgotten to advise the investigator of several client meetings that were scheduled not long after Court had adjourned.

23. Respondent alleges that on September 16, 2009 she requested her secretary send the investigator a fax advising her that Respondent would have to reschedule the September 16, 2009 meeting. The secretary failed to do so.

24. After meeting with Respondent, the Bar's investigator contacted the Bankruptcy court and determined from staff that the Court had adjourned on September 16, 2009 at 1:45 p.m.

## **II. FINDINGS OF MISCONDUCT**

Such conduct by Nnika Evangeline White constitutes violations 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.

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### **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.

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### **RULE 8.1 Bar Admission and Disciplinary Matters**

An applicant for admission to the bar, or a lawyer already admitted to the bar, in connection with a bar admission application, any certification required to be filed as a condition of maintaining or renewing a license to practice law, or in connection with a disciplinary matter, shall not:

(c) fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this Rule does not require disclosure of information otherwise protected by Rule 1.6.

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**VSB DOCKET No. 09-031-078618**  
**COMPLAINANT: Linda Dietrich**

**I. FINDINGS OF FACT**

1. At all times relevant hereto, Nnika Evangeline White ("Respondent"), has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. Respondent was admitted to the practice of law in the Commonwealth of Virginia on October 17, 2001.
3. Linda Dietrich ("Dietrich") hired Respondent to represent her in an uncontested divorce in June of 2008.
4. Dietrich had not had any contact with her husband since 1989, but had obtained a valid address for him.
5. Respondent agreed to take the case for a fee of \$579, which included a \$79 filing fee. Respondent and Dietrich agreed to a \$179 up front fee with the balance due once the divorce became final. There was no written fee agreement.
6. On August 27, 2008, Respondent filed a bill of complaint for divorce in Hopewell, Virginia.
7. A few weeks later, Dietrich began calling for updates.
8. Respondent advised her that she had sent the bill of complaint to Dietrich's husband and was waiting for a return of the waiver of service form.
9. Respondent then told Dietrich to call back after Thanksgiving in 2008 if she had not heard anything more.
10. After Thanksgiving, Dietrich began calling twice a week for updates but was able to speak only to Respondent's assistant.
11. In February of 2009, Dietrich scheduled a meeting with Respondent at which time she brought her boyfriend.

12. Respondent stated that she would schedule a hearing to obtain an order of publication as substituted service on Dietrich's husband. It was Respondent's understanding that she would seek an order of publication once Dietrich had paid the necessary fee for publication.

13. Dietrich heard nothing further and thereafter went to the Hopewell court house and discovered that Respondent had not filed a motion seeking leave for an order of service by publication.

14. Dietrich thereafter retained Robert Hill to continue the representation.

15. As part of the investigation, the Bar's investigator scheduled a meeting with Respondent on September 15, 2009. Respondent contacted the investigator to cancel the meeting because she claimed she was not feeling well.

16. Respondent agreed to reschedule the meeting for September 16, 2009 at 2 pm, since Respondent would be close to the Bar's office due to her having to appear in Bankruptcy court.

17. Respondent failed to appear for that meeting as well. The investigator attempted to call Respondent's office but no one answered. Respondent failed to return the investigator's call.

18. On September 18, the Bar issued a subpoena compelling Respondent to appear on September 29, 2009 to be interviewed at the Bar's offices.

19. Respondent appeared at the Bar's offices on September 29, 2009 and advised the investigator that she had been unable to make the September 16, 2009 meeting because the Court had adjourned late that day. Respondent alleges that she had forgotten to advise the investigator of several client meetings that were scheduled not long after Court had adjourned.

20. Respondent alleges that on September 16, 2009, she requested her secretary send the investigator a fax advising her that Respondent would have to reschedule the September 16, 2009 meeting. The secretary failed to do so.

21. After meeting with Respondent, the Bar's investigator contacted the bankruptcy court and determined from staff that the Court had adjourned on September 16, 2009 at 1:45 p.m.

## **II. FINDINGS OF MISCONDUCT**

Such conduct by Nnika Evangeline White constitutes violations 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 8.1    Bar Admission and Disciplinary Matters**

An applicant for admission to the bar, or a lawyer already admitted to the bar, in connection with a bar admission application, any certification required to be filed as a condition of maintaining or renewing a license to practice law, or in connection with a disciplinary matter, shall not:

(c)    fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this Rule does not require disclosure of information otherwise protected by Rule 1.6.

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**III. PUBLIC ADMONITION WITHOUT TERMS**

Accordingly, it is the decision of the subcommittee to impose a PUBLIC Admonition Without Terms and Nnika Evangeline White is hereby so admonished.

Pursuant to Paragraph 13-9.E. of the Rules of Court, the Clerk of the Disciplinary System shall assess costs.

THIRD DISTRICT SECTION I SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR

By: Joseph P. Rapisarda, Jr.  
Joseph P. Rapisarda, Jr.  
Subcommittee Chair

CERTIFICATE OF MAILING

I certify that on this 7<sup>th</sup> day of May, 2010, I caused to be mailed by Certified Mail, Return Receipt Requested, a true and complete copy of the Subcommittee Determination (PUBLIC Admonition Without Terms) to Nnika Evangeline White, Respondent, at Suite 301, 2505 Pocoshock Place, Richmond, VA 23235, Respondent's last address of record with the Virginia State Bar, and by first class mail, postage prepaid to Charlotte Peoples Hodges, Esquire, B.I.G. Legal Services, PLLC, P. O. Box 4302, Midlothian, Virginia 23112, counsel for Respondent.



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Paulo E. Franco, Jr.  
Assistant Bar Counsel