

VIRGINIA:

BEFORE THE THIRD DISTRICT COMMITTEE SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR

IN THE MATTER OF  
ANGELA DAWN WHITLEY

VSB Docket No. 05-032-4582

SUBCOMMITTEE DETERMINATION  
PUBLIC REPRIMAND WITHOUT TERMS

On October 11, 2007, a hearing in this matter was held before a duly convened Third District Committee Subcommittee consisting of Randall G. Johnson, Jr., Chair Designee, Cliona Robb and Coral Gills.

Pursuant to Part 6, Section IV, Paragraph 13.G.4. of the Rules of the Virginia Supreme Court, the Third District Committee Subcommittee of the Virginia State Bar hereby serves upon the Respondent the following Public Reprimand without Terms:

I. FINDINGS OF FACT

1. At all times relevant hereto, Angela Dawn Whitley, hereafter "Whitley" or the "Respondent" has been an attorney licensed to practice law in the Commonwealth of Virginia, and her official address of record with the Virginia State Bar has been 320 West Broad Street, Richmond, Virginia 23220.

2. On or about May 11, 2005, Whitley was hired by Complainant Rasheik Battle, hereafter "Battle", to represent him in the City of Richmond traffic court regarding a summons he had received for a violation of Va. Code Section 46.2-301 for allegedly driving while his operator's license was suspended or revoked. The case was scheduled to be heard on May 12, 2005.

3. Battle paid Whitley \$400.00 in cash on May 11, 2005, for the representation.

4. At a later date, Whitley learned that Battle had hired another attorney and that Whitley and Battle agreed that Whitley would refund the \$400.00 to Battle. Whitley prepared a receipt dated May 18, 2005, for the "full return of the \$400.00 fee paid by [Battle] to [Whitley] on May 11, 2005, for representation [sic] the matter scheduled for May 12, 2005."

5. Since Battle refused to accept a refund of the \$400.00 in the form of a check or money order, Whitley had the receipt and cash in the amount of \$400.00 placed in an envelope in the desk of her secretary to be held there until Battle picked up the funds.

6. Whitley withdrew from the representation by court order entered on June 14, 2005.

7. After approximately two weeks, Whitley's secretary informed Whitley that she was uncomfortable holding the \$400.00 in cash in her desk. At that point Whitley had the \$400.00 in cash placed in her file for Battle where it remained until Battle picked up the funds on or about March 17, 2006.

8. Whitley held the \$400.00 in cash either in her secretary's desk or in her own file for Battle for approximately nine months. Whitley never deposited the \$400.00 into a trust account.

9. The \$400.00 paid to Whitley by Battle constituted an advanced legal fee.

## II. NATURE OF MISCONDUCT

Such conduct by Angela Dawn Whitley constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

### RULE 1.15 Safekeeping Property

- (a) All funds received or held by a lawyer or law firm on behalf of a client, other than reimbursement of advances for costs and expenses, shall be deposited in one or more identifiable escrow accounts maintained at a financial institution in the state in which the law office is situated and no funds belonging to the lawyer or law firm shall be deposited therein except as follows:
- (1) funds reasonably sufficient to pay service or other charges or fees imposed by the financial institution may be deposited therein; or
  - (2) funds belonging in part to a client and in part presently or potentially to the lawyer or law firm must be deposited therein, and the portion belonging to the lawyer or law firm must be withdrawn promptly after it is due unless the right of the lawyer or law firm to receive it is disputed by the client, in which event the disputed portion shall not be withdrawn until the dispute is finally resolved.

### RULE 1.16 Declining Or Terminating Representation

- (d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other

counsel, refunding any advance payment of fee that has not been earned and handling records as indicated in paragraph (e).

III. PUBLIC REPRIMAND

Accordingly, it is the decision of the subcommittee to impose a Public Reprimand Without Terms and the Respondent is hereby so reprimanded.

Pursuant to Paragraph 13.B.8.c., the Clerk of the Disciplinary System shall assess costs.

THIRD DISTRICT COMMITTEE  
SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR

By   
~~Randy Johnson~~  
Chair, Designee

CERTIFICATE OF SERVICE

I certify that on December 26, 2007, I caused to be mailed by Certified Mail, Return Receipt Requested, a true and correct copy of the Subcommittee Determination Public Reprimand Without Terms to Angela Dawn Whitley, Esquire, Respondent, at the Petersburg Public Defender's Office, 2nd Floor, 105 Marshall Street, Petersburg, VA 23803, her last address of record with the Virginia State Bar, and by regular mail to Christopher J. Collins, 304 East Main Street, Richmond, Virginia, 23219, Respondent's Counsel.

  
