

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF  
VINCERETTA TAYLOR CHILES

VSB DOCKET NO. 16-033-097624  
16-033-104323

**MEMORANDUM ORDER OF SUSPENSION**

**THESE MATTERS** initially came on to be heard on January 27, 2017, on the District Committee Determination for Certification by the Third District Subcommittee, before a panel of the Disciplinary Board (“Board”) consisting of Chair, William H. Atwill, Jr., Sandra L. Havrilak, Tony Pham, Michael A. Beverly, and Anderson W. Douthat, Lay member. The Virginia State Bar was represented by Edward L. Davis, (“Bar Counsel”). The Respondent, Vinceretta Taylor Chiles, was present and was represented by Paul Georgiadis. Jennifer L. Hairfield, court reporter, Chandler & Halasz, (804) 730-1222, after being duly sworn, reported the hearing and transcribed the proceedings. The Chair polled the members of the Board Panel as to whether any of them was conscious of any personal or financial interest or bias which would preclude any of them from fairly hearing this matter and serving on the panel, to which inquiry each member responded in the negative.

All legal notices of the date and place were timely sent by the Clerk of the Disciplinary System (“Clerk”) in the manner prescribed by the Rules of the Supreme Court of Virginia, Part Six, Section IV, Paragraph 13-18 of the Rules of Court.

By agreement, the parties agreed that the two misconduct cases would be heard at the same time in a single hearing, that the Board would deliberate on the allegations of misconduct in both cases, and that, if misconduct were found, the Board would hold a single hearing on sanctions.

## **I. FINDINGS OF FACT**

**Stipulations of Fact:** The parties submitted and the Board accepted the following stipulations of fact:

1. During all times relevant hereto, Respondent has been an attorney licensed to practice law in the Commonwealth of Virginia, except as otherwise indicated.

**16-033-104323**

**Complainant: Augusta Hite**

2. On September 8, 2014, Carnell Meredith ("Client") appeared before the Circuit Court of Brunswick County charged with violating his sentence first imposed from a 1993 drug trafficking conviction and later re-imposed and suspended in part in a 1997 revocation and re-suspension, with the 2014 revocation being based upon two further drug trafficking convictions in 2013. Respondent did not represent Client on September 8, 2014. The Court ordered him held without bond in the Meherrin River Regional Jail. Initially, attorney David Lassiter represented Client.

3. The matters were set for trial by Mr. Lassiter on March 9, 2015.

4. On March 19, 2015, Respondent visited Client at the jail for about two hours where they discussed the matter pending in the Brunswick County Circuit Court, and Client indicated that he wished to hire Respondent. Respondent became counsel for Client on March 20, 2015.

5. The cases were continued to June 8, 2015, and again five more times until ultimately heard and dismissed by the court on June 23, 2016. Respondent states that there were delays in the case prior to her substituting in as counsel on March 19, 2015 and after she was replaced, such delays being caused by the acts of others.

6. According to Client, this is the last time he saw Respondent and the last that he heard from her except for one letter, the nature of which he does not recall. (The parties agree that if Officer Ashley Hall, Meherrin Regional Jail, were to testify before the Board, she would state that the jail visitor log reflects that Respondent visited that jail one time, on March 19, 2015, and that for this reason she can say with a high level of certainty that Respondent did not visit twice.)

7. One day prior to that meeting, on March 18, 2015, Respondent endorsed a representation agreement providing for a fee of \$10,000 (Ten Thousand Dollars) to represent Client on the matters pending in the Brunswick Circuit Court.

8. Following her March 19, 2015 visit with Client at the jail, Respondent met with Client's wife, Helen Meredith (Mrs. Meredith), that same afternoon and provided her with a receipt acknowledging receipt of \$15,000 (Fifteen Thousand Dollars) from Mrs. Meredith, and stated on the receipt that a balance of \$0.00 (Zero Dollars) was due. Respondent acknowledged



giving Mrs. Meredith the receipt for \$15,000, but at the same time of her interview with the VSB did not recall receiving the \$15,000 but only a \$250 consultation fee. She told the investigator that she gave the receipt in anticipation of receiving the \$15,000. Notwithstanding the lack of recollection of receiving the funds in question, Respondent states that she has acted in accord with the contention of Mrs. Meredith and has repaid Mrs. Meredith in full of the amount claimed. The parties agree that repayment occurred on September 19, 2016.

9. Respondent's trust account bank statements reflect no deposit of \$15,000 in cash for the six months running after March 19, 2015.

10. On March 24, 2015, Respondent filed a motion to extend the time for filing briefs, but the Court did not rule on this motion. At the time, trial was set for June 8, 2015, in the Brunswick Circuit Court. The proposed order provided for the filing of defendant's brief on April 13, 2015, the Commonwealth's response on May 4, 2015, and defendant's reply on May 18, 2015.

11. On March 26, 2015, Respondent filed a motion in the Brunswick Circuit Court to substitute herself as counsel for Client. Respondent's motion indicated that Client retained Respondent on March 20, 2015, and that Respondent had notified Client's current counsel Mr. Lassiter, who had no objection. The motion also indicated that she noticed the prosecuting attorney, William R. Blaine (Blaine). The motion was granted on March 26, 2015.

12. On April 16, 2015, prosecuting attorney Blaine sent Respondent an email memorializing their discussion about the matter and forwarding her the records of Client's 1997 revocation matter.

13. On June 5, 2015, Blaine sent another email to Respondent indicating that he had not heard back from her about Client and a new briefing schedule, and stating that he presumed they were going forward with the revocation proceeding on Monday (June 8, 2015) without briefing the issue raised.

14. There is no record of Respondent ever filing a brief pursuant to her March 24, 2015 motion.

15. On June 5, 2015, Respondent tendered to the prosecuting attorney an order continuing the case to July 13, 2015. Mr. Blaine endorsed the order and the Court entered it.

16. Respondent did not consult with Client or obtain Client's approval for the continuance, although Client had been incarcerated since September 2014.

17. On an unknown date, Respondent requested production of the transcript from Client's underlying revocation proceeding held in the Brunswick Circuit Court on June 19, 1997, which the Court granted and for which the Court ordered payment on June 9, 2015.

18. On July 13, 2015, the matter came on for trial pursuant to Respondent's motion, but Respondent did not appear. The Court continued the matter to November 9, 2015.



19. On July 23, 2015, attorney Steven Benjamin (Benjamin) faxed to Respondent a letter from Client indicating that Client's family had hired Mr. Benjamin and requesting that Respondent send Client's file to Mr. Benjamin. Mr. Benjamin also sent Respondent an order substituting him as Client's counsel for Respondent to endorse and return.

20. By letter dated July 29, 2015, Respondent furnished the file to Mr. Benjamin, but did not return the order substituting him as counsel for several weeks, causing delay in the formal substitution of counsel until September 2015.

21. On September 18, 2015, Mr. Benjamin tendered an order, endorsed by Respondent, to the Court, which entered the order of substitution on September 24, 2015. Mr. Benjamin ultimately tried the cases to conclusion on June 23, 2016, resulting in dismissal of the charges.

22. On October 23, 2015, Client's cousin, Augusta J. Hite (Complainant), filed a complaint with the Virginia State Bar alleging that Respondent failed to appear in Court for Client, failed to respond to numerous attempts by Complainant and Mrs. Meredith to contact her, and that Respondent provided no legal services in return for the \$15,000 paid to her. Client had authorized Respondent's representation of Client, since Client was incarcerated.

23. Respondent admits to allegations that she never communicated to Client, Complainant, or Mrs. Meredith as to why she failed to appear in Court, but affirmatively states that she made attempts to communicate.

24. Between the missed Court appearance on July 13, 2015 and the hiring of Mr. Benjamin on July 22, 2015, Mrs. Meredith tried to call Respondent 15-20 times, but was only able to speak with Respondent's secretary, who offered no explanation. Respondent admits to the allegations, affirmatively stating that she made attempts to communicate with both Helen Meredith and Augusta Hite.

25. Mrs. Meredith then asked Complainant, who lived in Richmond, to contact Respondent. Respondent admits that Complainant unsuccessfully attempted to contact her and admits that at some point Mr. Benjamin was hired to represent Carnell Meredith.

26. By letter, dated November 6, 2015, the Virginia State Bar ("the Bar") sent Respondent a copy of the complaint, requesting a response within 21 days in accordance with Rule 8.1(c) of the Rules of Professional Conduct. Respondent did not reply, and the Bar referred the matter to the district committee for investigation.

27. On March 22, 2016, the Bar issued to Respondent a subpoena *duces tecum* for her file and financial records pertaining to her representation of Client. Respondent did not furnish the records and the Bar sent a reminder letter, dated April 18, 2016. By letter, dated April 29, 2016, Respondent provided a copy of her file but did not furnish any financial records relating to her handling of the \$15,000 fee.



28. Accordingly, on May 4, 2016, the Bar noticed Respondent of its petition to the Virginia State Bar Disciplinary Board to suspend her license to practice law for noncompliance with the subpoena. The Bar also implored Respondent by letter, dated May 4, 2016, to furnish the financial records relating to the \$15,000 advanced fee to avoid the suspension of her law license. The Bar furnished the letter and notice to Respondent at her address of record as well as an email address Respondent used to communicate with the Bar and its investigator.

29. Respondent still did not fully respond to the subpoena and on May 19, 2016, the Disciplinary Board suspended her law license. On May 20, 2016, Respondent contacted the Bar and explained that she had no records pertaining to her handling of Client's payment because she never received any payment. The Bar asked the Disciplinary Board to lift the suspension.

30. Respondent explained that she did not show up for the July 13, 2015, trial because her cellular telephone had fallen in the water about a week before the trial, wiping her docket from her phone. She said that this case and another did not populate into her new phone. Regardless, Respondent had backup calendars on her computer and at her office.

31. Respondent said that she continued the case several times because Client never paid her.

32. Respondent explained that she did not respond to the attempts of Complainant, Mrs. Meredith, or prosecuting attorney Blaine, because she was trying to figure out what to do to "fix" this. She did not explain her absence to the Court either. Respondent said that by the time she figured out what had happened, the client had retained Mr. Benjamin and demanded his file from Respondent. While Mr. Benjamin faxed to Respondent a request for the records on July 23, 2015, he did not substitute into the case until September 2015.

33. Respondent can neither admit nor deny the source of the funds in question and therefore denies same.

34. The Bar's investigator asked both of the other attorneys in the case – Mr. Lassiter and Mr. Benjamin - about whether they had been paid in full to represent Client. Each attorney assured the Bar that they had been paid.

**16-033-097624**

**Complainant: Keonna Trajai Johnson**

1. On June 14, 2011, Complainant Keonna Trajai Johnson ("Complainant") and her minor daughter were injured in a traffic accident.

2. Complainant consulted with Respondent, and on June 22, 2011, executed a Representation Agreement providing for Respondent to represent Complainant in a personal injury matter and, "if necessary," her minor daughter for a 33 1/3% contingent fee.

3. On June 22, 2011 Complainant also executed several authorizations for release of medical information for Complainant and her minor daughter that she provided to Respondent.



4. Complainant previously furnished notice about the accident to the other driver's insurer, Nationwide, which on June 15, 2011, sent Complainant a physician's report form, employment questionnaire, a release, and a cover letter asking her to have the forms (collectively, the "Nationwide Forms") completed and returned so that Nationwide could evaluate her claim.

5. Respondent's file records indicate that Complainant provided the materials to Respondent during their initial meeting. Complainant stated that, on Respondent's advice, she did not communicate any further with Nationwide.

6. Respondent never furnished the materials to Nationwide, never informed Nationwide that she represented Complainant, and never communicated with Nationwide.

7. Respondent's file records indicate that the following year, May and June, 2012, she sent requests for medical and related records to the medical care providers for Complainant and her minor daughter.

8. In 2013, as the statute of limitations neared, Complainant tried to reach Respondent on several occasions to ascertain the status of her case. Respondent's file contains two letters from Complainant, dated May 16, 2013 and June 11, 2013, asking for Respondent to contact her about the status of the case. The May 16, 2013 letter made reference to an earlier letter of January 16, 2013, to which Complainant had not received a response. Complainant noted that the statute of limitations would run the following month in June 2013.

9. The June 11, 2013 letter acknowledged a contact from Respondent's assistant to Complainant's mother on June 4, 2013, and asked Respondent to have her assistant contact Complainant regarding the status of the matter and whether Respondent was going to file a complaint with the Court. The letter asked Respondent to let Complainant know if she could furnish any information to help get the medical bills paid for Complainant and her daughter.

10. On June 13, 2013, Respondent filed a lawsuit on behalf of Complainant with the Chesterfield County Circuit Court demanding \$25,000 in damages. On June 17, 2013, Respondent filed a suit for the infant daughter in the same Court, praying for the same amount of damages. On an unknown date in June 2014, Respondent informed Complainant about her filings of the Complaints. Respondent informed Client of the filing of the personal injury lawsuits on one or more other occasions, including by letter on November 15, 2013.

11. On October 31, 2013, Complainant filed a complaint with the Virginia State Bar alleging that Respondent had become unresponsive to numerous attempts to contact her, including faxes, since filing the lawsuits.

12. The Bar's Intake Department corresponded with Respondent about the complaint and asked her to contact Complainant in an effort to avoid the opening of a formal disciplinary action.



13. By letter, dated November 15, 2013, Respondent sent Complainant copies of the lawsuits she filed and the civil coversheets. She also expressed her opinion that the daughter did not have a cause of action, and said that she would send Complainant a copy of her demand letter for review before sending it to the defendant.

14. Since Respondent did as the Bar asked and notified the Bar of her correspondence with Complainant, the Bar chose to take no further action in the matter at that time.

15. However, Respondent never sent Complainant a draft demand letter. On June 25, 2015, Complainant alleged to the Bar that Respondent had not communicated with her since November 2013. As before, the Bar tried to resolve the matter proactively, and Respondent indicated that she would meet with Complainant. Respondent, however, never met with Complainant as promised.

16. In September 2015, the Bar ascertained from the Chesterfield Circuit Court that the two cases had been purged on July 17, 2014 and December 10, 2014, respectively, for failure to serve process. Respondent believed that the cases were “discontinued,” thus effectively being dismissed without prejudice.

17. By letters, dated June 17, 2014 and October 1, 2014, the Court informed Respondent of its intent to purge the cases after 30 days, but Respondent said she never received the letters and was unaware that the cases had been purged. The letters are addressed to her address of record at the time, but Respondent said she had trouble receiving mail at that address. The letters were not in her case file. Respondent admits that the Court is required to give the described notice to counsel of record, but she denies receiving such notice.

18. Respondent explained to the Bar during its investigation that, although she told Complainant that she would submit a demand letter, she never did so, because she had already filed suit.

19. Respondent never informed Complainant about the purging of the cases.

20. Respondent undertook no negotiations with the defendant or the liability carrier, Nationwide, and never ascertained whether Nationwide had med-pay coverage that could have paid some of Complainant’s medical expenses. Complainant had informed Respondent of her desire to have the medical expenses relating to the accident paid, which Respondent admits. Respondent further admits that she did not negotiate with the Defendant’s insurance carrier. Chiles admits she never ascertained whether Nationwide had med-pay coverage, affirmatively stating that as med-pay coverage is first party coverage, it would not have been available from Nationwide as the Defendant’s carrier. Any payment from Nationwide would have been payment from its liability coverage.

21. On October 30, 2015, the Bar issued Respondent a subpoena *duces tecum* for her case file, but she did not reply. By letter, dated December 3, 2015, the Bar reminded her of her obligation to comply with the subpoena and warned her that her law license could be suspended for noncompliance, but she did not respond. The Bar’s investigator also cautioned Respondent

directly about her noncompliance both verbally and by email, but she did not furnish the file. The Bar furnished Respondent with a copy of the subpoena by email on January 26, 2016, but she did not respond.

22. On February 25, 2016, the Bar served Respondent with notice of its intent to have her law license suspended for failure to comply with the subpoena. The Bar delivered the notice by certified mail, regular mail, and email. Respondent did not answer or demand a hearing, and on March 8, 2016, the Disciplinary Board entered an order suspending her law license. On March 11, 2016, Respondent furnished the file to the Bar, and the suspension was lifted on March 16, 2016.

#### Additional Findings of Fact:

1. In addition to the stipulations of fact, the Board received extensive testimony during the misconduct phase of the hearing that Respondent had experienced one or more major depressive episodes through the relevant period of the allegations of misconduct. According to Respondent, these episodes negated the element of intent for the charged violations of Rules 1.3(b), 1.3(c), 8.4(a), 8.4(b), and 8.4(c). Even assuming *arguendo* that Respondent could properly raise the depressive episodes as a defense in the misconduct phase of a non-impairment proceeding, the Board did not find by clear and convincing evidence that these episodes excused her misconduct or somehow negated the element of intent in either the Hite or Johnson Complaints.

## **II. MISCONDUCT**

The Certification charged violations of the following provisions of the Virginia Rules of Professional Conduct:

**16-033-104323**

**Complainant: Augusta Hite**

### **RULE 1.1 Competence**

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, throughout and preparation reasonably necessary for the representation.

### **RULE 1.3 Diligence**

(a) A lawyer shall act with reasonable diligence and promptness in representing a client.

(b) A lawyer shall not intentionally fail to carry out a contract of employment entered into with a client for professional services, but may withdraw as permitted under Rule 1.16.

(c) A lawyer shall not intentionally prejudice or damage a client during the course of the professional relationship, except as required or permitted under Rule 1.6 and Rule 3.3.



#### **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 1.15     Safekeeping Property**

(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; all other property held on behalf of a client should be placed in a safe deposit box or other place of safekeeping as soon as practicable.

(b) Specific Duties. A lawyer shall:

(1) promptly notify a client of the receipt of the client's funds, securities, or other properties;

(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;

(4) promptly pay or deliver to the client or another as requested by such person the funds, securities, or other properties in the possession of the lawyer that such person is entitled to receive; and

(5) not disburse funds or use property of a client or third party without their consent or convert funds or property of a client or third party, except as directed by a tribunal.

#### **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).

#### **RULE 3.4 Fairness To Opposing Party And Counsel**

A lawyer shall not:

(d) Knowingly disobey or advise a client to disregard a standing rule or a ruling of a tribunal made in the course of a proceeding, but the lawyer may take steps, in good faith, to test the validity of such rule or ruling.

#### **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; or

#### **RULE 8.4 Misconduct**

It is professional misconduct for a lawyer to:

(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;

(b) commit a criminal or deliberately wrongful act that reflects adversely on the lawyer's honesty, trustworthiness or fitness to practice law;

(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation which reflects adversely on the lawyer's fitness to practice law;

**16-033-097624**

**Complainant: Keonna Trajai Johnson**

#### **RULE 1.1 Competence**

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, throughout and preparation reasonably necessary for the representation.



### **RULE 1.3     Diligence**

(a) A lawyer shall act with reasonable diligence and promptness in representing a client.

(b) A lawyer shall not intentionally fail to carry out a contract of employment entered into with a client for professional services, but may withdraw as permitted under Rule 1.16.

(c) A lawyer shall not intentionally prejudice or damage a client during the course of the professional relationship, except as required or permitted under Rule 1.6 and Rule 3.3.

### **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 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; or

## **III. DISPOSITION**

### **Stipulated Violations**

In the matter of 16-033-104323 – Complainant Augusta Hite, the parties stipulated to violations of Rule 1.1 Competence; Rule 1.3(a) Diligence; Rule 1.4(a), (b) and (c); Rule 1.15(a) (1) and 1.15(b)(2)-(4) Safekeeping of Property; and Rule 8.1(c) Bar Admission and Disciplinary Matters. The Board accepted those stipulations.

In the matter of 16-033-097624 – Complainant Keonna Trajai Johnson, the parties stipulated to violations of Rule 1.1 Competence; Rule 1.3(a) Diligence; Rule 1.4(a)-(c)

Communication; and Rule 8.1(c) Bar Admission and Disciplinary Matters. The Board accepted those stipulations.

### **Un-stipulated Violations**

In the matter of 16-033-104323 – Complainant Augusta Hite, the parties have not stipulated to violations of Rule 1.3(b) and (c) Diligence; Rule 1.15(b)(5) Safekeeping of Property; Rule 1.16(d) Declining or Terminating Representation; and Rule 8.4(a), (b) and (c) Misconduct and the remainder of 3.4(d).

In the matter of 16-033-097624 – Complainant Keonna Trajai Johnson, the parties have not stipulated to violations of Rule 1.3(b) and (c) Diligence.

Upon receipt of: the foregoing stipulations of fact by the parties; the further finding of fact regarding Respondent's claim as to depressive episodes and the element of intent; the exhibits presented by Bar Counsel on behalf of the VSB as Exhibits 1-41; the Respondent's Exhibits 1-28; the testimony of witnesses presented on behalf of the Respondent and the Bar; and the testimony of Respondent, the credibility of the testimony presented, the Board recessed to deliberate the rules violations charged but not stipulated. Following its deliberations the Board reconvened and found as follows:

### **16-033-104323**

#### **Complainant: Augusta Hite**

1. The Board determined that in the matter of 16-033-104323 – Complainant Augusta Hite, the Bar proved by clear and convincing evidence that Respondent violated Rule 1.3(b) Diligence; Rule 1.15 (b)(5) Safekeeping of Property; Rule 1.16(d) Declining or Terminating Representation; and Rule 8.4(a), (b) and (c) Misconduct.

2. The Board determined that in the matter of 16-033-104323 – Complainant Augusta Hite, the Bar failed to prove by clear and convincing evidence that Respondent violated Rule 1.3(c) Diligence, and the remaining portion of Rule 3.4(d) Fairness to Opposing Party and Counsel. Rule 1.15(b)(1) Safekeeping Property was withdrawn by the Bar.



**16-033-097624**

**Complainant: Keonna Trajai Johnson**

3. The Board determined that in the matter of 16-033-097624 – Complainant Keonna Trajai Johnson, the Bar proved by clear and convincing evidence that Respondent violated Rule 1.3(b) and (c) Diligence.

#### **IV. Sanctions**

Upon conclusion of the misconduct phase and with the consent of the parties, the Board recessed the proceedings until March 24, 2017, at which time the Board reconvened for the sanctions phase. In that regard the Board, having been provided a transcript of the misconduct phase, proceeded to receive evidence of aggravation and mitigation from the Bar and the Respondent (proceeding *pro se*,<sup>1</sup>), including Respondent's prior disciplinary record, which consisted of a private admonition, VSB Docket No. 05-032-1777, effective April 27, 2005. Thereupon, the Board recessed to deliberate what sanction to impose for the rules violations stipulated or found in the Hite and Johnson complaints. Following its deliberations, the Board reconvened to announce the sanction imposed.

Accordingly, it is ORDERED that the Respondent, Vincernetta Taylor Chiles, be and hereby is suspended from the practice of law for two years, effective April 1, 2017; and it is further

ORDERED that, as directed in the Board's March 24, 2017, Amended Summary Order in these matters, Respondent must comply with the requirements of Part Six, § IV, ¶ 13-29 of the Rules of the Supreme Court of Virginia. The Respondent shall forthwith give notice by certified mail, return receipt requested, of the suspension of her license to practice law in the Commonwealth of Virginia, to all clients for whom she is currently handling matters and to all

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<sup>1</sup> On March 22, 2017, Respondent sent an email to the Virginia State Bar Clerk's office to notify the Bar that she would be proceeding *pro se* without counsel for the sanctions phase.

opposing attorneys and presiding judges in pending litigation. The Respondent shall also make appropriate arrangements for the disposition of matters then in care in conformity with the wishes of her clients. Respondent shall give such notice within 14 days of the effective date of suspension, and make such arrangements as are required herein within 45 days of the effective date of suspension. The Respondent shall also furnish proof to the Bar within 60 days of the effective day of the suspension that such notices have been timely given and such arrangements made for the disposition of matters; and it is further

ORDERED that if the Respondent is not handling any client matters on the effective date of suspension, she shall submit an affidavit to that effect to the Clerk of the Disciplinary System at the Virginia State Bar within 60 days of the effective day of the suspension. All issues concerning the adequacy of the notice and arrangements required by Paragraph 13-29 shall be determined by the Virginia State Bar Disciplinary Board, which may impose a sanction of Revocation or additional Suspension for failure to comply with the requirements of this subparagraph; and it is further

ORDERED that pursuant to Part Six, § IV, ¶ 13-9 E. of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess all costs against the Respondent; and it is further

ORDERED that the Clerk of the Disciplinary System shall mail an attested copy of this order to respondent at her address of record with the Virginia State Bar, being Chiles Law Offices, P.C., Post Office Box 8089, Richmond, Virginia 23223-0089, by certified mail, return receipt requested, and by certified mail to Vinceretta Taylor Chiles, Chiles Law Offices, P.C., 1015 E. Main Street, Lower Level, Richmond, VA 23219, and by hand delivery to Edward L. Davis, Bar Counsel, Virginia State Bar, 1111 East Main Street, Suite 700, Richmond, Virginia 23219-0026.



ENTERED this 24th day of April, 2017.

VIRGINIA STATE BAR DISCIPLINARY BOARD

**William H. Atwill**

Digitally signed by William H. Atwill  
DN: cn=William H. Atwill, o=Virginia State  
Bar, ou=Disciplinary Board,  
email=batwill@atandlpc.com, c=US  
Date: 2017.04.24 13:44:24 -04'00'

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William H. Atwill, Jr., Chair