

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN RE:

ALISA LACHOW CORREA

VSB DOCKET NO.: 17-051-106642

ORDER

On May 18, 2018, the above-referenced matter was heard by the Virginia State Bar Disciplinary Board (the "Board") pursuant to Notice served upon the Respondent, Alicia Lachow Correa (the "Respondent"), in the manner provided by the Rules of the Supreme Court of Virginia (the "*Rules*"), Part Six, § IV, ¶ 13-18. A duly convened panel of the Board consisting of Michael A. Beverly, Chair, Richard J. Colten, Jeffrey L. Marks, Tammy D. Stephenson, Lay Member, and Tony H. Pham, heard the matter. Kathleen M. Uston, Assistant Bar Counsel, represented the Virginia State Bar (the "Bar"). The Respondent appeared *pro se*.

The court reporter for the proceeding, Beverly Lukowsky of Chandler & Halasz, Post Office Box 9349, Richmond, Virginia 23227, telephone: (804) 730-1222, after duly being sworn by the Chair, reported the hearing and transcribed the proceedings.

The Chair polled the members of the Board as to whether any of them had any personal or financial interest or bias that would preclude any of them from fairly hearing this matter and serving on the panel. Each member, including the Chair, responded that there were no such conflicts.

The matter came before the Board on the December 12, 2017, Subcommittee Determination (Certification) by the Fifth District Committee – Section I Subcommittee, pursuant to Part Six, § IV, ¶ 13-18 of the *Rules* involving misconduct charges against the Respondent. The parties entered into a Stipulation of Fact and Misconduct ("Stipulation"), which was received into

evidence, without objection, as Joint Exhibit 1. The Respondent provided two sample documents demonstrating her record keeping and they were introduced without objection as Joint Exhibit 2. The Bar's Exhibits 1 through 18 were received into evidence without objection. The Respondent's disciplinary record was received into evidence as Bar Exhibit 18. Respondent's Exhibits 1 through 4 were received into evidence, without objection from the Bar. The Bar called no witnesses to testify but relied upon the Stipulations of Fact and Misconduct (Joint Exhibit 1). Respondent called no witnesses to testify, but testified in her own behalf.

As a preliminary matter, the Bar, without objection, withdrew the allegations of violations of Rules 1.15(c) (3), 8.1(a), and 8.1(b).

The Board considered the Respondent's testimony and the exhibits; the Stipulations of Fact and Misconduct; heard arguments of Assistant Bar Counsel and Respondent; and met in private to consider its decision. All of the factual findings contained in the Stipulation (Joint Exhibit 1) were confirmed by the Board and were found to have been proven by clear and convincing evidence.

FINDINGS OF FACT

The Board makes the following findings of fact:

1. At all relevant times relevant hereto, Respondent has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. This matter came to the attention of the Virginia State Bar ("VSB") following receipt of a notice of insufficient funds ("NSF") from the bank holding the trust account of a firm with which Respondent was previously affiliated, Rodriguez and Sanabria, LLC.
3. Respondent submitted a written response to the VSB in which she noted that the NSF resulted from her having neglected to deposit client funds in the form of cash into the firm trust account before mistakenly writing herself a trust check for the fees.
4. Respondent was affiliated with Rodriguez and Sanabria from April 2016 to May 2016, and concedes that she did not maintain the firm trust account as required under Rule of Professional Conduct ("RPC") 1.15. After Respondent severed her ties with this firm, she continued practicing as a sole practitioner and maintaining her sole

practitioner firm's separate trust account over which she has sole control and authority.

5. During the course of the VSB's investigation of this case, it was determined that Respondent had not been maintaining her trust account as required under RPC 1.15. Specifically, during her interview with VSB Investigator William Sterling in this case, Respondent admitted that she did not maintain a cash ledger, and as such she did not maintain complete trust account records for the period of June 2016 to May 2017. While Respondent did maintain most of the required records during this period, she did not maintain complete Cash Receipts and Disbursements Journals.
6. Previously, Respondent had engaged the services of a law office practice management consultant to review her trust accounting procedures and record keeping. That consultant reviewed the requirements of RPC 1.15 with Respondent and gave her detailed instructions regarding how to maintain the records required by RPC 1.15 as well as how to perform the reconciliations required under this rule.
7. Respondent has taken the steps necessary to come into full compliance with RPC 1.15 and since July 2017, has been maintaining all of the books and records in compliance as is required under this rule.
8. Respondent is a sole practitioner focusing on immigration matters. Through her practice, Respondent offers legal services to a segment of the population which is underserved as she makes her services affordable to clients who may not otherwise be able to access legal representation.
9. The parties stipulated that no client funds were misappropriated to Respondent's use and no client was actually harmed by the NSF or the improper trust account record keeping.

NATURE OF MISCONDUCT

The Board unanimously found that the following conduct by Respondent constitutes misconduct in violation of the following provisions of the Rule 1.15:

Rule 1.15 Safekeeping Property

(b) Specific Duties: A lawyer shall: . . .

(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;

(c) Record-Keeping Requirements. A lawyer shall, at a minimum, maintain the following books and records demonstrating compliance with this Rule:

(1) Cash receipts and disbursements journals for each trust account, including entries for receipts, disbursements, and transfers, and also including, at a minimum: and identification of the client matter; the date of the transaction; the name of the payor or payee; and the manner in which trust funds were received, disbursed, or transferred from an account;

(2) A subsidiary ledger containing a separate entry for each client, other person, or entity from whom money has been received in trust.

The ledger should clearly identify:

(i) The client or matter, including the date of the transaction and the payor or payee and the means or methods by which trust funds were received, disbursed or transferred; and

(ii) Any unexpended balance.

(4) All records subject to this Rule shall be preserved for at least five calendar years after termination of the representation or fiduciary responsibility.

(d) Required Trust Accounting Procedures. In addition to the requirements set forth in Rule 1.15(a) through (c), the following minimum trust accounting procedures are applicable to all trust accounts.

. . .

(2) Deposits. All trust funds received shall be deposited intact. Mixed trust and non-trust funds shall be deposited intact into the trust fund and the non-trust portion shall be withdrawn upon the clearing of the mixed fund deposit instrument. All such deposits should include a detailed deposit slip or record that sufficiently identifies each item.

(3) Reconciliations.

(i) At least quarterly a reconciliation shall be made that reflects the trust account balance for each client, person or other entity.

(ii) A monthly reconciliation shall be made of the cash balance that is derived from the cash receipts journal, cash disbursements journal, the trust account checkbook balance and the trust account bank statement balance.

(iii) At least quarterly, a reconciliation shall be made that reconciles the cash balance from (d)(3)(ii) above and the subsidiary ledger balance from (d)(3)(i).

(iv) Reconciliations must be approved by a lawyer in the law firm.

(4) The purpose of all receipts and disbursements of trust funds reported in the trust journals and ledges shall be fully explained and supported by adequate records.

Respondent admits, and her trust account records reflect by clear and convincing evidence, that she has not in the past maintained her trust account in accordance with the requirements of Rule 1.15 of the *Rules*.

SANCTION PHASE OF HEARING

After the Board announced its finding that the Respondent had committed the violations of Rule 1.15 set forth above, the Board heard testimony and received further evidence regarding the appropriate sanction to be imposed.

The Respondent's prior disciplinary record consists of a private reprimand issued on September 23, 2015. *Bar Exhibit 18*. The misconduct that was the focus of the private reprimand were violations of Rule 1.15, including misconduct that is similar to that found herein regarding insufficient record keeping. In addition, the Respondent conceded in the Stipulation that she has previously been instructed in the proper maintenance of trust account books, records and reconciliations required under Rule 1.15. *Joint Exhibit 1*.

In its consideration of aggravating and mitigating factors applicable to the appropriate sanction, the Board found that the Respondent's prior disciplinary record is an aggravating factor, whereas the Respondent was cooperative with the Bar and its investigator, showed remorse and contrition and demonstrated no self-interest or dishonesty in her actions.

DISPOSITION

At the conclusion of the evidence in the sanctions phase of this proceeding, the Respondent requested that the Board not suspend her license to practice law and to impose a public reprimand

with terms, and the Bar requested the imposition of a thirty-day suspension.

After the Board recessed to deliberate the appropriate sanction, the Board reconvened and announced its decision. Having considered the testimony and evidence presented, and the argument of Bar Counsel and Respondent, it is ORDERED, effective May 18, 2018, that the Respondent be given a PUBLIC REPRIMAND with the following terms : (1) for a period of twenty four months all trust accounts of the Respondent shall be subject to random and periodic inspections by the Bar to ensure proper compliance with Rule 1.15 of the *Rules*; (2) for a period of twenty four months the Respondent shall engage a professional consultant, as approved by Bar Counsel, to assist the Respondent in consistently maintaining her trust account records properly and in accordance with Rule 1.15 of the *Rules*.

IT IS FURTHER ORDERED that should the Respondent fail to comply with any of the terms of the PUBLIC REPRIMAND, the Respondent's license to practice law in the Commonwealth shall be suspended for a period of twelve months.

The terms of this Order shall be enforced as stated in Part 6, § IV, ¶ 13-23(J) of the *Rules*.

IT IS FURTHER ORDERED that a copy *teste* of this Order shall be mailed by certified mail return receipt requested to the Respondent at her last address of record with the Bar, Alisa Lachow Correa, Esquire, at Abogados Law, PLC, Suite 110, 12934 Harbor Drive, Lake Ridge, VA. 22192, and hand delivered to Kathleen M. Uston, Assistant Bar Counsel, at Virginia State Bar, 1111 East Main Street, Suite 700, Richmond, Virginia 23219-0026.

ENTERED THIS 11th DAY OF June, 2018.

VIRGINIA STATE BAR DISCIPLINARY BOARD



Michael A. Beverly, Chair