

VIRGINIA: BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF NNIKA EVANGELINE WHITE

VSDB Docket No.: 16-000-105462

ORDER OF REVOCATION

This matter came to be heard on April 22, 2016, before a panel of the Virginia State Bar Disciplinary Board (the “Board”) comprised of Michael A. Beverly, Stephen A. Wannall, lay member, John Keith, Bretta Lewis, and William H. Atwill, Jr., First Vice Chair (presiding).

The Virginia State Bar (“the Bar”) was represented by Kathryn R. Montgomery, Deputy Bar Counsel (“Bar Counsel”). Nnika Evangeline White (the “Respondent”) failed to appear in person or by counsel. Tracy J. Stroh, Registered Professional Reporter of Chandler & Halasz, P.O. Box 9349, Richmond, Virginia 23227, (804-730-1222), having been duly sworn, reported the hearing.

The Chair opened the hearing by calling the case in the hearing room and causing the Assistant Clerk to call Respondent’s name three times in the adjacent hall. The Respondent did not answer or appear. The Chair inquired of the members of the panel whether any of them had a personal or financial interest, or any bias, which would preclude, or could be perceived to preclude, their hearing the matter fairly and impartially. Each member of the panel answered the inquiry in the negative.

The matter came before the Board pursuant to a Rule to Show Cause Order entered on March 22, 2016, directing the Respondent to appear before the Virginia State Bar Disciplinary Board on April 22, 2016, to show cause why her license to practice law should not be further suspended or revoked for failing to comply with Part Six, Section IV, Paragraph 13-29 of the Rules of the Supreme Court of Virginia. 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 13-20 of the Rules of Court. Lynn Tavenner, Esquire, Quianna Clarke, James Turner, Jr., James Hawkins, Warren Harris, James Mangigoin, Jr., Nisha Patel, and Shanika Winston all testified as witnesses for the Bar. The Bar's exhibits 1-24 were admitted without objection.

Findings

This matter arises out of a Petition for Rule to Show Cause For Failure to Comply with Paragraph 13-29 filed with the Board by Bar Counsel, based upon Respondent's failure to comply with an order of the Board and the aforesaid provisions of Part Six, Section IV, Paragraph 13-29 of the Rules of the Supreme Court of Virginia. Specifically, Respondent's failure to comply included failing to notify all of her clients and courts of the suspension of her law license and failing to return all unearned fees to her clients.

The Respondent failed to appear in person or by counsel to show cause why her license to practice law should not be further suspended or revoked for failing to comply with Part Six, Section IV, Paragraph 13-29 of the Rules of the Supreme Court of Virginia. Accordingly, the Board unanimously found that Respondent failed in her burden of proof to show cause by clear and convincing evidence that her license should not be further suspended or revoked. Thereupon the Board moved to consider an appropriate sanction.

Sanction

The Board received evidence regarding aggravation, reviewed prior findings of misconduct, and heard argument from Bar Counsel.

The Board heard the testimony of Lynn Tavenner, the bankruptcy trustee assigned to oversee the bankruptcy of the Respondent's law practice. She testified that days before December 4, 2015- fourteen days after Respondent's license was suspended and the deadline for

Respondent to notify clients of her suspension- Respondent had emptied her trust and business accounts. She also testified that Respondent's law office was in complete disarray and that there were client files remaining in the office in no apparent order. Quianna Clarke, James Turner, Jr., James Hawkins, Warren Harris, James Mangigoin, Jr., and Shanika Winston, all clients of Respondent, testified that Respondent never notified them about her earlier suspension and failed to return unearned fees to them. The Board found that these clients were harmed by Respondent's conduct.

Following argument by Bar counsel the Board recessed to deliberate what sanction to impose upon its finding of non-compliance. The Board reconvened and announced that, based upon the Respondent's disregard of the Board's prior orders, noncompliance with the Rules of the Supreme Court of Virginia, and the harm to her clients, the appropriate sanction to protect the public and the integrity of the Bar was the revocation of the Respondent's license.

Accordingly, it is

ORDERED that the license of Nnika Evangeline White to practice law in the Commonwealth of Virginia be and hereby is REVOKED, effective April 22, 2016;

It is further ORDERED that, as directed in the Board's April 22, 2016, Summary Order in this matter, 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 of the date of Revocation of her license to practice law in the Commonwealth of Virginia by certified mail, return receipt requested, to all clients for whom Respondent is currently handling matters and to all opposing attorneys.,. Respondent shall give such notice within 14 days of the effective date of the Summary Order, and make such arrangements as are required herein within 45 days of the effective date of the Summary Order. The Respondent shall also furnish proof to the Bar within

60 days of the effective day of the Summary Order 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 the Summary Order, Respondent shall submit an affidavit to that effect to the Clerk of the Disciplinary System at the Virginia State Bar. 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, unless the Respondent makes a timely request for hearing before a three-judge court; and

It is further ORDERED that, pursuant to Part 6, Section IV, Paragraph 13- 9(E) of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess costs against the Respondent; and

It is further ORDERED that the Clerk of the Disciplinary System shall send an attested copy of this Order, by certified mail, return receipt requested to Respondent at her last address of record with the Virginia State Bar, that being Nnika Evangeline White, 9101 Midlothian Turnpike, Suite 800, Richmond, Virginia 23235, and a copy by regular mail to Kathryn R. Montgomery, Deputy Bar Counsel, 1111 East Main Street, Suite 700, Richmond, Virginia 23219-0026

ENTERED THIS 12th DAY OF May, 2016

VIRGINIA STATE BAR DISCIPLINARY BOARD

William H. Atwill, Jr., First Vice Chair