

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

**IN THE MATTER OF
Sequitta Marilyn Leigh Banks**

VSb DOCKET NO. 26-051-136802

MEMORANDUM ORDER OF PUBLIC REPRIMAND WITH TERMS

THIS MATTER came to be heard on August 28, 2026, before a panel of the Disciplinary Board (“the Board”) consisting of Adam M. Carroll, 1st Vice Chair, (the “Chair”); Mary Beth Nash; Joseph Platania; Robert M. Worster, III; and Dr. Theodore Smith, Lay Member. The Virginia State Bar (the “Bar” or “VSB”) was represented by Richard W. Johnson, Jr., Assistant Bar Counsel, Respondent Sequitta Marilyn Leigh Banks (the “Respondent”), *pro se, appeared in person and represented herself*. The Chair polled the members of the Board as to whether any of them were aware of any personal or financial interest or bias which would prevent any of them from fairly hearing this matter to which each member responded negatively. Of the members of the Board not participating in the panel, Colleen M. Haddow disclosed she has a personal or financial interest or bias that precluded her from fairly hearing this matter. Accordingly, Colleen M. Haddow did not participate in these proceedings in any capacity. Beverly S. Horne, court reporter, Chandler and Halasz, P.O. Box 9349, Richmond, Virginia 23227, telephone (804) 730-1222, after being duly sworn, reported the hearing and transcribed the proceedings.

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

This matter came before the Board on the District Committee Determination for Certification by the Fifth District, Section I Subcommittee, pursuant to Part Six, § IV, ¶ 13-18 of the Rules, involving misconduct charges against the Respondent. Prior to the proceedings and at the final pre-hearing conference, VSB Exhibits 1 through 19 were offered into evidence. The Chair admitted VSB Exhibits 1 through 19, with VSB Exhibits 5, 12, 17, and 18 admitted over the Respondent's objection and the remaining exhibits admitted without objection. At the August 28, 2026 hearing, VSB Exhibit 20 was received for demonstrative purposes only. Prior to the proceedings and at the final pre-hearing conference Respondent's Exhibits 1 through 13 were admitted into evidence by the Chair, without objection from the Bar.

At the hearing on August 28, 2026, the Virginia State Bar and the Respondent entered an oral stipulation whereby the Respondent admitted and acknowledged violations of Rules 1.15(a)(3)(i) and 1.15(a)(3)(ii) of the Rules of Professional Conduct.

The Board heard testimony during the misconduct phase from the following witnesses, who were sworn under oath: Efren Buenrostro, Jr., Jordan Banks, Takia Nelson, and Respondent.

The Board considered the exhibits and testimonial evidence introduced by the parties, heard arguments of counsel, and met in private to consider its decision.

I. FINDINGS OF FACT

The Board makes the following findings of fact by clear and convincing evidence:

1. At all times relevant to this proceeding, Respondent was licensed to practice law in the Commonwealth of Virginia. Respondent's address of record with the Bar is 10505 Judicial Dr. Ste 305, Fairfax, VA 22030. The Respondent received proper notice of this proceeding as required by Part Six, § IV, ¶¶ 13-12 and 13-18 A. of the Rules.

2. At the hearing on August 28, 2026, Respondent stipulated violations of Rules

1.15(a)(3)(i) and 1.15(a)(3)(ii) of the Virginia Rules of Professional Conduct.

3. On September 8, 2025, an overdraft notice was submitted by Bank of America to the Bar concerning Respondent's IOLTA¹ trust account. On September 4, 2025, a transaction in the amount of \$211.99 was presented for payment against the account when insufficient funds existed to cover the transaction. Bank of America honored the transaction and reported the overdraft to the VSB. The VSB then initiated the investigation.

4. Respondent was admitted to practice law in Virginia in 2001. From 2011 through 2024, Respondent operated The Banks Law Firm, PLLC and maintained both a trust account and an operating account at Bank of America.

5. In 2024, Respondent experienced financial difficulties associated with a divorce, which resulted in the sale of her home. Respondent retained movers to move her personal belongings and "boxes" of client files stored at her home. During that move, client files relating to both active and former client matters, including billing records, were lost or destroyed². The files included five or six client matters that were transitioning with Respondent to a new practice. The Board finds that Respondent did not intentionally lose or destroy client files. Nevertheless, Respondent failed to exercise the level of care necessary to safeguard client files and records during the relocation, resulting in the loss of those materials.

6. Following the closure of her private practice, Respondent worked briefly for the James A. Crawford Law Firm, then joined Bourdon & Tortolero in Alexandria, Virginia. Several

¹ The IOLTA account was connected to Respondent's former law firm, The Banks Law Firm, PLLC,

² Respondent provided spurious instructions to her movers that some "boxes" were to be relocated to her new residence, while other boxes were to be destroyed. Respondent later complained to the moving company for, among other things, destroying her personal and business files.

clients followed Respondent to Bourdon & Tortolero; however, no client funds were transferred from Respondent's trust account to that firm. Instead, those clients paid new retainers to Bourdon & Tortolero. Respondent subsequently worked for the Chaudhary Law Firm for a brief period before reopening her solo practice.

7. During the Virginia State Bar's investigation, Respondent provided inconsistent information concerning the status of her trust account and the funds it contained. Respondent initially said that client funds remaining in the trust account at the time she closed her practice had been transferred to her new firm. Respondent later acknowledged that no such transfer had occurred. Respondent also initially denied depositing personal funds into the trust account but subsequently admitted doing so. Respondent failed to perform monthly reconciliations of her trust account including a receipts and disbursements journal.

8. Respondent continued to use her trust account for personal purposes and made more than sixty-eight deposits into the account. Those deposits included personal funds, along with proceeds from the sale of her home. At the time of those deposits, Respondent's personal accounts were subject to garnishment and other collection activity arising from personal financial obligations. IOLTA accounts are not able to be garnished by creditors. The effect being that the IOLTA shielded Respondent's assets from collection.

9. No client has filed a claim or complaint alleging that Respondent failed to return client funds or unethically handled client matters.

II. FINDING OF MISCONDUCT

The Board finds by clear and convincing evidence that Respondent committed misconduct in violation of the following provisions of the Rules of Professional Conduct:

Rules 1.15(a)(3)(i) and 1.5(a)(3)(ii).

1.15 Safekeeping Property

(a) Depositing Funds

...(3) No funds belonging to the lawyer or law firm shall be deposited or maintained therein except as follows:

- (i) funds reasonably sufficient to pay service or other charges or fees imposed by the financial institution or to maintain a required minimum balance to avoid the imposition of service fees, provided the funds deposited are no more than necessary to do so; or**
- (ii) funds in which two or more persons (one of whom may be the lawyer) claim an interest shall be held in the trust account until the dispute is resolved and there is an accounting and severance of their interests. Any portion finally determined to belong to the lawyer or law firm shall be withdrawn promptly from the trust account. ...**

By depositing and maintaining personal funds into her Bank of America IOLTA Trust Account, Respondent violated Rule 1.15(a)(3). In addition to Respondent's bank records from the Bank of America IOLTA trust account (VSB Exhibits 7-12) establishing the deposits, Respondent stipulated to this violation.

Rule 1.15(c)(4) Record-Keeping Requirements.

A lawyer shall, at a minimum, maintain the following books and records demonstrating compliance with this Rule.

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

By failing to employ measures to ensure the safe handling and transport of client files, including billing records when she relocated in 2025, resulting in the loss or destruction of client files, Respondent violated Rule 1.15(c)(4). Although the testimony differed as to precisely how the loss occurred, the evidence clearly and convincingly established that Respondent failed to take necessary steps to preserve and safeguard the client files as required.

Rule 8.1(a) 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 license to practice law, or in connection with a disciplinary matter, shall not:
(a) knowingly make a false statement of material fact.

Respondent violated Rule 8.1(a) by knowingly making false statements of material fact during the Virginia State Bar's investigation. Respondent initially stated that client funds remaining in her trust account had been transferred to Bourdon & Tortolero when she closed her practice. That statement was false. Respondent later acknowledged that no such transfer occurred. Respondent also initially denied depositing personal funds into the trust account before ultimately admitting that she had done so. The ownership, source, and disposition of funds held in Respondent's trust account were material to the disciplinary investigation.

Rule 8.4 Misconduct

It is professional misconduct for a lawyer to:

...

- (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. ...**

Respondent violated Rules 8.4(b) and 8.4(c) by intentionally using her trust account to hold personal funds while her personal accounts were subject to garnishment and other collection activity. Respondent deposited personal funds into the trust account through numerous transactions over an extended period of time. This conduct was not inadvertent. By using her trust account to shield personal funds from creditors, Respondent engaged in deliberately wrongful conduct involving dishonesty and misrepresentation that reflects adversely on her honesty, trustworthiness, and fitness to practice law.

Although the Certification to the Board alleged that Respondent violated Rules 1.15(c)(1) and 1.15(c)(2) related to the lawyer's duty of record-keeping for client funds, the Board found that the VSB did not meet its burden to prove these rule violations by clear and convincing evidence.

III. IMPOSITION OF SANCTION

Thereafter, the Board received further evidence and argument in aggravation and mitigation from the Bar and Respondent, including Respondent's prior disciplinary record (VSB Exhibit 21). The Board recessed to deliberate what sanction to impose upon its findings of misconduct. After due deliberation, the Board reconvened to announce the sanction imposed.

In determining the appropriate sanction, the Board considered that Respondent experienced significant personal and financial difficulties arising from a divorce, that no client funds were misappropriated, and that no client suffered a financial loss or unethical mishandling of their cases. The Board also considered Respondent's expressions of remorse and the absence of any client claim alleging that funds were not returned. The Board also found her substantial length in the practice of law compared to a very limited disciplinary history was further mitigating. Although these factors do not excuse misconduct, they are relevant to the sanction imposed.

The Chair announced the sanction as a public reprimand, with the following terms: (i) for a period of three years following entry of the August 28, 2026 Summary Order, Respondent shall engage in no further misconduct under the Rules of Professional Conduct, including any amendments thereto, and/or which violates any analogous provision, and any amendments thereto of the disciplinary rules of another jurisdiction in which Respondent may be admitted to practice law; and (ii) on or before September 1, 2027, Respondent shall complete a total of twelve (12) additional hours of continuing legal education (CLE) addressing legal ethics, law practice management, and trust accounting. The twelve (12) additional hours may be allocated among those subject areas and shall be in addition to the twelve (12) hours of CLE otherwise required by the Rules. Any finding of misconduct during this three-year period shall result in a mandatory alternate sanction of a 90-day suspension of Respondent's license to practice law in the Commonwealth. The Board so advised Respondent of the alternate sanction during announcement of the public reprimand during the August 28, 2026, hearing.

Accordingly, it is **ORDERED** that the Respondent, Sequitta Marilyn Leigh Banks, is subject to a Public Reprimand, with the terms outlined herein, effective August 28, 2026.

It is further **ORDERED** that pursuant to Part Six, § IV, ¶ 13-9 E. of the Rules, the Clerk shall assess all costs against the Respondent.

It is further **ORDERED** that an attested copy of this Order be mailed by the Clerk to the Respondent by electronic, first-class, and certified mail, return receipt requested to her address of record with the VSB, being 10505 Judicial Dr. Ste 305, Fairfax, VA 22030, and a copy by electronic mail to Richard W. Johnson, Jr., Assistant Bar Counsel.

ENTERED THIS 11th DAY OF SEPTEMBER, 2026
VIRGINIA STATE BAR DISCIPLINARY BOARD



Adam M. Carroll
1st Vice Chair