

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF
DENISE ANN DANIELS

VSB DOCKET NO.: 24-000-129642

RECIPROCAL MEMORANDUM ORDER OF SUSPENSION

A panel of the Virginia State Bar Disciplinary Board (the “Board”) heard this matter on October 27, 2023. Panel members included Yvonne S. Gibney, Chair Designate (“Chair”); Mary Beth Nash; Reiss F. Wilks; Donita M. King; and Dr. Theodore Smith, Lay Member. The Chair polled members of the Panel as to whether any of them had any personal or financial interest that may affect, or may be reasonably perceived to affect, their ability to be impartial, to which inquiry each member responded in the negative.

Tenley C. Seli, Assistant Bar Counsel, represented the Virginia State Bar (the “Bar”). The Respondent, Denise Ann Daniels (“Respondent”), was unrepresented and did not appear, despite having been given notice. At the outset of the hearing the Chair directed the Assistant Clerk to call the Respondent’s name three times in the adjacent hall. The Respondent did not answer or appear.

Beverly S. Horne, Chandler and Halasz, Court Reporter, P.O. Box 9439, Richmond, Virginia 23227, after being duly sworn, reported the hearing and transcribed the proceeding.

The Clerk of the Disciplinary System (“Clerk”) timely sent all legal notices of the date and place in the manner prescribed by Part Six, Section IV, Paragraphs 13-12.C and 13-24 of the Rules of the Supreme Court of Virginia (“Rules”).

The Chair noted that four days before the hearing the Bar had received an email concerning Respondent’s participation in the hearing. The October 23, 2023 email was sent by Karen L. Federman Henry, who identified herself as “Attorney in Fact” for Respondent. Ms. Henry’s email

stated that Respondent was “not presently in a position to respond to the [Virginia State Bar’s disciplinary] matter or to appear in Richmond on October 27 [the date of the hearing before the Board].” The Chair admitted Ms. Henry’s email as **Board Exhibit 2**.¹

Procedural History

The matter came before the Board upon the Amended Rule to Show Cause² and Order of Summary Suspension and Hearing entered on September 29, 2023 (“Rule to Show Cause”), to which was appended the August 10, 2023 order of the District of Columbia Court of Appeals (“DC Order”) that suspended Respondent from practicing law in the District of Columbia for 30 days, with her reinstatement conditioned upon a showing of fitness.³ The Board took judicial notice of the Rule to Show Cause and attachment thereto and received them into evidence as **Board Exhibit 1**.

Prior to the hearing, during a Prehearing Conference Call held on October 23, 2023, the Chair admitted **VSB Exhibits 1 through 7**. The Respondent did not file any exhibits or an exhibit list and did not participate in the conference call despite having been given notice. Accordingly, no exhibits were admitted on behalf of Respondent.

Respondent likewise failed to file a written response to the Rule to Show Cause that set forth any arguments and exhibits that would support any of the grounds for dismissal or imposition of lesser discipline enumerated in Paragraph 13-24.C of the Rules. Nor did Respondent appear at

¹ Pursuant to the Order to Seal, entered November 22, 2023, Board Exhibit 2 is filed under seal.

² The original Rule to Show Cause was amended to correct the effective date of Respondent’s interim suspension, in accordance with the requirements of Paragraph 13-24 of the Rules.

³ The DC Order reflects that it is premised on the finding of the District of Columbia Board of Professional Responsibility that Respondent “had communicated directly with a person known to be represented by counsel in two separate cases, violating D.C. R. Prof. Conduct 4.2(a)” and that she “failed to respond to Disciplinary Counsel’s instructions despite a Board order directing her to do so,” resulting in a finding “that she violated Rule 8.1(b)(knowing failure to respond to Disciplinary Counsel), Rule 8.4(d)(serious interference with the administration of justice), and D.C. Bar R. XI, §2(b)(3)(failure to comply with a Board order).” The findings of the District of Columbia Board of Professional Responsibility are set out in the Report and Recommendation of the Board of Professional Responsibility, dated May 31, 2023. *See* **VSB Exhibit 5**.

the hearing and express the intent to present such evidence or argument and make a proffer to the Board, as provided under Paragraph 13-24.F of the Rules.

The purpose of the hearing, as set forth in Paragraph 13-24.B of the Rules, was to provide the Respondent with an opportunity to show cause, by clear and convincing evidence, why the same or equivalent discipline to the discipline imposed in the District of Columbia should not be imposed by the Board.

The Bar made a combined opening statement and closing argument. It called no witnesses and no witnesses appeared on behalf of Respondent. The Board thereafter retired to deliberate before returning to announce its decision.

Findings of the Board

After adjourning to deliberate and consider the evidence and argument, the Board reconvened and announced that it found that since Respondent failed to either respond to the Rule to Show Cause or appear at the hearing, she had failed to establish by clear and convincing evidence one or more of the grounds specified in Paragraph 13-24.C of the Rules. Thus, the Board found that she failed to provide evidence that would justify dismissal or imposition of lesser discipline than the discipline that was imposed in the District of Columbia. The Board further concluded that Respondent was afforded due process by the District of Columbia and that the findings of the District of Columbia are conclusive of all matters for purposes of the hearing before the Board. *See* Paragraph 13-24.G of the Rules.

Disposition

Accordingly, it is **ORDERED** that Respondent's license to practice law in the Commonwealth of Virginia be **SUSPENDED** for a period of 30 days, effective October 27, 2023, and the restoration of her license to practice law in the Commonwealth of Virginia is premised

upon Respondent demonstrating her fitness to practice law to the satisfaction of the District of Columbia Bar.

It is further **ORDERED** that Respondent must comply with the requirements of Paragraph 13-29 of the Rules. 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 opposing attorneys and presiding judges in pending litigation. Respondent shall also make appropriate arrangements for the disposition of matters then in her care in conformity with the wishes of her clients. Respondent shall give such notice within 14 days of the effective date of the suspension, October 27, 2023, and make such arrangements as are required herein within 45 days of the effective date of the suspension. Respondent shall also furnish proof to the Bar within 60 days of the effective date of the suspension that such notices have been timely given and such arrangements made for the disposition of matters.

It is further **ORDERED** that if Respondent is not handling any client matters on the effective date of October 27, 2023, Respondent shall submit an affidavit to that effect to the Clerk within 60 days of the effective date 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 Paragraph 13-29.

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

It is further **ORDERED** that the Clerk shall mail an attested copy of this Reciprocal Memorandum Order of Suspension to Respondent Denise Ann Daniels, by certified mail, return

receipt requested, at her address of record with the Bar: 828 Slaters Lane, #207; Alexandria, Virginia 22314-1265; and a copy by electronic mail to Karen L. Federman Henry, Attorney in Fact for Respondent; and a copy by electronic mail to Tenley C. Seli, Assistant Bar Counsel.

Entered this 22nd day of November 2023.

VIRGINIA STATE BAR DISCIPLINARY BOARD


Yvonne S. Gibney, Chair Designate