

2-19-25.

13

VIRGINIA:

BEFORE THE CIRCUIT COURT OF THE CITY OF ROANOKE

VIRGINIA STATE BAR *EX REL*
VIRGINIA STATE BAR DISCIPLINARY BOARD
VSB DOCKET NO. 20-000-117731

Complainant,

v.

Case No. CL 240001874-00

DARREN THOMAS DELAFIELD,

Respondent.

RECIPROCAL MEMORANDUM ORDER OF SUSPENSION

THIS MATTER came to be heard on January 10, 2025, before a Three-Judge Circuit Court duly impaneled pursuant to Section 54.1-3935 of the Code of Virginia, 1950, as amended, consisting of the Honorable James J. Reynolds, Judge of the Twenty-Second Judicial Circuit, Chief Judge Designate ("Chief Judge"); The Honorable Jeffrey P. Bennett, Judge of the Twenty-Fourth Judicial Circuit; and The Honorable Shannon T. Sherrill, Judge of the Twenty-Fifth Judicial Circuit (collectively, the "Three-Judge Circuit Court"). The Virginia State Bar appeared through Assistant Bar Counsel, Joseph M. Caturano, Jr. Respondent, Darren Thomas Delafield ("Respondent") appeared *pro se*.

The Chief Judge swore the court reporter, and each member of the Three-Judge Circuit Court verified that he had no personal or financial interest that might affect or reasonably be perceived to affect his ability to be impartial in this matter.

The matter came before the Three-Judge Circuit Court on the Rule to Show Cause and Order of Summary Suspension and Notice of Hearing entered by the Virginia State

Bar Disciplinary Board (the "Board") on August 29, 2024, to which was appended the Memorandum Opinion of the United States District Court for the Western District of Virginia, Roanoke Division, dated December 11, 2019, affirming an Order of the United States Bankruptcy Court, Western District of Virginia, Roanoke Division, dated February 12, 2018, that Respondent be suspended from the Bankruptcy Court for one (1) year. On September 11, 2024, Respondent filed an Answer and Demand that Further Proceedings be Conducted Pursuant to Va. Code § 54.1-3935 (the "Answer"). In his Answer, Respondent stated that reciprocal discipline should not be imposed based on Rules of Court, Part Six, Section IV, Paragraph 13-24(C)(1-4). On October 9, 2024, the Board entered an Order vacating the Order of Summary Suspension.

The proceedings before the Board were subsequently terminated, and the Virginia State Bar filed a Complaint, pursuant to Va. Code § 54.1-3935 and Part Six, Section IV, Paragraph 13-24 of the Rules of the Supreme Court of Virginia, in the Circuit Court of the City of Roanoke requesting that a Rule to Show Cause be issued against Respondent.

On October 15, 2024, the Circuit Court of the City of Roanoke issued a Rule to Show Cause against Respondent ordering Respondent to appear on January 10, 2025, and show cause why the same discipline that was imposed by the United States Bankruptcy Court and affirmed by the United States District Court should not be imposed, pursuant to Part Six, Section IV, Paragraph 13-24 of the Rules of the Supreme Court of Virginia, by the Three-Judge Circuit Court designated to hear this matter, or why Respondent should not otherwise be sanctioned in accordance with the Rules of Court, Part Six, Section IV, Paragraph 13. On October 25, 2024, The Honorable S. Bernard Goodwyn, Chief Justice of the Supreme Court of Virginia, designated the Three-Judge Circuit Court

to hear this matter.

In his Answer, Respondent moved to dismiss the matter for lack of jurisdiction on various grounds. The Virginia State Bar filed an opposition to the motion to dismiss. On November 7, 2024, the Three Judge Circuit Court considered and denied the motion to dismiss.

At the hearing, as a preliminary matter, the Three-Judge Circuit Court determined that, pursuant to Va. Code § 54.1-3935, the procedures for disciplining, suspending, and disbarring attorneys set forth in Part Six, Section IV, Paragraph 13 of the Rules of the Supreme Court of Virginia govern the procedural aspects of the hearing and that, pursuant to Part Six, Section IV, Paragraph 13-24 of the Rules of the Supreme Court of Virginia, the burden of proof for the existence of one or more of the grounds for dismissal or the imposition of lesser discipline set forth in Part Six, Section IV, Paragraph 13-24.C of the Rules of the Supreme Court of Virginia is clear and convincing evidence.

The four grounds for dismissal or the imposition of lesser discipline are:

1. The record of the proceeding in the other Jurisdiction would clearly show that such proceeding was so lacking in notice or opportunity to be heard as to constitute a denial of due process;
2. The imposition by the Board of the same or equivalent discipline upon the same proof would result in an injustice;
3. The same conduct would not be grounds for disciplinary action or for the same or equivalent discipline in Virginia; or
4. The misconduct found in the other Jurisdiction would warrant the imposition of substantially lesser discipline in the Commonwealth of Virginia.

See Part Six, Section IV, Paragraph 13-24.C of the Rules of the Supreme Court of Virginia.

At the onset of the hearing, the Three-Judge Circuit Court heard opening statements by the Virginia State Bar and Respondent and received into evidence Respondent's exhibits 1 through 81 and the Virginia State Bar's exhibits 1 through 25, including all subparts. During Respondent's presentation of evidence, the Three-Judge Circuit Court received the testimony of Respondent and his witness, Rebecca Keffer. Respondent's testimony included, in part, what he believed to be errors made by the bankruptcy court in finding misconduct by Respondent.

After Respondent rested, the Virginia State Bar presented no additional evidence but presented argument that Respondent failed to introduce sufficient evidence to meet the applicable burden of proof on one or more of the grounds for dismissal or the imposition of lesser discipline. The Three-Judge Circuit Court then heard argument by Respondent. Following, the Three-Judge Circuit Court retired to deliberate.

Upon due deliberation and consideration of exhibits, witness testimony, the credibility of the witnesses, and argument of counsel, the Three-Judge Circuit Court found that none of the four grounds set forth in Part Six, Section IV, Paragraph 13-24.C of the Rules of the Supreme Court of Virginia had been proven by clear and convincing evidence and, therefore, that the same discipline imposed on Respondent by the United States Bankruptcy Court and affirmed by the United States District Court shall be imposed on Respondent in the Commonwealth of Virginia.

The Three-Judge Circuit Court stated some of the reasons for its finding on the record. These reasons included, but were not limited to,

[T]he Court needs to state that based upon 13-24, the burden is upon Mr. Delafield to establish one of the four factors to apply to avoid the reciprocal discipline.

The Court cannot, and does not, believe that Mr. Delafield has established by clear and convincing evidence that the proceedings in the Bankruptcy Court were lacking in due process. As was noted, he had a four-day trial. He was represented by counsel. There were some discovery proceedings. There was an extensive period of time between the time of the conduct alleged and the time of that hearing. Moreover, the proceedings were reviewed by a United States District Court Judge, Judge Urbanski, and by the Fourth Circuit Court of Appeals. A perfect trial is not what you ask for when you're asking for due process. Due process, I think, has been established in this record.

The second factor of whether or not there's an injustice based upon the factual findings of the Bankruptcy Court and the Orders of the United States District Court and the United States Fourth Circuit Court of Appeals and the evidentiary record before the Court, the Court does not believe that Mr. Delafield has established that an injustice has been perpetrated upon him by the discipline imposed by the Bankruptcy Court.

Likewise, the Court does not believe that Mr. Delafield has established by clear and convincing evidence that the conduct found in the [other] jurisdiction would not be grounds for discipline in Virginia, or that the misconduct would gain substantially less discipline in Virginia for the same conduct.

Respondent renewed his motions to dismiss and the Court responded that those issues were preserved and the prior ruling of the court stood.

Accordingly, it is ORDERED that Respondent's license to practice law in the Commonwealth of Virginia is suspended for one year as of January 10, 2025. Since Respondent served a portion of the one-year suspension from September 6, 2024, to October 9, 2024, Respondent shall receive a credit of thirty-three (33) days against the one-year suspension.

It is further ORDERED that Respondent must comply with the requirements of Part Six, Section IV, Paragraph 13-29 of the Rules of the Supreme Court of Virginia. Respondent must forthwith give notice by certified mail, return receipt requested, of the

Suspension of his license to practice law in the Commonwealth of Virginia, to all clients for whom Respondent is currently handling matters and to all opposing attorneys and presiding judges in pending litigation. Respondent must also make appropriate arrangements for the disposition of matters then in Respondent's care in conformity with the wishes of his clients. Respondent must give such notice immediately and in no event later than 14 days from the effective date of the Suspension, and make such arrangements as are required herein as soon as practicable and in no event later than 45 days from the effective date of the Suspension. Respondent must also furnish proof to the VSB 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 the Suspension, Respondent must submit an affidavit to that effect to the Clerk of the Disciplinary System of the VSB. Issues concerning the adequacy of the notice and arrangement required by Paragraph 13-29 must be determined by the VSB Disciplinary Board, which may impose a sanction of Suspension or Revocation for failure to comply with these requirements.

It is further ORDERED that, pursuant to Part Six, Section IV, Paragraph 13-9 of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System of the Virginia State Bar shall assess costs.


It is further ORDERED that the Clerk of this Court shall send a copy teste of this Reciprocal Memorandum Order of Suspension to Darren Thomas Delafield at 4311 Williamson Road, NW, Roanoke, Virginia 24012; and to Joseph M. Caturano, Jr., Assistant Bar Counsel, Virginia State Bar, 1111 East Main Street, Suite 700, Richmond,

Virginia 23219-0026; and to Joanne Fronfelter, Clerk of the Disciplinary System,
Virginia State Bar, 1111 East Main Street, Suite 700, Richmond, Virginia 23219-0026.

The hearing was recorded by Katherine P. Ford, at Team Trial, Stenographic
Court Reporters, Teamtrialus@gmail.com.

This Order is the final judgment of this Court as provided by Rule
5:21(b)(2)(ii) of the Rules of the Supreme Court of Virginia.

ENTERED THIS 19th DAY OF February, 2025



The Honorable James J. Reynolds
Judge of the Twenty-Second Judicial Circuit
Chief Judge Designate

The Honorable Jeffrey P. Bennett
Judge of the Twenty-Fourth Judicial Circuit

The Honorable Shannon T. Sherrill
Judge of the Twenty-Fifth Judicial Circuit

Virginia State Bar:



By: Joseph M. Caturano, Jr., Esq. (VSB #43922)
Assistant Bar Counsel
Virginia State Bar
1111 East Main Street, Suite 700
Richmond, Virginia 23219
Telephone: 804-775-0541
jcaturano@vsb.org

Seen and objected to:



Darren Thomas Delafield, *pro se*
4311 Williamson Road, NW,
Roanoke, Virginia 24012
Telephone: 540-366-8665
darren@delafielddlawfirm.com

CIRCUIT COURT

Received Order From

LKC ☐
DBC ☐

JCC ☐
GND ☐

On FEB 25 2025

JJK ✓
JPB ✓
STS ✓

By

Norm Laine

Deputy Clerk
City of Roanoke

Regarding the decree or order to which
this stamp is affixed, I certify that on

2/25, 2025
I delivered a certified copy to:

jcaturano@vsb.org

Norm Laine
Deputy Clerk Circuit Court, City of Roanoke

darrene delafield lawfirm.com
Joanne Fronfelter, Clerk of
the Disciplinary System - VSB
jfrontfelter@vsb.org