

VIRGINIA :

IN THE CIRCUIT COURT FOR THE COUNTY OF CHESTERFIELD

VIRGINIA STATE BAR EX REL.  
THIRD DISTRICT, SECTION II COMMITTEE  
VSB DOCKET NO. 24-032-131875

Complainant,

v.

Case No. CL24002435-00

DENIS CHARLES ENGLISBY

Respondent.

FINAL JUDGMENT MEMORANDUM ORDER

THIS MATTER was heard on September 13, 2024 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 Kevin M. Duffan, Judge of the Second Judicial Circuit and Chief Judge Designate (“Chief Judge”), the Honorable Jamilah D. LeCruise, Judge of the Fourth Judicial Circuit, and the Honorable Carson E. Saunders, Jr., Judge of the Sixth Judicial Circuit (collectively, “the Court”).

Senior Assistant Bar Counsel Elizabeth K. Shoenfeld represented the Virginia State Bar (“VSB”). Respondent Denis Charles Englisby (“Respondent”), having received proper notice, appeared in person throughout the proceedings and acted *pro se*.

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

WHEREUPON a hearing was conducted upon the Rule to Show Cause issued on July 9, 2024 against Respondent. The Rule directed Respondent to appear and to show cause why a

Certification for Sanction Determination, the alternative sanction identified in a November 1, 2021 Public Reprimand With Terms, should not be imposed in accordance with Part Six, Section IV, Paragraph 13 of the Rules of the Supreme Court of Virginia for the reasons identified in the Show Cause for Sanctions Determination and Notice of Hearing issued on May 23, 2024.

Prior to the hearing, the parties agreed to, and the Court entered, an Order on bar counsel's Motion to Consolidate Proceedings. The Order stated that if the Court finds that Respondent has not proven, by clear and convincing evidence, that he has complied with the terms of his prior discipline, the Court will issue a Certification for Sanction Determination and then move directly into a determination of the additional sanction to be imposed.

#### **SHOW CAUSE PHASE**

The Court admitted into evidence VSB Exhibits 1-5, without objection, at the beginning of the hearing. VSB Exhibits 1-5 established the following facts:

1. On November 1, 2021, the Third District Committee, Section II accepted an Agreed Disposition imposing a Public Reprimand with Terms in VSB Docket No. 21-032-120687. VSB Ex. 3.
2. Term 2 of the Public Reprimand with Terms ("Term 2") provides as follows:

Respondent is placed on probation for a period of two (2) years commencing upon the issuance of this District Committee Determination. During such probationary period, Respondent will not engage in Misconduct as defined by Part 6, Section IV, Paragraph 13-1 of the Rules. Any final determination that Respondent engaged in Misconduct during this probationary period made by a District Subcommittee, District Committee, the Disciplinary Board, a Three Judge Panel, or the Supreme Court of Virginia, shall conclusively be deemed to be a violation of this term.

VSB Ex. 3, Bates No. 120.

3. Consequently, the probationary period began November 1, 2021 and ended October 31, 2023.
4. On November 17-18, 2022, the Virginia State Bar Disciplinary Board ("the Board") held a hearing regarding misconduct allegations against Respondent in VSB Docket No. 22-

032-123636. VSB Ex. 4. The matter involved Respondent's representation of a client in a custody and visitation matter pending in Juvenile and Domestic Relations Court. Although Respondent's representation was terminated by court order on August 26, 2021, which was before the probation began, a bar complaint was subsequently filed.

5. The Board found that on April 21, 2022, Respondent lied to a Virginia State Bar Investigator about the underlying representation. VSB Ex. 4, Bates No. 133. Respondent's lies to the Investigator were a basis for the Board's finding that Respondent violated Virginia Rule of Professional Conduct 8.1(a), which states that a lawyer shall not "knowingly make a false statement of material fact" in connection with a disciplinary matter. VSB Ex. 4, Bates Nos. 136-137. Based on this and other ethical misconduct, the Board suspended Respondent's license for two years.
6. On January 26, 2024, the Board held another hearing regarding misconduct allegations against Respondent in VSB Docket No. 23-032-128726. VSB Ex. 5. This matter involved Respondent's attempts to collect a legal debt allegedly owed to Respondent's son, Mark Englisby, even though Respondent's license was suspended. The alleged debt was incurred more than 10 years previously.
7. Respondent's collection efforts started on or about March 16, 2023 and continued through at least April 29, 2023. While attempting to collect the debt, Respondent used a law firm letterhead bearing his name and included a remittance envelope made out to "Denis C. Englisby, Esq." VSB Ex. 5, Bates Nos. 143-145.
8. After a hearing, the Board found that Respondent violated Rules of Professional Conduct 3.4(j) (Fairness to Opposing Party and Counsel), 5.5(c) (Unauthorized Practice of Law), and 8.4(a-c) (Misconduct). The Board imposed a three-year suspension. VSB Ex. 5, Bates Nos. 147-153.

The VSB and Respondent gave opening statements. During Respondent's opening statement, the Court questioned whether Respondent was contesting that he violated the probation term of the November 1, 2021 Public Reprimand with Terms. Respondent responded that he stipulated that the Disciplinary Board's finding in VSB Docket No. 23-032-128726 constituted a probation violation; however, he would not stipulate that the Disciplinary Board's finding in VSB Docket No. 22-032-123636 constituted a probation violation. The parties and the Court agreed that Respondent's stipulation was sufficient for the Court to find that, pursuant to the Rules of Court, Part 6, Section IV, Paragraph 13-16.BB, Respondent had not met his burden to prove, by clear and convincing evidence, that he had complied with the terms of the

November 1, 2021 Public Reprimand with Terms. Consequently, a Certification for Sanction Determination was issued and, pursuant to the order on the Motion to Consolidate Proceedings, the Court convened the sanctions phase of the proceeding.

### **SANCTIONS PHASE**

Respondent's disciplinary record was admitted as VSB Exhibit 6, without objection. The Court also received Respondent's Exhibits 1-3, without objection.

Respondent presented evidence and argument on his own behalf, and then bar counsel presented argument. The Court recessed to deliberate.

### **DETERMINATION**

After due consideration of the evidence as to mitigation and aggravation, and the arguments of counsel, the Court reconvened to announce its sanction of REVOCATION of Respondent's license to practice law in the Commonwealth of Virginia, effective September 13, 2024.

In deciding to revoke Respondent's license, the Court relied on Respondent's disciplinary record, which included eight prior instances of discipline, including two suspensions. Although Respondent has practiced law for more than 50 years, seven of the eight prior instances of discipline occurred in the last 20 years. The Court found that the cumulative effect of Respondent's prior disciplinary violations warranted revocation of his license.

Accordingly, it is hereby ORDERED that Respondent's license to practice law in the Commonwealth of Virginia be, and the same hereby is, REVOKED, effective September 13, 2024.

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 Revocation of their 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 their clients. Respondent must give such notice immediately and in no event later than 14 days from the effective date of the Revocation, 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 Revocation. Respondent must also furnish proof to the VSB within 60 days of the effective date of the Revocation 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 Revocation, 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 the Clerk of the Disciplinary System of the VSB must assess all costs pursuant to Paragraph 13-9.E.

It is further ORDERED that the Clerk must send a copy teste of this order to Denis Charles Englisby, Respondent, at Englisby & Slone, 10101 Iron Bridge Rd PO Box 85, Chesterfield, Virginia 23832-0085; and to Elizabeth K. Shoenfeld, Senior Assistant Bar Counsel, Virginia State Bar, 1111 E. Main St., Suite 700, Richmond, VA 23219; and to Joanne Fronfelter, Clerk of the Disciplinary System, Virginia State Bar, 1111 E. Main St., Suite 700, Richmond, VA 23219.


The proceedings were transcribed by Jennifer L. Thomas, Chandler and Halasz  
Stenographic Court Reports, phone number 804-730-1222.

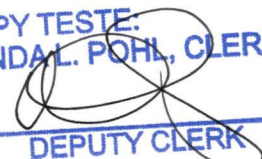
This Order is the final judgment of this Court as provided by Rule 5:21(b)(2)(ii) of the  
Rules of the Supreme Court of Virginia.

ENTERED this 10<sup>th</sup> day of October 2024

  
\_\_\_\_\_  
Kevin M. Duffan, Chief Judge for the Court

SEEN:

  
\_\_\_\_\_  
Elizabeth K. Shoenfeld (VSB No. 65635)  
Senior Assistant Bar Counsel  
Virginia State Bar  
1111 E. Main St., Suite 700  
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(804) 775-9410  
eshoenfeld@vsb.org

A COPY TESTE:  
AMANDA L. POHL, CLERK  
BY:   
DEPUTY CLERK

SEEN AND \_\_\_\_\_:

\_\_\_\_\_  
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Respondent, *pro se*  
Englisby & Slone  
10101 Iron Bridge Rd PO Box 85  
Chesterfield, Virginia 23832-0085  
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denglisby@englisby.com

Endorsement waived for good cause  
shown pursuant to 1:13.

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VIRGINIA STATE BAR

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