

**VIRGINIA:**

**BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD**

**IN THE MATTER OF  
DARREN SCOTT HALEY**

**VS B DOCKET NO. 20-080-117732**

**MEMORANDUM ORDER OF SUSPENSION**

A panel of the Virginia State Bar Disciplinary Board (the “Board”) heard this matter on November 19, 2021, by video conference.<sup>1</sup> Panel members included Thomas R. Scott, Jr., First Vice Chair (“Chair”); Yvonne S. Gibney; Jennifer D. Royer; Michael J. Sobey; and Martha J. Goodman, 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.

Paulo E. Franco, Jr., Assistant Bar Counsel, represented the Virginia State Bar (the “Bar”). Aaron B. Houchens, Esquire, represented the Respondent, Darren Scott Haley (“Respondent”), who was present.

Beverly S. Lukowsky, court reporter, Chandler and Halasz, Inc., Post Office Box 9349, Richmond, VA 23227, (804) 730-1222, after having been 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, § IV, ¶ 13-18 of the *Rules of the Supreme Court of Virginia* (“Rules” or “Rule”).

The matter came before the Board upon the Eighth District Subcommittee Determination (Certification) of the Virginia State Bar (“Certification”). Prior to the proceeding, during a

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<sup>1</sup> The Board held the hearing electronically, using the Microsoft (MS) Teams platform, pursuant to Virginia Code § 2.2-3708.2.A.3, as amended effective July 1, 2021 by Chapter 490 of the 2021 Acts of Assembly of Virginia, during the COVID-19 pandemic, and the City of Richmond’s emergency declaration, pursuant to Resolution No. 2020-R025, adopted March 16, 2020, to provide for the continuity of operations of the Board and to discharge its lawful purposes, duties, and responsibilities. The hearing was recorded and otherwise complied with the Virginia Freedom of Information Act regarding electronic meetings.

Prehearing Conference Call held on September 15, 2021, Steven B. Novey, Second Vice Chair, admitted both parties' pre-filed exhibits – VSB Exhibits 1 through 16 and Respondent's Exhibits 1 and 2 – without objection.

As a result of stipulations reached by the parties at the outset of the hearing, the Respondent admitted that he had violated the following Rules of Professional Conduct: **Rule 1.5 Fees**, subsections (a)(1)-(8); **Rule 1.15 Safekeeping Property** (effective before March 15, 2020), subsections (a)(1) and (3)(i)-(ii), (b)(3) and (5), (c)(1)-(4), and (d)(1)-(4); **Rule 1.15 Safekeeping Property** (effective March 15, 2020), subsections (a)(1) and (3)(i)-(ii), (b)(3) and (5), (c)(1), (2) and (4), and (d)(1)-(4); and **Rule 8.3 Reporting Misconduct**, subsection (e)(1). The parties' Stipulation, which was admitted as *Board Exhibit 1*, further provided that the Bar withdrew the following alleged violations of the Rules of Professional Conduct: **Rule 8.1 Bar Admission and Disciplinary Matters**, subsections (c)-(d), and **Rule 8.4 Misconduct**, subsection (b).

The Board thereafter heard and received evidence concerning the remaining violations of the Rules of Professional Conduct alleged in the Certification: **Rule 8.1 Bar Admission and Disciplinary Matters**, subsections (a) and (b), and **Rule 8.4 Misconduct**, subsection (c). The Board heard testimony from the following witnesses, who were sworn under oath: the Respondent and Robert E. Baker, an investigator for the Bar. During the hearing the Board admitted *VSB Ex. 17* and *Respondent's Exhibit 3*, without objection.

The Respondent moved to strike the Bar's case as to the alleged violations of Rules 8.1(a), (b) and 8.4(c). Following argument of counsel, consideration of the testimony and evidence, and private deliberation, the Board denied the motion and the Respondent thereafter presented his evidence and testimony.

The Board thereafter considered the exhibits, the testimony of the witnesses, heard arguments of counsel, and met in private to consider its decision.

## MISCONDUCT

**I. Findings of Fact**

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

1. Respondent was admitted to the Virginia State Bar in 1996. At all relevant times, Respondent was an active member in good standing of the Bar. Respondent was also an active member of the South Carolina Bar at all relevant times. He maintains offices in Roanoke, Virginia and Greenville, South Carolina.

2. The Bar received correspondence dated December 26, 2019 from Branch Banking & Trust Company (“BB&T”) that an “item” in the amount of \$864.00 had been presented for payment on December 20, 2019 against insufficient funds in the trust account ending in 44374 belonging to Respondent, doing business as “Darren S. Haley, Attorney at Law.”

3. On February 24, 2020, the Bar issued a subpoena duces tecum to BB&T requesting copies of all bank statements for Respondent’s trust account ending in 44374 from January 2018 through the end of February 2020. In response to the subpoena BB&T produced bank statements and other records for Respondent’s trust account ending in 44374 that included the account statement for the period ending December 31, 2019. It reflected that the balance in Respondent’s trust account on November 29, 2019 was \$14,303.77. From November 29, 2019 through December 22, 2019, Respondent made no deposits to his trust account. From November 29, 2019 through December 18, 2019, Respondent disbursed several checks totaling \$12,174.00 from his trust account. In addition to the checks, Respondent made an electronic payment to Chase Credit Card on December 16, 2019 in the amount of \$1,500.00. The checks were all presented for payment against the balance in Respondent’s trust account on or before December 18, 2019. As a result of all the payments made against Respondent’s November 29, 2019 balance, the actual balance in his trust account on December 19, 2019 was \$629.77.

4. Notwithstanding that his trust account had insufficient funds, on December 19, 2019, Respondent prepared a check – Check No. 1546 – in the amount of \$864.00, payable to Respondent’s

employee, Venus Lowery, for her wages. This check triggered the December 26, 2019 insufficient funds notice from BB&T to the Bar.

5. The Bar issued additional subpoenas duces tecum to the Respondent and to BB&T, which requested the documents Respondent is required to maintain under Rule 1.15, and requested from BB&T all deposit, checks and wire transfers to and from Respondent's trust account ending in 44374, and bank statements for all other accounts held by Respondent at BB&T, for the years 2018, 2019, and part of 2020.

6. The records provided by BB&T showed that Respondent maintained a personal checking account ending in 22749 in Respondent's name and another account owned jointly by Respondent and his wife ending in 04496. The records revealed that Respondent was taking credit card payments via a third-party payment software application known as Square®. These payments, which were for advanced fees paid by clients, were deposited into Respondent's account ending in 22479, which was Respondent's operating account. Respondent did not deposit the advanced fees received via Square® into the trust account. Respondent had no records showing a transfer from the operating account into his trust account ending in 44374 of the advanced fees clients paid through Square®.

7. The documents provided by Respondent included Respondent's receipts journal. It did not contain all the necessary entries to be able to identify specific clients. The receipts and other trust account records Respondent provided did not match or support either the other ledgers and documents that Respondent produced in response to the Bar's subpoena or the bank records produced by BB&T.

8. Respondent's records did not contain reconciliations of his trust account. Respondent's receipts and disbursements journals were incomplete and inaccurate when compared to the various receipts Respondent provided and the bank statements BB&T provided. Respondent

summarized the state of his trust account records with the acknowledgement that he “kept awful records.”

9. Records produced by BB&T reflect at least 14 identifiable instances other than Square® transactions in which unearned client funds were deposited directly into Respondent’s operating account ending in 22749.

10. The bank records produced by BB&T reflect that Respondent incurred overdraft fees in his operating account ending in 22749 as follows:

2018 total overdraft fees – \$1,548.00, based on 43 overdrafts

2019 total overdraft fees – \$288.00, based on 8 overdrafts

2020 (1/1-4/20/2020) overdraft fees – \$72.00, based on 2 overdrafts

11. Respondent regularly used his trust account ending in 44374 to pay various personal expenses and non-client matters.

12. The North Carolina State Bar Grievance Committee issued Respondent a public reprimand on May 14, 2019 (Disciplinary Order Number 18G0434). The reprimand was based on the Respondent’s failure to disclose accurately his disciplinary history in a Motion to Appear Pro Hac Vice (see *VSB Ex. 9 at 0238*; *VSB Ex. 17*). Respondent paid the \$300.00 assessment imposed by the North Carolina State Bar Grievance Committee from his trust account on June 11, 2019. Respondent did not report to the Virginia State Bar the discipline imposed by the North Carolina State Bar Grievance Committee.

13. In response to the Bar’s inquiry into advanced legal fees having been deposited into the Respondent’s operating account, Respondent falsely claimed that a client from whom he received and deposited one such advanced legal fee into his operating account was from South Carolina. Respondent claimed that the advanced legal fee in the amount of \$3,500 that had been deposited on May 29, 2019 (see *VSB Ex. 12 at 0374*; *VSB Ex. 13 at 0458 and 0621*), had not come from a Virginia client named Michael Campbell, but from a South Carolina client with the same name.

Respondent had not represented the South Carolina client since 2014, however, and Respondent knew that the advanced legal fee in question had come from the Virginia client. Respondent made the statement to the Bar's investigator because non-refundable legal fees are permitted under South Carolina's rules of professional conduct, unlike Virginia<sup>2</sup>. After having made the inaccurate statement, Respondent never contacted the Bar investigator to correct it.

## II. Findings of Misconduct

Based on the Stipulation, the Board finds the Respondent has violated the following Rules of Professional Conduct:

### ***Rule 1.5 Fees***<sup>3</sup>

*(a) A lawyer's fee shall be reasonable. The factors to be considered in determining the reasonableness of a fee include the following:*

*(1) the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;*

*(2) the likelihood, if apparent to the client that the acceptance of the particular employment will preclude other employment by the lawyer;*

*(3) the fee customarily charged in the locality for similar legal services;*

*(4) the amount involved and the results obtained;*

*(5) the time limitations imposed by the client or by the circumstances;*

*(6) the nature and length of the professional relationship with the client;*

*(7) the experience, reputation, and ability of the lawyer or lawyers performing the services; and*

*(8) whether the fee is fixed or contingent. . . .*

### ***RULE 1.15 Safekeeping Property*** (Effective before March 15, 2020)

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<sup>2</sup> LEO 1606, approved by the Supreme Court of Virginia on November 2, 2016, provides that advanced legal fees "must be deposited in a trust account and may only be paid over to the lawyer when and if it is earned. An advanced legal fee cannot, by employment contract or otherwise, be termed non-refundable without violating the Disciplinary Rules."

<sup>3</sup> LEO 1606 provides that "[a] fee that is not earned is per se an unreasonable fee. Thus the retention of an unearned non-refundable fee would violate the attorney's responsibility to refund to a client any advanced fee that had not been earned."

*(a) Depositing Funds. – (1) All funds received or held by a lawyer or law firm on behalf of a client or a third party, or held by a lawyer as a fiduciary, other than reimbursement of advances for costs and expenses shall be deposited in one or more identifiable trust accounts or placed in a safe deposit box or other place of safekeeping as soon as practicable.*

*. . .*

*(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.*

*(b) Specific Duties. – A lawyer shall:*

*. . .*

*(3) maintain complete records of all funds, securities, and other properties of a client coming into the possession of the lawyer and render appropriate accountings to the client regarding them;*

*. . .*

*(5) not disburse funds or use property of a client or third party without their consent or convert funds or property of a client or third party, except as directed by a tribunal.*

*(c) Record-Keeping Requirements. – A lawyer shall, at a minimum, maintain the following books and records demonstrating compliance with this Rule:*

*(1) Cash receipts and disbursements journals for each trust account, including entries for receipts, disbursements, and transfers, and also including, at a minimum: an identification of the client matter; the date of the transaction; the name of the payor or payee; and the manner in which trust funds were received, disbursed, or transferred from an account.*

*(2) A subsidiary ledger containing a separate entry for each client, other person, or entity from whom money has been received in trust.*

*The ledger should clearly identify:*

*(i) the client or matter, including the date of the transaction and the payor or payee and the means or methods by which trust funds were received, disbursed or transferred; and*

*(ii) any unexpended balance.*

*(3) In the case of funds or property held by a lawyer as a fiduciary, the required books and records shall include an annual summary of all receipts and disbursements and changes in assets comparable in detail to an accounting that would be required of a court supervised fiduciary in the same or similar capacity; including all source documents sufficient to substantiate the annual summary.*

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

*(d) Required Trust Accounting Procedures. – In addition to the requirements set forth in Rule 1.15 (a) through (c), the following minimum trust accounting procedures are applicable to all trust accounts.*

*(1) Insufficient Fund Reporting. All accounts are subject to the requirements governing insufficient fund check reporting as set forth in the Virginia State Bar Approved Financial Institution Agreement.*

*(2) Deposits. All trust funds received shall be deposited intact. Mixed trust and non-trust funds shall be deposited intact into the trust fund and the non-trust portion shall be withdrawn upon the clearing of the mixed fund deposit instrument. All such deposits should include a detailed deposit slip or record that sufficiently identifies each item.*

*(3) Reconciliations.*

*(i) At least quarterly a reconciliation shall be made that reflects the trust account balance for each client, person or other entity.*

*(ii) A monthly reconciliation shall be made of the cash balance that is derived from the cash receipts journal, cash disbursements journal, the trust account checkbook balance and the trust account bank statement balance.*

*(iii) At least quarterly, a reconciliation shall be made that reconciles the cash balance from (d)(3)(ii) above and the subsidiary ledger balance from (d)(3)(i).*

*(iv) Reconciliations must be approved by a lawyer in the law firm.*

*(4) The purpose of all receipts and disbursements of trust funds reported in the trust journals and ledgers shall be fully explained and supported by adequate records.*

**Rule 1.15 Safekeeping Property** (effective March 15, 2020)



*(a) Depositing Funds. – (1) All funds received or held by a lawyer or law firm on behalf of a client or a third party, or held by a lawyer as a fiduciary, other than reimbursement of advances for costs and expenses shall be deposited in one or more identifiable trust accounts; all other property held on behalf of a client should be placed in a safe deposit box or other place of safekeeping as soon as practicable.*

...

*(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.*

*(b) Specific Duties. – A lawyer shall:*

...

*(3) maintain complete records of all funds, securities, and other properties of a client coming into the possession of the lawyer and render appropriate accountings to the client regarding them;*

...

*(5) not disburse funds or use property of a client or of a third party with a valid lien or assignment without their consent or convert funds or property of a client or third party, except as directed by a tribunal.*

*(c) Record-Keeping Requirements. – A lawyer shall, at a minimum, maintain the following books and records demonstrating compliance with this Rule:*

*(1) Receipts and disbursements journals for each trust account. These journals shall include, at a minimum: identification of the client or matter; date and amount of the transaction; name of the payor or payee; manner in which the funds were received, disbursed, or transferred; and current balance. A checkbook or transaction register may be used in lieu of separate receipts and disbursements journals as long as the above information is included.*

*(2) A client ledger with a separate record for each client, other person, or entity from whom money has been received in trust. Each entry shall include, at a minimum: identification of the client or matter; date and amount of the transaction;*

*name of the payor or payee; source of funds received or purpose of the disbursement; and current balance.*

. . .

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

*(d) Required Trust Accounting Procedures. – In addition to the requirements set forth in Rule 1.15 (a) through (c), the following minimum trust accounting procedures are applicable to all trust accounts.*

*(1) Insufficient Fund Reporting. All accounts are subject to the requirements governing insufficient fund check reporting as set forth in the Virginia State Bar Approved Financial Institution Agreement.*

*(2) Deposits. All trust funds received shall be deposited intact. Mixed trust and non-trust funds shall be deposited intact into the trust fund and the non-trust portion shall be withdrawn upon the clearing of the mixed fund deposit instrument. All such deposits should include a detailed deposit slip or record that sufficiently identifies each item.*

*(3) The following reconciliations must be made monthly and approved by a lawyer in the law firm:*

*(i) reconciliation of the client ledger balance for each client, other person, or entity on whose behalf money is held in trust;*

*(ii) reconciliation of the trust account balance, adjusting the ending bank statement balance by adding any deposits not shown on the statement and subtracting any checks or disbursements not shown on the statement. This adjusted balance must equal the balance in the checkbook or transaction register; and*

*(iii) reconciliation of the trust account balance ((d)(3)(ii)) and the client ledger balance ((d)(3)(i)). The trust account balance must equal the client ledger balance.*

*(4) The purpose of all receipts and disbursements of trust funds reported in the trust journals and ledgers shall be fully explained and supported by adequate records.*

### **RULE 8.3      Reporting Misconduct**

. . .

*(e) A lawyer shall inform the Virginia State Bar if:*

*(1) the lawyer has been disciplined by a state or federal disciplinary authority; agency or court in any state, U.S. territory, or the District of Columbia, for a violation of rules of professional conduct in that jurisdiction;*

...

*The reporting required by paragraph ( e) of this Rule shall be made in writing to the Clerk of the Disciplinary System of the Virginia State Bar not later than 60 days following entry of any final order or judgment of conviction or discipline.*

In addition to the violations to which the Respondent stipulated, the Board finds, by clear and convincing evidence, that Respondent's conduct, as set forth in the findings of fact, constitutes misconduct in violation of the following Rules of Professional Conduct:

***RULE 8.1 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 a license to practice law, or in connection with a disciplinary matter, shall not:*

*(a) knowingly make a false statement of material fact;*

*(b) fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter; . . .*

The Respondent made false statements of material fact when he represented to the Bar's investigator that the \$3,500 advanced fee he deposited in his operating account on May 29, 2019 was from a South Carolina client, when the fee was, in fact, from a Virginia client. The Respondent compounded this misrepresentation by failing to contact the Bar investigator to correct the inaccurate statement. The false statements were material because, if accurate, they would have provided a defense to the alleged violation of Rule 1.5 and LEO 1606.

***RULE 8.4 Misconduct***

*It is professional misconduct for a lawyer to:*

...

*(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation which reflects adversely on the lawyer's fitness to practice law.*

The Respondent failed to disclose to the Bar the discipline the North Carolina State Bar Grievance Committee imposed for the false statements contained in his motion to appear pro hac

vice. By failing to disclose the North Carolina discipline, the Respondent made a misrepresentation by omission. Likewise, the Respondent failed to report to the Bar the trust account check that had been returned for insufficient funds. The Respondent knew he had an obligation under the Rules of Professional Conduct to report both events to the Bar. His failure to do so were misrepresentations which reflect adversely on his fitness to practice law.

### SANCTION

After the Board announced its finding by clear and convincing evidence that the Respondent had violated the Rules of Professional Conduct identified in the Findings of Misconduct, it received further evidence and argument as to the appropriate sanction to be imposed, including aggravating and mitigating factors.

The Board heard testimony from Robert Baker and the Respondent. The Respondent also proffered testimony of Patrick John Kinney and Christopher Karl Kowalczak, both attorneys in the Roanoke area who have known the Respondent for 17 or more years, have observed him in court, and know him to be a diligent, competent, and effective lawyer for his clients.

The Board admitted *Respondent's Ex. 5* and *Respondent's Ex. 6*, without objection. Both exhibits are letters from Roanoke area attorneys who know the Respondent and attest to his professionalism, responsiveness, competence, and diligence.

The Board also admitted without objection *Respondent's Ex. 4*, which comprises copies of the Respondent's check payment and deposit registers, receipt records, and other hand-written records pertaining to his current trust accounting practices. The Respondent has made changes to his trust accounting practices and no longer accepts fee payments through the Square® app, but instead uses LawPay, through which fee payments go directly to his trust account.

A certification of Respondent's disciplinary record in Virginia, *VSB Ex. 18*, reported the following two prior disciplinary matters:

Respondent received a thirty-day suspension in July 2006 by reason of a disciplinary suspension of his license to practice law in South Carolina in November 2005. The suspension imposed by the Supreme Court of South Carolina was based on nine different client matters the Respondent handled in which he was determined to have violated the following South Carolina Rules of Professional Conduct: Rule 1.3 (lawyer shall act with reasonable diligence and promptness in representing a client), Rule 1.4(a) (lawyer shall keep a client reasonably informed concerning the status of a matter and promptly comply with reasonable requests for information), Rule 1.7 (lawyer shall not represent a client if the representation of that client will be materially limited by the lawyer's own interests), Rule 1.15 (lawyer shall promptly deliver funds and property to a client; lawyer shall promptly deliver an accounting about client property), Rule 1.16 (upon termination of representation, lawyer shall take steps to extent reasonably practicable to protect the client's interests), Rule 8.4(a) (lawyer shall not violate Rules of Professional Conduct), Rule 8.4(d) (lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation), and Rule 8.4(e) (lawyer shall not engage in conduct that is prejudicial to administration of justice). *VS*B Ex. 17.

Respondent also received a private reprimand in 2011 for violating Rule 1.15, as a result of having insufficient funds in his trust account in April and October 2009 and for failing to perform the required monthly and quarterly trust account reconciliations, and for violating Rule 8.1(c), for failing to timely respond to the Bar's subpoena duces tecum and for not responding to the Bar complaint.

#### **DISPOSITION**

After considering the exhibits, testimony, and arguments, the Board was guided by Standard 4.12 of the Annotated Standards for Imposing Lawyer Sanctions (ABA 2015), which provides that a suspension is generally appropriate when the lawyer knows or should know that he is dealing improperly with client funds and causes injury or potential injury to a client. Having received prior

discipline for violating Rule 1.15, the Respondent knew he was handling his clients' funds improperly and acknowledged this.

The Board considered as mitigating factors (1) that the Respondent had no dishonest or selfish motive, and (2) he demonstrated a cooperative attitude toward the proceeding by admitting to most of the facts underlying the alleged misconduct and eventually entering into stipulations as to most of the misconduct, and (3) he enjoys a good reputation within the legal community for capably, diligently, and professionally representing his clients' interests.

The Board considered as aggravating factors (1) the Respondent's prior disciplinary record evidencing multiple serious offenses, including violations of Rule 1.15, that involved multiple clients, (2) his deceptive statements during the Bar's investigation, and (3) Respondent's substantial experience, having been licensed to practice law in the Commonwealth of Virginia since 1996.

After due deliberation, the Board reconvened and announced its decision as follows:

It is **ORDERED** that Respondent's license to practice law in the Commonwealth of Virginia be **SUSPENDED** for a period of **EIGHTEEN MONTHS**, effective November 19, 2021.<sup>4</sup>

It is further **ORDERED** that, as directed in the Board's November 19, 2021 Summary Order in this matter, Respondent must comply with the requirements of Part Six, § IV, ¶ 13-29 of the *Rules*. Respondent shall 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 he 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 his care in conformity with the wishes of his clients. Respondent shall give such notice immediately and in no event later than 14 days of the effective date of the suspension, November 19, 2021, and make such arrangements as are required herein as soon as I practicable and in no event later than 45 days of the effective date of the suspension. Respondent shall also furnish proof to the Clerk within 60 days

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<sup>4</sup> Respondent noted on the record his exception to the sanction and to the Board's immediate imposition of the sanction.

of the effective date of the suspension that such notices have been timely given and such arrangements have been made for the disposition of matters.

It is further **ORDERED** that if Respondent is not handling any client matters on the effective date of November 19, 2021, Respondent shall submit an affidavit to that effect to the Clerk within 60 days of the effective date of the suspension. The Board shall decide all issues concerning the adequacy of the notice and arrangements required herein. The burden of proof shall be on the Respondent to show compliance. If the Respondent fails to show compliance, the Board may impose a sanction of Revocation or additional Suspension for failure to comply with the requirements of subparagraph 13-29.

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 the Clerk shall mail an attested copy of this Memorandum Order of Suspension to Respondent, Darren Scott Haley, by certified mail, return receipt requested at P.O. Box 26062; Greenville, SC 29616; and a copy by regular and electronic mail to Aaron B. Houchens, counsel for Respondent; and to Paulo E. Franco, Assistant Bar Counsel.

ENTERED this \_\_\_\_ day of \_\_\_\_\_ 2021

VIRGINIA STATE BAR DISCIPLINARY BOARD

  
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Thomas R. Scott, Jr., First Vice Chair