

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

**IN THE MATTER OF
BRITNEY HOPE MADDUX**

VSB DOCKET NO. 22-010-123274

**AGREED DISPOSITION MEMORANDUM ORDER
SIX-MONTH SUSPENSION WITH TERMS**

On Monday, October 18, 2021 this matter was heard, telephonically, by the Virginia State Bar Disciplinary Board upon the joint request of the parties for the Board to accept the Agreed Disposition signed by the parties and offered to the Board as provided by Part 6, Section IV, Paragraph 13-6.H of the Rules of the Supreme Court of Virginia. The panel consisted of Carolyn V. Grady, Chair, Yvonne S. Gibney, Jennifer D. Royer, Alexander Simon, and Martha J. Goodman, Lay Member. The Virginia State Bar was represented by M. Brent Saunders, Senior Assistant Bar Counsel. Britney Hope Maddux was present and was not represented by counsel. 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 preclude any of them from fairly hearing the matter to which each member responded in the negative. Court Reporter Beverly Lukowsky, 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.

WHEREFORE, upon consideration of the Agreed Disposition, the Notice of Hearing on Certification for Sanction Determination, Respondent's Disciplinary Record, the arguments of the parties, and after due deliberation,

It is **ORDERED** that the Disciplinary Board accepts the Agreed Disposition and the Respondent shall receive Six-month Suspension with Terms, as set forth in the Agreed Disposition, which is attached and incorporated in this Memorandum Order.

It is further **ORDERED** that the sanction is effective October 18, 2021.

It is further **ORDERED** that:

The Respondent must comply with the requirements of Part 6, Section IV, Paragraph 13-29 of the Rules of the Supreme Court of Virginia. The Respondent shall forthwith give notice by certified mail 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. The Respondent shall also make appropriate arrangements for the disposition of matters then in her care in conformity with the wishes of her clients. The Respondent shall give such notice immediately and in no event later than 14 days of the effective date of the Suspension, and make such arrangements as are required herein as soon as is practicable and in no event later than 45 days of the effective date of the Suspension. The Respondent shall also furnish proof to the Clerk of the Disciplinary System of the Virginia State Bar within 60 days 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 the Respondent is not handling any client matters on the effective date of the Suspension, she shall submit an affidavit to that effect within 60 days of the effective date of the Suspension to the Clerk of the Disciplinary System at the Virginia State Bar. 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.

The Clerk of the Disciplinary System shall assess costs pursuant to Part 6, Section IV, Paragraph 13-9.E of the Rules.


It is further ORDERED that an attested copy of this Order be mailed to the Respondent by electronic, regular first-class and certified mail, return receipt requested, at her last address of record with the Virginia State Bar at 259 Lou-Mac Court, Newport News, VA 23602, and a copy

by electronic mail to M. Brent Saunders, Senior Assistant Bar Counsel.

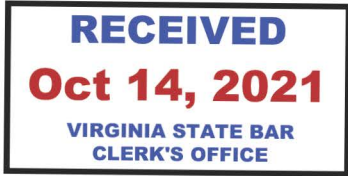
Enter this Order this 18th day of October, 2021

VIRGINIA STATE BAR DISCIPLINARY BOARD

**Carolyn V.
Grady**

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Grady
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Carolyn V. Grady
Chair



VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF
BRITNEY HOPE MADDUX

VSB DOCKET NO. 22-010-123274

AGREED DISPOSITION
SIX-MONTH LICENSE SUSPENSION WITH TERMS

Pursuant to the Rules of the Supreme Court of Virginia, Part 6, § IV, ¶ 13-6.H, the Virginia State Bar, by M. Brent Saunders, Senior Assistant Bar Counsel, and Britney Hope Maddux (“Respondent”), hereby enter into the following agreed disposition arising out of this Certification for Sanction Determination matter.

I. PROCEDURAL BACKGROUND

On August 4, 2021, the Virginia State Bar issued and duly served on Respondent Britney Hope Maddux a Notice of Show Cause Hearing on Terms Failure (“Notice”) requiring Respondent to appear before the First District Committee on September 30, 2021, to show cause why the alternative disposition contained in the Subcommittee Determination (Public Reprimand with Terms) issued by the First District Subcommittee on May 25, 2021, in VSB Docket Nos. 20-010-118508, 20-010-118818 and 20-010-118919 (“Public Reprimand with Terms”), should not be imposed based on Respondent’s failure to comply with the terms thereof.

On or about August 30, 2021, the First District Committee entered a Consent Order of Terms Violation and Certification for Sanction Determination in which Respondent stipulated and agreed, and the First District Committee found:

1. On May 25, 2021, a First District Subcommittee of the Virginia State Bar issued the Public Reprimand with Terms to Respondent, pursuant to an agreed disposition entered into between Respondent and the Virginia State Bar in VSB

Docket Nos. 20-010-118508, 20-010-118818 and 20-010-118919, a true and correct copy of which was attached to the Notice as VSB Exhibit 1.

2. On that same date, May 25, 2021, a copy of the Public Reprimand with Terms was served on Respondent by certified mailing to her last address of record with the Virginia State Bar, the proof of which was attached to the Notice as VSB Exhibit 2.
3. The terms imposed required Respondent to, *inter alia*, do the following as a necessary condition for the imposition of a Public Reprimand:

Within thirty (30) days of the issuance of this determination, Respondent shall engage at her own cost a Virginia Certified Public Accountant ("Accountant") for the purposes of assisting Respondent in fully identifying the source and ownership of all remaining funds in the Escrow Account and properly disbursing all such remaining funds and thereafter closing out the Escrow Account. The engagement of the Accountant shall be subject to the pre-approval of Bar Counsel which shall not be unreasonably withheld.

4. Respondent failed to engage a Virginia Certified Public Accountant by the June 24, 2021 deadline, and had still not done so as of the time of the issuance of the consent order.
5. The Public Reprimand with Terms specifies the alternative disposition to be imposed in the event the terms are not complied with is a Certification for Sanction Determination.
6. Respondent is in violation of the terms of the Public Reprimand with Terms and cannot show compliance with those terms by clear and convincing evidence.
7. The alternative disposition of a Certification for Sanction Determination should be issued, pursuant to Part Six, Section IV, Paragraph 13-15.F and G. of the Rules of Court.

Based on those findings, and the consent of Respondent and her waiver of the right to a show cause hearing, the First District Committee, in its Consent Order of Terms Violation and Certification for Sanction Determination entered on or about August 30, 2021, found Respondent failed to comply with the terms of the Public Reprimand with Terms and certified this matter to the Virginia State Bar Disciplinary Board for determination of an alternative sanction of the suspension or revocation of the license of

Respondent to practice law in the Commonwealth of Virginia, pursuant to Part Six, Section IV, Paragraph 13-15.F and G of the Rules of Court.

II. PROPOSED DISPOSITION

Since the entry of the Consent Order of Terms Violation and Certification for Sanction Determination on or about August 30, 2021, Respondent has made progress with retaining the services of a Virginia Certified Public Accountant and begun the process of identifying the source and ownership of all remaining funds in the Regent Title & Escrow LLC Escrow Account (Towne Bank Account No. *****0943) ("Escrow Account"), but has not substantially completed that process or disbursed any funds from the Escrow Account.

Accordingly, Senior Assistant Bar Counsel and Respondent tender to the Disciplinary Board for its approval the agreed disposition of the suspension of Respondent's license to practice law in the Commonwealth of Virginia for a period of six months, effective on the date of the issuance of an order approving this agreed disposition, with the following terms which must be met within the deadlines specified:

1. Within thirty (30) days of the issuance of an order approving this agreed disposition, Respondent shall engage at her own cost a Virginia Certified Public Accountant ("Accountant") for the purposes of assisting Respondent in fully identifying the source and ownership of all remaining funds in the Escrow Account and properly disbursing all such remaining funds and thereafter closing out the Escrow Account. The engagement of the Accountant shall be subject to the pre-approval of Bar Counsel which shall not be unreasonably withheld.
2. Respondent will fully cooperate with the Accountant in assisting in the Accountant's efforts to identify the source and ownership of all remaining funds in the Escrow Account.
3. To the extent any funds from the Escrow Account have been disbursed since October 12, 2020, the Accountant shall identify and report the amounts of all such disbursements and to whom they were made.

4. As the Accountant identifies the source and ownership of funds in the Escrow Account, Respondent shall promptly and properly disburse those funds. Respondent shall report to Bar Counsel in writing the dates and amounts of such disbursements and to whom they were made, within ten (10) days from the date of each such disbursement.
5. Within three (3) months following the engagement of the Accountant, Respondent shall cause the Accountant to provide a preliminary written report to Bar Counsel setting out the progress on the identification of the source and ownership of all remaining funds in the Escrow Account and disbursement of all such funds with supporting documentation.
6. Within six (6) months following the engagement of the Accountant, Respondent shall cause the Accountant to provide a final written report to Bar Counsel fully summarizing the identification of the source and ownership of the funds in the Escrow Account and disbursement of all such funds with supporting documentation ("Final Report"). The Accountant may request additional time to complete the Final Report as circumstances warrant, which may be granted by Bar Counsel for good cause shown.
7. To the extent the Escrow Account is not able to be closed by the deadline for the filing of the Final Report, based either upon a dispute or specific claim related to an amount believed to be owed to a client, a third-party or Respondent, or an inability to determine the source and ownership of funds remaining in the Escrow Account, Respondent shall interplead the funds into the appropriate court within thirty days of the earlier of either the issuance of the Final Report or the deadline for the filing of the Final Report. Respondent shall provide written notice to Bar Counsel of the filing of the interpleader action within ten (10) days of such filing, and shall thereafter promptly provide to Bar Counsel copies of all pleadings and orders filed and issued in that action. Respondent shall, with the court's approval, if necessary, provide the requisite notice or notices to properly adjudicate the interpleader action. Respondent shall cooperate fully in the interpleader action. Upon resolution of any such interpleader action, Respondent shall, within thirty (30) days of entry of the final order of such interpleader action, certify to Bar Counsel that she has closed out the Escrow Account.

If the terms are not met, Respondent agrees that the alternative sanction shall be the suspension of Respondent's license to practice law in the Commonwealth of Virginia for a period of 18 months which shall be in addition to the six-month license suspension

agreed upon herein. Any proceeding initiated due to failure to comply with terms will be considered a new matter, and an administrative fee and costs will be assessed pursuant to ¶ 13-9.E of the Rules of the Supreme Court of Virginia.

If the Agreed Disposition is approved, the Clerk of the Disciplinary System shall assess costs pursuant to ¶ 13-9.E of the Rules.

THE VIRGINIA STATE BAR



M. Brent Saunders
Senior Assistant Bar Counsel



Britney Hope Maddux
Respondent