

VIRGINIA:

**BEFORE THE SIXTH DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR**

**IN THE MATTERS OF
ROSE ANN PALMER**

**VSB Docket No. 20-060-117391
and
VSB Docket No. 20-060-117563**

**SUBCOMMITTEE DETERMINATION
(PUBLIC ADMONITION WITH TERMS)**

On March 10, 2020, a meeting was held in this matter before a duly convened Sixth District Subcommittee consisting of Bruce Collier Phillips, Subcommittee Chair; Jason Scott Greenwood, Member; and Donald Courtland Hill, Lay Member. During the meeting, the Subcommittee voted to approve an agreed disposition for a Public Admonition with Terms pursuant to Part 6, § IV, ¶ 13-15.B.4. of the Rules of the Supreme Court of Virginia. The agreed disposition was entered into by the Virginia State Bar, by Renu M. Brennan, Bar Counsel, and Rose Ann Palmer, (“Respondent”), pro se.

WHEREFORE, the Sixth District Subcommittee of the Virginia State Bar hereby serves upon Respondent the following Public Admonition with Terms arising out of the following two matters:

I. FINDINGS OF FACT

- 1. At all times referenced herein, and since April 7, 2009, Respondent has been an attorney licensed to practice law in the Commonwealth of Virginia.

**VSB DOCKET NO. 20-060-117391
COMPLAINANT: COMMISSIONER OF ACCOUNTS EDWIN A. BISCHOFF**

- 2. On October 21, 2013, Respondent qualified as Conservator of the Estate of Ernesto Quiano, Incapacitated.
- 3. On February 25, 2014, Respondent filed the inventory for the Estate.

4. On June 28, 2019, the sixth estate account covering the period March 1, 2018 to February 28, 2019 was due to be filed with Edwin A. Bischoff, the Commissioner of Accounts for the Circuit Court of the County of Henrico (“COA”).
5. Respondent did not file the sixth account on or before June 28, 2019.
6. On July 29, 2019, one month after the sixth account was due, the COA mailed Respondent a notice of delinquency.
7. Respondent did not respond to the COA’s notice of delinquency.
8. On September 23, 2019, the COA issued a summons to Respondent for her failure to file the sixth account.
9. On October 2, 2019, Respondent was personally served with the summons.
10. Respondent did not respond to the summons.
11. On November 14, 2019, pursuant to Va. Code Section 64.2-1216, the COA filed a report with the Circuit Court of Henrico County and reported the matter to the Virginia State Bar (VSB).
12. On November 19, 2019, the Court entered an Order to Show Cause summoning Respondent to appear on December 6, 2019 to show cause why she should not be ordered to file a proper account by a date certain; why the fines and other sanctions authorized under Va. Code Section 64.2-1215 should not be imposed on her; why she should not pay all fees and costs due the COA; and why she should not be removed as Conservator.
13. On December 6, 2019, over five months after the sixth account was due, Respondent filed the delinquent sixth and final conservatorship account, however Respondent was unable to pay the filing and delinquency fees and costs.
14. The hearing on the Order to Show Cause was continued to February 7, 2020.
15. By letter dated February 4, 2020, the COA advised the VSB that Respondent had delivered a properly stated, balanced, and documented account for the Estate of Ernest E. Quiano and paid all fees and costs, and thus had fully complied with the Summons and Show Cause.

Rule violated: Rule 1.3(a) Diligence.

VSB DOCKET NO. 20-060-117563
COMPLAINANT: AARON T. WARREN

2. On May 10, 2019, Complainant Aaron T. Warren (“Complainant”) retained Respondent to help him recover a portion of fees he had paid to a disability advocate who assisted Complainant in securing the resumption of his Title II Social Security disability benefits. On February 19, 2019, Complainant had paid the advocate \$6,189.00. By letter dated March 15, 2019, the Social Security Administration (SSA) advised the advocate that the sum of \$5,556.75, which it understood the advocate had been paid, was excessive and that \$2,500.00 was a reasonable fee.
3. On May 10, 2019, Complainant and Respondent entered into a written retainer agreement for Respondent to prepare and send a debt collection letter to the disability advocate seeking recovery of the excessive fee paid the disability advocate, and, if necessary, to file a warrant in debt and represent Complainant in Chesterfield County General District Court.
4. On May 10, 2019, Complainant paid Respondent an advance legal fee of \$1,000.00.
5. Respondent did not deposit the \$1,000.00 advance legal fee in her trust account.
6. By letter dated May 16, 2019 to the disability advocate, Respondent sought repayment of \$3,500.00.
7. By letter dated May 29, 2019, counsel for the advocate provided Respondent a letter from the SSA approving the advocate’s fee of \$5,556.75.
8. Based on the SSA’s approval of the fee of \$5,556.75, Respondent and counsel for the disability advocate agreed that Complainant was due approximately \$443.00.
9. By letter dated May 31, 2019, Respondent requested the advocate reimburse Complainant \$443.55.
10. By letter dated June 5, 2019 to Respondent, the advocate enclosed a check in the amount of \$443.25 to Complainant.
11. On June 5, 2019, Respondent provided the check for \$443.25 to Complainant’s sister who in turn gave the check to Complainant.
12. Throughout the representation Respondent communicated with Complainant’s sister.
13. Respondent never provided the Complainant, or anyone on his behalf, with any invoices.

14. In September Complainant's sister asked Respondent to communicate with Complainant because he had questions about the fees paid. Respondent did not reach out to Complainant.
15. In September Complainant contacted Respondent to obtain an invoice and to communicate about whether he was owed any unearned fee. Respondent spoke to Complainant and hung up on him. Respondent acknowledges that she was unprofessional during the call because of personal pressures. During the call Respondent stated she would return a portion of the fee to Complainant.
16. Respondent did not provide Complainant with any invoice or return any portion of the \$1,000.00 fee.
17. Respondent could not provide the bar investigator with any records of how she handled the \$1,000.00 fee.
18. Respondent faced many personal and family problems and demands throughout the pendency of both matters.

Rules violated: Rule 1.4(a) Communication and Rule 1.15(a)(1) and 1.15(b)(3) Safekeeping Property.

II. NATURE OF MISCONDUCT

Such conduct by Respondent constitutes misconduct in violation of the following Rule of Professional Conduct:

RULE 1.3 Diligence

- (a) A lawyer shall act with reasonable diligence and promptness in representing a client.

RULE 1.4 Communication

- (a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

RULE 1.15 Safekeeping Property

- (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.

(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;

III. PUBLIC ADMONITION WITH TERMS

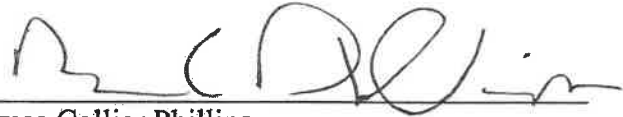
Accordingly, it is the decision of the Subcommittee to impose a Public Admonition with the following term:

For the period from April 1, 2020 to April 1, 2022, the Respondent authorizes a Virginia State Bar Investigator or other agent of the Virginia State Bar to conduct random in-person inspections of her trust account records to ensure compliance with Rule 1.15 of the Rules of Professional Misconduct. Respondent will reasonably cooperate with the Investigator or Virginia State Bar agent and make available all trust account records, including, but not limited to, bank records, cancelled checks, checkbooks, subsidiary ledgers, cash receipts and disbursements journals, and evidence of reconciliations.

If the term is not met by the time specified, pursuant to Part 6, § IV, ¶ 13-15.F of the Rules of the Supreme Court of Virginia, the District Committee shall hold a hearing and Respondent shall be required to show cause why a Certification for Sanction Determination should not be imposed. 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 Part 6, § IV, ¶ 13-9.E. of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess costs.

SIXTH DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR



Bruce Collier Phillips
Subcommittee Chair

CERTIFICATE OF MAILING

I certify that on April 3, 2020, a true and complete copy of the Subcommittee Determination Public Admonition With Terms was sent by certified mail and first class mail to Rose Ann Palmer, Respondent, at Law Office of Rose A. Palmer PLLC, 814, 8005-C Creighton Parkway, Mechanicsville, VA 23111, Respondent's last address of record with the Virginia State Bar, and to Respondent via email at rose@rosepalmerlaw.com



Renu M. Brennan
Bar Counsel

VIRGINIA:

**BEFORE THE SIXTH DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR**

**IN THE MATTERS OF
ROSE ANN PALMER**

**VS B Docket No. 20-060-117391
and
VS B Docket No. 20-060-117563**

**AGREED DISPOSITION
PUBLIC ADMONITION WITH TERMS**

Pursuant to the Rules of the Supreme Court of Virginia, Part 6, § IV, ¶ 13-15.B.4, the Virginia State Bar, by Renu M. Brennan, Bar Counsel, and Rose Ann Palmer, Respondent, pro se, hereby enter into the following agreed disposition for a Public Admonition with Terms arising out of the following matters.

I. FINDINGS OF FACT

1. At all times referenced herein, and since April 7, 2009, Respondent has been an attorney licensed to practice law in the Commonwealth of Virginia.

VS B DOCKET NO. 20-060-117391

COMPLAINANT: COMMISSIONER OF ACCOUNTS EDWIN A. BISCHOFF

2. On October 21, 2013, Respondent qualified as Conservator of the Estate of Ernesto Quiano, Incapacitated.
3. On February 25, 2014, Respondent filed the inventory for the Estate.
4. On June 28, 2019, the sixth estate account covering the period March 1, 2018 to February 28, 2019 was due to be filed with Edwin A. Bischoff, the Commissioner of Accounts for the Circuit Court of the County of Henrico ("COA").
5. Respondent did not file the sixth account on or before June 28, 2019.
6. On July 29, 2019, one month after the sixth account was due, the COA mailed Respondent a notice of delinquency.
7. Respondent did not respond to the COA's notice of delinquency.

8. On September 23, 2019, the COA issued a summons to Respondent for her failure to file the sixth account.
9. On October 2, 2019, Respondent was personally served with the summons.
10. Respondent did not respond to the summons.
11. On November 14, 2019, pursuant to Va. Code Section 64.2-1216, the COA filed a report with the Circuit Court of Henrico County and reported the matter to the Virginia State Bar (VSB).
12. On November 19, 2019, the Court entered an Order to Show Cause summoning Respondent to appear on December 6, 2019 to show cause why she should not be ordered to file a proper account by a date certain; why the fines and other sanctions authorized under Va. Code Section 64.2-1215 should not be imposed on her; why she should not pay all fees and costs due the COA; and why she should not be removed as Conservator.
13. On December 6, 2019, over five months after the sixth account was due, Respondent filed the delinquent sixth and final conservatorship account, however Respondent was unable to pay the filing and delinquency fees and costs.
14. The hearing on the Order to Show Cause was continued to February 7, 2020.
15. By letter dated February 4, 2020, the COA advised the VSB that Respondent had delivered a properly stated, balanced, and documented account for the Estate of Ernest E. Quiano and paid all fees and costs, and thus had fully complied with the Summons and Show Cause.

II. NATURE OF MISCONDUCT

Such conduct by Respondent constitutes misconduct in violation of the following Rule of Professional Conduct:

RULE 1.3 Diligence

- (a) A lawyer shall act with reasonable diligence and promptness in representing a client.

VSB DOCKET NO. 20-060-117563
COMPLAINANT: AARON T. WARREN

I. FINDINGS OF FACT

2. On May 10, 2019, Complainant Aaron T. Warren (“Complainant”) retained Respondent to help him recover a portion of fees he had paid to a disability

advocate who assisted Complainant in securing the resumption of his Title II Social Security disability benefits. On February 19, 2019, Complainant had paid the advocate \$6,189.00. By letter dated March 15, 2019, the Social Security Administration (SSA) advised the advocate that the sum of \$5,556.75, which it understood the advocate had been paid, was excessive and that \$2,500.00 was a reasonable fee.

3. On May 10, 2019, Complainant and Respondent entered into a written retainer agreement for Respondent to prepare and send a debt collection letter to the disability advocate seeking recovery of the excessive fee paid the disability advocate, and, if necessary, to file a warrant in debt and represent Complainant in Chesterfield County General District Court.
4. On May 10, 2019, Complainant paid Respondent an advance legal fee of \$1,000.00.
5. Respondent did not deposit the \$1,000.00 advance legal fee in her trust account.
6. By letter dated May 16, 2019 to the disability advocate, Respondent sought repayment of \$3,500.00.
7. By letter dated May 29, 2019, counsel for the advocate provided Respondent a letter from the SSA approving the advocate's fee of \$5,556.75.
8. Based on the SSA's approval of the fee of \$5,556.75, Respondent and counsel for the disability advocate agreed that Complainant was due approximately \$443.00.
9. By letter dated May 31, 2019, Respondent requested the advocate reimburse Complainant \$443.55.
10. By letter dated June 5, 2019 to Respondent, the advocate enclosed a check in the amount of \$443.25 to Complainant.
11. On June 5, 2019, Respondent provided the check for \$443.25 to Complainant's sister who in turn gave the check to Complainant.
12. Throughout the representation Respondent communicated with Complainant's sister.
13. Respondent never provided the Complainant, or anyone on his behalf, with any invoices.
14. In September Complainant's sister asked Respondent to communicate with Complainant because he had questions about the fees paid. Respondent did not reach out to Complainant.

15. In September Complainant contacted Respondent to obtain an invoice and to communicate about whether he was owed any unearned fee. Respondent spoke to Complainant and hung up on him. Respondent acknowledges that she was unprofessional during the call because of personal pressures. During the call Respondent stated she would return a portion of the fee to Complainant.
16. Respondent did not provide Complainant with any invoice or return any portion of the \$1,000.00 fee.
17. Respondent could not provide the bar investigator with any records of how she handled the \$1,000.00 fee.
18. Respondent faced many personal and family problems and demands throughout the pendency of both matters.

II. NATURE OF MISCONDUCT

Such conduct by Respondent constitutes misconduct in violation of the following Rule of Professional Conduct:

RULE 1.4 Communication

(a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

RULE 1.15 Safekeeping Property

(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.

(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;

If the agreed disposition is approved, the Clerk of the Disciplinary System shall assess costs.

III. PROPOSED DISPOSITION

Accordingly, Bar Counsel and Respondent tender to a subcommittee of the Sixth District Committee for its approval the agreed disposition of a Public Admonition with Terms as representing an appropriate sanction if this matter were to be heard through an evidentiary hearing by the Sixth District Committee. The following term shall be met by April 1, 2022, and is as follows:

For the period from April 1, 2020, to April 1, 2022, the Respondent authorizes a Virginia State Bar Investigator or other agent of the Virginia State Bar to conduct random in-person inspections of her trust account records to ensure compliance with Rule 1.15 of the Rules of Professional Misconduct. Respondent will reasonably cooperate with the Investigator or Virginia State Bar agent and make available all trust account records, including, but not limited to, bank records, cancelled checks, checkbooks, subsidiary ledgers, cash receipts and disbursements journals, and evidence of reconciliations.

If Respondent does not comply with this term, Respondent agrees that the District Committee shall impose a Certification for Sanction Determination pursuant to Part 6, § IV, ¶ 13-15.F of the Rules of the Supreme Court of Virginia. 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 Part 6, § IV, ¶ 13-30.B of the Rules of the Supreme Court of Virginia, Respondent's prior disciplinary record shall be furnished to the subcommittee considering this agreed disposition.

THE VIRGINIA STATE BAR



Renu M. Brennan
Bar Counsel



Rose Ann Palmer, Esquire
Respondent