

VIRGINIA:

BEFORE THE FIFTH DISTRICT, SECTION II SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

IN THE MATTER OF
DAN DALNAMU PARK

VSB Docket No. 24-052-130528

SUBCOMMITTEE DETERMINATION
(PUBLIC REPRIMAND WITHOUT TERMS)

On May 21, 2024, a meeting in this matter was held before a duly convened Fifth District, Section II Subcommittee consisting of Micah Ephram Ticatch, Esq, Chair; Brandon Ross Sloane, Esq., Member; and Courtney Reheiser, Lay Member. During the meeting, the Subcommittee voted to approve an agreed disposition for a Public Reprimand without 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 Elizabeth K. Shoenfeld, Senior Assistant Bar Counsel, Dan Dalnamu Park (“Respondent”), and Richard Wayne Driscoll, counsel for Respondent.

WHEREFORE, the Fifth District, Section II Subcommittee of the Virginia State Bar hereby serves upon Respondent the following Public Reprimand without Terms:

I. FINDINGS OF FACT

1. Respondent was admitted to the Virginia State Bar (“VSB”) in 2004. At all relevant times, Respondent was a member of the VSB.
2. On September 9, 2016, Complainant Marcos Navarro Arias (“Complainant”) hired Respondent to prepare an asylum application on his behalf. The application was denied on January 13, 2021.
3. On January 28, 2021, Complainant retained Respondent to appeal the decision to the Board of Immigration Appeals. Respondent charged \$500 for the notice of appeal and \$3,000 for the brief. At the time, Complainant still owed Respondent \$1,474.80 on the first engagement.

4. On February 10, 2021, Respondent filed a notice of appeal even though Complainant hadn't paid anything on the second engagement. By filing the notice of appeal, Respondent entered his appearance as counsel for Complainant.
5. On June 10, 2022, Respondent received the briefing schedule for the appeal. The same day, Respondent's associate Juan Ovies filed a motion to extend the deadline. Respondent's office contacted Complainant to determine if he still wanted to appeal, and Complainant said he would follow up.
6. Complainant did not pay anything else until June 28, 2022, when he paid \$1,000. Respondent's office applied this payment to the arrears on the asylum case.
7. Respondent's office received an extension until July 20, 2022 to file the brief.
8. Respondent filed a motion to withdraw on July 12, 2022. After the motion was filed, Complainant contacted Respondent's office and said he would make a payment within a few days, but Respondent continued with the withdrawal.
9. The motion to withdraw was not ruled upon before the July 20, 2022 brief deadline. Respondent neither filed a timely brief nor took any action to extend the deadline or otherwise preserve Complainant's ability to file the brief. Consequently, the deadline to file the brief was missed.
10. The motion to withdraw was not granted until November 2023, after new counsel was substituted.
11. Respondent has since modified his fee agreement to clarify clients' obligations and explained to his staff that they cannot stop working on a case until a motion to withdraw has been granted.

II. NATURE OF MISCONDUCT

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

By ceasing representation of Complainant before his motion to withdraw was granted, which resulted in Complainant missing the deadline to file his appellate brief, Respondent violated Rule 1.16(c).¹

RULE 1.16 Declining Or Terminating Representation

¹ Italicized language is for explanatory purposes only.

(c) In any court proceeding, counsel of record shall not withdraw except by leave of court after compliance with notice requirements pursuant to applicable Rules of Court. In any other matter, a lawyer shall continue representation notwithstanding good cause for terminating the representation, when ordered to do so by a tribunal.

III. PUBLIC REPRIMAND WITHOUT TERMS

Accordingly, it is the decision of the Subcommittee to impose a Public Reprimand without Terms, and Dan Dalnamu Park is so reprimanded. 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.

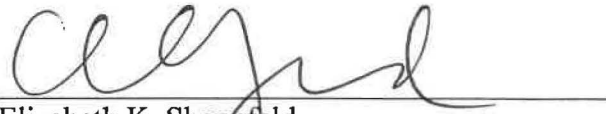
FIFTH DISTRICT, SECTION II SUBCOMMITTEE
OF THE VIRGINIA STATE BAR



Micah E. Ticatch
Subcommittee Chair

CERTIFICATE OF SERVICE

I hereby certify that on June 3, 2024, a true and complete copy of the foregoing Subcommittee Determination was sent to Dan Dalnamu Park, Respondent, by certified mail at Law Office of Dan Park 8245 Boone Blvd. Suite 704, Vienna, Virginia 22182, Respondent's last address of record with the Virginia State Bar, and by email to dalnamu@msn.com; and to Richard Wayne Driscoll, counsel for Respondent, by first-class mail at Driscoll & Seltzer, PLLC 2000 Duke St., Ste 300, Alexandria, Virginia 22314, and by email to rdriscoll@driscollseltzer.com.


Elizabeth K. Shoenfeld
Senior Assistant Bar Counsel