

VIRGINIA:

**BEFORE THE THIRD DISTRICT COMMITTEE, SECTION THREE
OF THE VIRGINIA STATE BAR**

**IN THE MATTER OF CONRAD CHARLES LEWANE
VSB DOCKET NO. 04-033-3756**

**DISTRICT COMMITTEE DETERMINATION
(PUBLIC ADMONITION WITH TERMS)**

On April 13, 2006, a hearing in this matter was held before a duly convened panel of the Third District Committee, Section Three, consisting of Mary P. Hunton, Lay Member; Andrew J. Gibb, Lay Member; Stephanie E. Grana, Esq., a member of the Third District Committee, Section One; Dennis R. Kiker, Esq.; and John D. Sharer, Esq., Chair, presiding.

Conrad Charles Lewane appeared in person and with his counsel Michael M. Weise, Esq. Interim Bar Counsel Harry M. Hirsch appeared on behalf of the Virginia State Bar.

Pursuant to Part 6, Section IV, & Paragraph 13.H.2.1.(2)(c) of the Rules of the Supreme Court of Virginia, the Third District Committee, Section Three, of the Virginia State Bar hereby serves upon the Respondent, Conrad Charles Lewane, the following Public Admonition with Terms:

I. FINDINGS OF FACT

1. At all times relevant hereto the Respondent, Conrad Charles Lewane [Mr. Lewane], has been an attorney licensed to practice law in the Commonwealth of Virginia.

2. On or about September 26, 2002, Mr. Lewane qualified as the executor of the Estate of Edward Bledsoe Thomas, Deceased [estate], in accordance with the Last Will and Testament of the deceased. This was the first estate that Mr. Lewane had handled in twenty years. The estate was within the jurisdiction of the Commissioner of Accounts for the Circuit Court of Henrico County, John Page Rawlings [Mr. Rawlings].

3. Upon qualification, Mr. Lewane received from the Clerk's Office of the Henrico Circuit Court, *inter alia*, a Memorandum To Each Personal Representative of a Decedent's Estate setting forth the duties of the personal representative.

4. A first accounting was due to be filed in Mr. Rawlings' office on January 26, 2004, said date being sixteen months after the date of qualification, in accordance with Va. Code § 26-17.5. A first accounting was not filed by the due date.

5. By letter to Mr. Lewane dated February 4, 2004, Mr. Rawlings set forth, *inter alia*, the statutory requirement of the filing of a first accounting with the Commissioner of Accounts, the fact that such an accounting had not been filed, and that Mr. Lewane should file the first accounting as indicated within thirty days of the date of the letter.

6. Mr. Lewane did not file a first accounting within the thirty-day filing extension noted in Mr. Rawlings' February 4, 2004 letter.

7. On March 18, 2004, Mr. Rawlings issued to Mr. Lewane a summons for a first accounting to be filed within thirty days of the date of service of the summons. The summons recited that if Mr. Lewane failed to fulfill the requirements of the summons, that failure would be reported to the Circuit Court of Henrico County [Court] and that Mr. Lewane "may be fined by the said Court for such failure unless excused for sufficient reason." In effect, the summons granted Mr. Lewane another filing extension.

8. The summons was personally served upon Mr. Lewane on March 23, 2004.

9. Sometime after service of the summons, Mr. Lewane contacted Mr. Rawlings by telephone personally and asked for a further filing extension. Mr. Rawlings gave Mr. Lewane an additional extension for the filing of the first accounting until June 14, 2004.

10. Mr. Lewane did not file a first accounting by June 14, 2004.

11. In accordance with Va. Code Section 26-18, Mr. Rawlings reported to the Court Mr. Lewane's failure to file a first accounting despite the issuance and personal service of the summons.

12. In accordance with Va. Code § 26-18, by letter dated June 24, 2004, Mr. Rawlings reported to the Virginia State Bar Mr. Lewane's failure to file a first accounting within thirty days of service of the summons.

13. On June 28, 2004, the Court issued an order requiring Mr. Lewane to appear on August 6, 2004 to show cause why fines and other procedures in Va. Code § 26-18 should not be imposed upon him.

14. The show cause order was personally served on Mr. Lewane on July 12, 2004.

15. On or about August 5, 2004, Mr. Hatcher Johnson, a paralegal who was helping Mr. Lewane, met with Mr. Rawlings. Mr. Rawlings agreed to ask the Court to continue the show cause proceeding if Mr. Lewane filed a first accounting by August 6, 2004 and a final accounting by October 1, 2004.

16. The show cause proceeding was continued from August 6, 2004 to October 1, 2004. The show cause proceeding subsequently was further continued to December 3, 2004.

17. At points in time after December 3, 2004, a final accounting was approved and Mr. Lewane's administration of the estate was completed.

II. NATURE OF MISCONDUCT

Such conduct by Conrad Charles Lewane constitutes misconduct in violation of the following provisions of the Virginia Rules of Professional Conduct:

RULE 1.1 Competence

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

RULE 1.3 Diligence

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

III. PUBLIC ADMONITION WITH TERMS

Accordingly, it is the decision of the Third District Committee, Section Three, to offer the Respondent an opportunity to comply with certain terms and conditions, compliance with which will be a predicate for the disposition of the instant case by a Public Admonition with Terms. The terms and conditions, with which the Respondent must comply, are as follows:

1. The Respondent, Conrad Charles Lewane [Lewane], shall no longer engage in the administration of estates, either as an attorney-at-law or as a fiduciary serving as an administrator, executor or trustee. During the hearing of this case, Mr. Lewane stated affirmatively on the record that he agreed to this term.

2. No later than Monday, May 15, 2006, Mr. Lewane shall enter into and execute a monitoring agreement with Lawyers Helping Lawyers. The monitoring agreement shall have a minimum duration of eighteen (18) months. The Virginia State Bar shall draft the monitoring agreement, and both the Virginia State Bar and Lawyers Helping Lawyers shall approve it.

3. Mr. Lewane shall successfully complete all of the terms and conditions of the monitoring agreement as well as the terms of this Public Admonition with Terms.

4. Mr. Lewane shall use all necessary diligence to ensure compliance with all

the terms and conditions of the monitoring agreement.

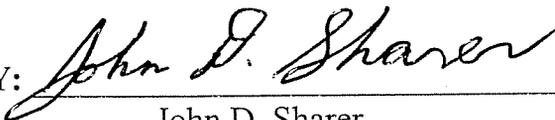
5. Any breach of the monitoring agreement shall constitute a breach of the terms and conditions imposed by this Public Admonition with Terms.

6. It is, and shall be, the personal responsibility of Mr. Lewane to notify the Virginia State Bar of any failure(s) by Lawyers Helping Lawyers to perform or fulfill any requirement(s) of the monitoring agreement. Mr. Lewane shall notify the Virginia State Bar of any such failure(s) within two weeks after becoming aware of said failure(s). Such notification to the Virginia State Bar may be accomplished by a letter(s) directed to the Bar from Mr. Lewane's attorney, provided that Mr. Lewane himself has personally signed the letter(s). Letters from Mr. Lewane's attorney that are only copied to Mr. Lewane are not acceptable.

Upon satisfactory proof that such terms and conditions have been met, this matter will be closed. If, however, the terms and conditions are not met as stated, the Third District Committee, Section Three, shall impose a Public Reprimand.

The Clerk of the Disciplinary System shall impose costs pursuant to Rules of Court, Part 6, §IV, ¶ 13.B.8.c.

**THIRD DISTRICT COMMITTEE, SECTION THREE
OF THE VIRGINIA STATE BAR**

BY: 

John D. Sharer
Chair

CERTIFICATE OF SERVICE

I certify that I have this 17th day of May, 2006, caused to be mailed by **CERTIFIED MAIL, RETURN RECEIPT REQUESTED**, a true and correct copy of this District Committee Determination (Public Admonition with Terms) to the Respondent, Conrad Charles Lewane, at 9401 Treetop Lane, Richmond, VA 23229-6241, his last known address of record with the Virginia State Bar, and by first class mail to Michael M. Weise, Esq., counsel for Mr. Lewane.

