

VIRGINIA:

Before the Virginia State Bar Disciplinary Board

In the Matter of

Steven Frank Helm

*VSF Docket Nos. 10-080-083744, 11-080-084690
and 11-080-086004*

Attorney at Law

On April 1, 2011, came Steven Frank Helm and presented to the Board an Affidavit Declaring Consent to Revocation of his license to practice law in the courts of this Commonwealth. By tendering his Consent to Revocation at a time when disciplinary charges are pending, he admits that the charges in the attached Affidavit Declaring Consent to Revocation document are true.

The Board having considered the said Affidavit Declaring Consent to Revocation, and Bar Counsel having no objection, the Board accepts his Consent to Revocation. Accordingly, it is ordered that the license to practice law in the courts of this Commonwealth heretofore issued to the said Steven Frank Helm be and the same hereby is revoked, and that the name of the said Steven Frank Helm be stricken from the Roll of Attorneys of this Commonwealth.

Entered this 1st day of April, 2011

For the Virginia State Bar Disciplinary Board

*By Barbara S. Lanier
Barbara Sayers Lanier, Clerk of the Disciplinary System*

VIRGINIA :

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

RECEIVED

**IN THE MATTERS OF
STEVEN FRANK HELM**

MAR 31 2011

VSB Docket Nos. 10-080-083744; 11-080-084690; 11-080086004

VSB CLERK'S OFFICE

AFFIDAVIT DECLARING CONSENT TO REVOCATION

Steven Frank Helm, after being duly sworn, states as follows:

1. That Steven Frank Helm was licensed to practice law in the Commonwealth of Virginia on 09/30/1991;
2. That Steven Frank Helm submits this Affidavit Declaring Consent to Revocation pursuant to Rule of Court, Part 6, Section IV, Paragraph 13-28.
3. That Steven Frank Helm's consent to revocation is freely and voluntarily rendered, that Steven Frank Helm is not being subjected to coercion or duress, that Steven Frank Helm has had the opportunity to review this Affidavit with counsel of his choosing, and that Steven Frank Helm is fully aware of the implications of consenting to the revocation of his license to practice law in the Commonwealth of Virginia;
4. Steven Frank Helm is aware that there is currently pending a complaint, an investigation into, or a proceeding involving, allegations of misconduct, the docket number(s) for which is set forth above, and the specific nature of which is here set forth:

**VSB Docket No. 10-080-083744
Complainant: Del McFall**

- a. Mr. McFall retained Steven Frank Helm in 2005 for a personal injury case.
- b. The case settled in 2006 and Steven Frank Helm received the settlement proceeds.

- c. Steven Frank Helm was responsible for compromising a Medicare lien asserted against the settlement proceeds. In addition, Steven Frank Helm did not pay Mr. McFall what he was entitled to receive from the settlement proceeds but rather paid him out in increments over time.
- d. Since January of 2010, Mr. McFall has attempted to ascertain from Respondent why the Medicare lien was not compromised.
- e. At some point, Steven Frank Helm advised Mr. McFall that there was a problem, but he did not elaborate.
- f. Steven Frank Helm had not properly accounted for or disbursed all of the settlement proceeds.
- g. Even though Steven Frank Helm represented to the Bar's investigator that he was still holding the funds in trust, during the period in which said funds were supposed to have been held in trust Steven Frank Helm's trust account was overdrawn for insufficient funds.
- h. Steven Frank Helm recently paid to Mr. McFall the balance of his funds in the amount of \$7,226.80.
- i. Steven Frank Helm recently made an additional payment of \$2,000.00 to Medicare.

VSB Docket No. 11-080-084690

Complainant: William T. Kennard (Attorney under a duty to report)

- a. Rodney Poff retained Steven Frank Helm in 2006 to represent his interests in a personal injury case.
- b. The case settled in March of 2009 and Steven Frank Helm received the settlement proceeds in the amount of \$57,500.00.
- c. William T. Kennard is a Virginia attorney that represented the interests of the Hartford Casualty Insurance Co. ("Hartford").
- d. Hartford asserted lien interest in the settlement proceeds in the amount of \$43,524.19 pursuant to the terms of the Virginia Workers Compensation Act.
- e. Steven Frank Helm and the Hartford agreed to a reduction in the lien such that the Hartford was owed \$29,161.21 due to a reduction for attorney's fees and costs.
- f. The funds owed to the Hartford were to be retained in Steven Frank Helm's trust account.

- g. Although he should have held the money in his trust account, Steven Frank Helm did not make payment to the Hartford.
- h. On numerous occasions, Mr. Kennard contacted Steven Frank Helm who advised that payment was on its way.
- i. When Hartford did not receive the payment, Mr. Kennard filed suit against Steven Frank Helm to recover the portion of the settlement proceeds to which it was entitled.
- h. Steven Frank Helm did not deny that he owed Hartford the money. At a status conference in the case, Steven Frank Helm admitted to Mr. Kennard that he was having problems with his trust account.
- j. On July 23, 2010, Mr. Kennard filed a complaint against Steven Frank Helm.
- k. On July 27, 2010, Mr. Kennard contacted the Bar and advised that it had amicably resolved its dispute with Steven Frank Helm.
- l. During the time that Steven Frank Helm received the settlement proceeds in the Poff case and the date in which the Hartford contacted the Bar, Steven Frank Helm's trust account trust account was overdrawn for insufficient funds on several occasions.

VS B Docket No. 11-080-086004

Complainant: Elmo L. Stephenson, Jr.

- a. Jimmy Hubbard had retained Steven Frank to represent his interests in a personal injury case.
- b. Mr. Hubbard was a patient of Tuck Chiropractic Clinic ("Tuck"). Mr. Elmo Stephenson is the office manager of Tuck Chiropractic Clinic.
- c. Tuck advised Steven Frank Helm that Mr. Hubbard owed it \$3,186.49 for treatment of the injuries that were the subject of Mr. Hubbard's personal injury claim.
- d. In mid September of 2010, Steven Frank Helm advised Mr. Stephenson that the case was settled. Mr. Stephenson requested payment in full to Tuck.
- e. Payment was not made despite the demand.
- f. On November 18, 2010, Mr. Stephenson filed a complaint with the Virginia State Bar.
- g. On December 1, 2010, the Bar's investigator interviewed Mr. Stephenson who advised that Tuck still have not been paid.

h. On January 21, 2011, Mr. Stephenson contacted the Bar's investigator and advised that Steven Frank Helm had sent a check for the full amount of Tuck's lien on December 2, 2010 and that the check had cleared.

Allegations Common to all Cases

a. As a result of the various complaints leveled against Steven Frank Helm, the Virginia State Bar subpoenaed financial and accounting records from Steven Frank Helm and from StellarOne Bank, the financial institution in which Steven Frank Helm kept his trust account, operating account and other bank accounts.

b. The Bar's investigator analyzed the information and prepared a spreadsheet that showed, among other things, that Respondent's trust account was in an overdraft on three separate occasions when it should have been holding funds in trust; that Steven Frank Helm had paid for the tuition of his son's school directly from the trust account.

c. In addition, the Bar's investigator found that Steven Frank Helm's trust account was showing telephonic withdrawals from the trust account into either his operating account that he could not properly account or attribute to a specific client.

d. At the time that the Bar's investigator confronted Steven Frank Helm with this information, he advised that he had not performed the required monthly reviews and quarterly reconciliations of his trust account as required by Rule 1.15 of the Virginia Rules of Professional Conduct.

e. The Bar's investigator subsequently requested settlement memoranda and client subsidiary ledgers for numerous clients.

f. In reviewing this information, the Bar's investigator was not able to reconcile the disbursement Steven Frank Helm had made with the clients who would have been owed the money.

g. In most instances, Steven Frank Helm was unable to provide client information or justification in of the transfers out of trust at issue.

5. Steven Frank Helm acknowledges that the material facts upon which the allegations of misconduct are predicated are true; and

6. Steven Frank Helm submits this Affidavit and consents to the revocation of his license to practice law in the Commonwealth of Virginia because he knows that if the

disciplinary proceedings based on the said alleged misconduct were brought or prosecuted to a conclusion, he could not successfully defend them.

7. Pursuant to Part 6, Section IV, Paragraph 13-28.B of the Rules of the Supreme Court of Virginia, the admissions offered in this affidavit consenting to Revocation shall not be deemed an admission in any other proceeding except one relating to the status of Steven Frank Helm as a member of the Bar. Specifically, it may be used in any proceeding should Steven Frank Helm subsequently petition to the Supreme Court of Virginia for reinstatement to the practice of law in the Commonwealth of Virginia.

Executed and dated on March 23, 2011.



Steven Frank Helm
Respondent

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Salem, to wit:

The foregoing Affidavit Declaring Consent to Revocation was subscribed and sworn to before me by Steven Frank Helm on March 23, 2011.



Notary Public

My Commission expires: 28 February 2013.