

VIRGINIA:

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BEFORE THE THIRD DISTRICT, SECTION I, SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

JUN 24 2014

IN THE MATTER OF
Stephen Lynn Hewlett

VS B CLERK'S OFFICE
VSB Docket No. 14-031-098826

SUBCOMMITTEE DETERMINATION
(PUBLIC REPRIMAND WITHOUT TERMS)

On June 13, 2014 a meeting was held in this matter before a duly convened Third District, Section I, Subcommittee consisting of Carolyn Grady, Esquire, Subcommittee Chair; Stephanie Grana, Esquire, Member; and Rev. Daniel R. Greenwood, 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 Kara L. McGehee, Assistant Bar Counsel, and Stephen Lynn Hewlett, Respondent, pro se.

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

I. FINDINGS OF FACT

1. At all times relevant hereto, Respondent was an attorney in good standing licensed to practice law in the Commonwealth of Virginia.
2. Respondent maintained an IOLTA Attorney Trust Account with Wells Fargo Bank.
3. In May 2012, Respondent made a car payment from his Trust Account that caused an overdraft. Respondent had not been regularly maintaining reconciliations of the account and did not keep client subsidiary ledgers.
4. Respondent had earned most, but not all, of the money that was in his trust account at the time of the overdraft.

5. Respondent repaid the trust account. He then hired an accounting firm to assist with his bookkeeping.

II. NATURE OF MISCONDUCT

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

Rule 1.15 – Safekeeping Property

(b) Specific Duties. A lawyer shall:

- (5) not disburse funds or use property of a client or third party without their consent or convert funds or property of a client or third party, except as directed by a tribunal.

(c) Record-Keeping Requirements. A lawyer shall, at a minimum, maintain the following books and records demonstrating compliance with this Rule:

- (1) Cash receipts and disbursements journals for each trust account, including entries for receipts, disbursements, and transfers, and also including, at a minimum: an identification of the client matter; the date of the transaction; the name of the payor or payee; and the manner in which trust funds were received, disbursed, or transferred from an account.

- (2) A subsidiary ledger containing a separate entry for each client, other person, or entity from whom money has been received in trust.

The ledger should clearly identify:

- (i) the client or matter, including the date of the transaction and the payor or payee and the means or methods by which trust funds were received, disbursed or transferred; and

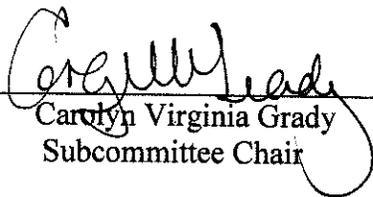
- (ii) any unexpended balance.

- (3) In the case of funds or property held by a lawyer as a fiduciary, the required books and records shall include an annual summary of all receipts and disbursements and changes in assets comparable in detail to an accounting that would be required of a court supervised fiduciary in the same or similar capacity; including all source documents sufficient to substantiate the annual summary.

III. PUBLIC REPRIMAND WITHOUT TERMS

Accordingly, having approved the agreed disposition, it is the decision of the Subcommittee to impose a Public Reprimand Without Terms and Stephen Lynn Hewlett is hereby 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.

THIRD DISTRICT, SECTION I,
SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

By: 
Carolyn Virginia Grady
Subcommittee Chair

CERTIFICATE OF MAILING

I certify that on June 24, 2014, a true and complete copy of the Subcommittee Determination (Public Reprimand Without Terms) was sent by certified mail to Stephen Lynn Hewlett, Respondent, at P.O. Box 2585, Petersburg, VA 23804, Respondent's last address of record with the Virginia State Bar.


Kara L. McGehee
Assistant Bar Counsel