

**VIRGINIA:**

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

**IN THE MATTER OF  
DANIEL JASON MILLER**

**VS. Docket No. 08-022-074392**

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

On December 18, 2008, a meeting in this matter was held before a duly convened Second District Subcommittee consisting of Paula M. Brody Bruns, Attorney at Law, Mr. Will King, lay member, and Tanya Bullock, Attorney at Law, Chair Presiding.

Pursuant to Part 6, Section IV, Paragraph 13.G.4. of the Rules of the Virginia Supreme Court and Part 6, Section IV, Paragraph 13.G.1.d. of the Rules of the Virginia Supreme Court, the Second District Subcommittee of the Virginia State Bar hereby serves upon the Respondent the following PUBLIC Reprimand with Terms arrived at by agreed disposition.

**I. FINDINGS OF FACT**

1. At all times relevant thereto, Daniel Jason Miller, hereinafter "Respondent", has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. On or about May 10, 2007, Sheila R. Porter retained Respondent to represent her in a child custody matter.
3. Based upon further discussions between Ms. Porter and Respondent, Respondent entered an appearance on June 8, 2007 in Ms. Porter's on-going child support matter by filing a letter-motion with the court requesting a continuance of Porter's scheduled June 13, 2007 support hearing. Based upon Respondent's motion, the Court continued the support matter to October 4, 2007.
4. On September 18, 2007, Respondent appeared with Ms. Porter for a hearing on the custody matter.
5. Thereafter, Respondent began preparations for the October 4, 2007 support hearing. As part of his preparations, Respondent sent an e-mail on September 26, 2007 to Ms. Porter

requesting “the address of the ford plant at the union hall so that I may subpoena his check records...Please note that you currently have a large outstanding balance with our firm that needs to be addressed prior to our next Court appearance.”

6. Respondent’s records reflected that Ms. Porter owed Respondent in excess of \$4,500.00 in legal fees and costs. Ms. Porter claimed that prior to Respondent’s e-mail of September 26, she had no prior notice of any outstanding balance owed to Respondent.
7. As Ms. Porter was unable to pay the balance prior to the October 4, 2007 hearing, Respondent refused to represent Ms. Porter further and did not appear at the October 4, 2007 hearing.
8. Respondent did not move for leave to withdraw from the support matter.

## II. NATURE OF MISCONDUCT

Such conduct by Daniel Jason Miller constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

### RULE 1.16 Declining Or Terminating Representation

- (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.
- (d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client’s interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, refunding any advance payment of fee that has not been earned and handling records as indicated in paragraph (e).

## III. PUBLIC REPRIMAND WITH TERMS

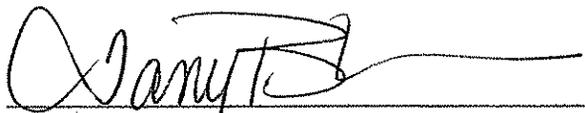
Accordingly, it is the decision of the subcommittee to offer the Respondent an opportunity to comply with certain terms and conditions, compliance with which will be a predicate for the disposition of a PUBLIC Reprimand with Terms of this complaint. The terms and conditions are:

On or before June 1, 2009, the Respondent shall complete and report his completion of two (2) hours of continuing legal education (CLE) in the subject of legal ethics. Such hours shall not be submitted or applied toward Respondent's Mandatory Continuing Legal Education annual requirement in the Commonwealth of Virginia or in any other jurisdiction where Respondent is admitted to practice law. Respondent shall certify his compliance with said CLE terms on or before June 1, 2009 by delivering a fully and properly executed Virginia MCLE Board Certification of Attendance Form to Paul D. Georgiadis, Assistant Bar Counsel, Virginia State Bar, 707 E. Main Street, Suite 1500, Richmond, Virginia 23219.

Upon satisfactory proof that such terms and conditions have been met, this matter shall be closed. If, however, the terms and conditions are not met by June 1, 2009, the Respondent agrees that the District committee shall impose a Certification to the Virginia State Bar Disciplinary Board for Sanction Determination, as mandated by the Rules of Court, Part Six, Section IV, Subparagraph 13.G.5. Respondent further agrees that said Sanction Determination shall be determined by the Virginia State Bar Disciplinary Board and hereby waives election to demand a hearing on such Determination by a three judge circuit court panel.

Pursuant to Part Six, Section IV, Paragraph 13.B.8.c. of the Rules of Court, the Clerk of the Disciplinary System shall assess costs.

SECOND DISTRICT SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR

By   
Tanya Bullock  
Subcommittee Chair

**CERTIFICATE OF SERVICE**

I certify that on the 20<sup>th</sup> day of February, 2009, I mailed by Certified Mail, Return Receipt Requested, a true and correct copy of the Subcommittee Determination (PUBLIC Reprimand with Terms) to Daniel Jason Miller, Esquire, Respondent, at Miller, Reagan & Associates, Suite 104, 4768 Euclid Road, Virginia Beach, VA 23462, Respondent's last address of record with the Virginia State Bar, and by first class mail, postage prepaid to David Ross Rosenfeld, Esquire, Respondent's Counsel, at Third Floor, 118 South Royal Street, Alexandria, VA 22314-3392.



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Paul D. Georgiadis  
Assistant Bar Counsel