

VIRGINIA:

BEFORE THE THIRD DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

IN THE MATTER OF
STEPHEN JOSEPH SHEEHY, III

VSB Docket No. 14-031-097659

SUBCOMMITTEE DETERMINATION
(PUBLIC ADMONITION WITHOUT TERMS)

On March 4, 2015 and March 24, 2015, meetings in this matter were held before a duly convened Third District—Section I Subcommittee consisting of Reiss F. Wilks, Esquire, chair presiding, D. Richard Greenwood, III, lay member, and Kevin V. Logan, Esquire.

Deputy Bar Counsel and the respondent, Stephen Joseph Sheehy, III, entered into an agreed disposition for a Public Admonition without Terms, which has been approved by the subcommittee. Accordingly, pursuant to Part 6, § IV, ¶ 13-15.B.4 of the Rules of the Supreme Court of Virginia, the Third District—Section I Subcommittee of the Virginia State Bar hereby serves upon the respondent Stephen Joseph Sheehy, III the following Public Admonition Without Terms:

FINDINGS OF FACT

1. Stephen Joseph Sheehy, III (“Respondent”) was licensed to practice law in the Commonwealth of Virginia on May 8, 1984. Respondent practices in Fairfax County, Virginia.
2. On or about October 31, 2012, Respondent qualified as the administrator of the estate of Tunney Gene Nicholson in the Circuit Court for the County of Powhatan. Respondent agreed to be the administrator of the estate at the request of his law

school classmate, attorney Neil Kuchinsky. Respondent had not previously administered an estate.

3. The first inventory of the estate was due to the Commissioner of Accounts on February 28, 2013. Respondent did not submit the inventory on or before this date.
4. On or about May 27, 2013 the Commissioner of Accounts sent Respondent a courtesy letter informing him that the inventory was overdue and requesting that Respondent submit an inventory within 30 days. Respondent did not do so.
5. On or about August 27, 2013, the Commissioner of Accounts issued a summons requiring Respondent to file the inventory within 30 days of service.
6. On or about October 31, 2013, Respondent submitted to the Commissioner of Accounts an accounting for the estate.
7. On or about November 1, 2013, the Commissioner of Accounts filed a report with the Circuit Court requesting the Court to summon Respondent for a show cause hearing based upon Respondent's failure to file the inventory.
8. On February 10, 2014, a show cause hearing was held in the Circuit Court. Respondent advised the Court that he would immediately file the inventory. The Court dismissed the show cause and Respondent filed the inventory on or about February 11, 2014.
9. Respondent advised the bar investigator that he takes responsibility for failing to file the inventory in a timely manner. Respondent explained that one of the reasons for the delay was that Mr. Kuchinsky had asked him to hold off submitting the inventory until Mr. Kuchinsky's claim against the estate could be included.

NATURE OF MISCONDUCT

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

RULE 1.3 Diligence

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

PUBLIC ADMONITION WITHOUT TERMS

Accordingly, it is the decision of the subcommittee to impose a Public Admonition Without Terms and Stephen Joseph Sheehy, III is hereby so admonished. 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.

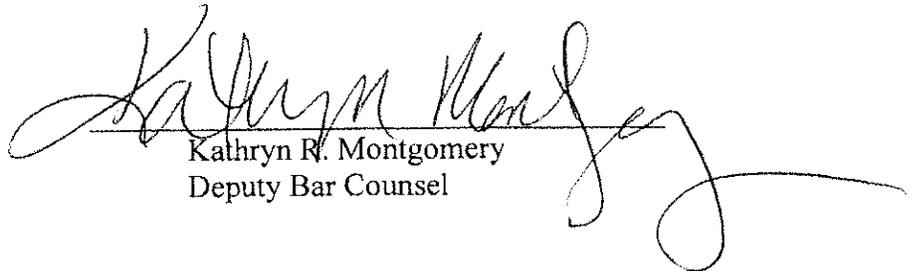
THIRD DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

By: 

Reiss F Wilks
Subcommittee Chair

CERTIFICATE OF MAILING

I certify that on April 6, 2015, a true and complete copy of the Subcommittee Determination (Public Admonition Without Terms) was sent by certified mail to Stephen Joseph Sheehy, III at Stephen J. Sheehy, III & Assoc, 3911 Old Lee Hwy Ste 43-C, Fairfax, VA 22030, his last address of record with the Virginia State Bar.



Kathryn R. Montgomery
Deputy Bar Counsel