

VIRGINIA :

**BEFORE THE DISCIPLINARY BOARD
OF THE VIRGINIA STATE BAR**

**IN THE MATTERS OF
JOHN LESTER SQUIRES, III
VSB Docket Nos. 09-031-076263 and
09-031-076442**

ORDER AND OPINION

This matter came before the Virginia State Bar Disciplinary Board (“Board”) for hearing on April 23, 2010, upon Determinations and Certifications from the Third District Disciplinary Committee, Section I. A duly convened panel of the Board consisting of William E. Glover, First Vice-Chair, presiding, Paul M. Black, Richard J. Colten, Sandra L. Havrilak, and Rev. W. Ray Inscoe, lay member, heard the matter. Paulo E. Franco, Assistant Bar Counsel, appeared on behalf of the Virginia State Bar (“VSB”). John Lester Squires, III (“Respondent”) appeared in person without representation by counsel. The court reporter for the proceeding, Terry S. Griffith, Chandler and Halasz, P. O. Box 9349, Richmond, Virginia 23227, telephone 804-730-1222, was duly sworn by the Chair.

All legal notices of the date and place were timely sent by the Clerk of the Disciplinary System (“Clerk”), in the manner prescribed by law. The Chair opened the hearing by polling the Board members to ascertain whether any member had any personal or financial interest or bias which would interfere with or influence each such member’s determination, and each member responded that there were no such conflicts. The VSB’s Exhibits 1-17 were admitted as part of the record, and a Joint Stipulation of Fact and Misconduct was admitted as VSB Exhibit 18. The Board heard opening statements from the VSB and from the Respondent. Upon consideration of the Exhibits filed by the VSB, including the Joint Stipulation of Fact and Misconduct, and the

representations of counsel for the Bar and of the Respondent, and after recess and due deliberation, the Board accepted the Stipulations of Fact and makes the following findings:

I.

**VSB DOCKET NO. 09-031-076263
COMPLAINANT: James M. Nachman**

1. At all times relevant, John Lester Squires, III ("Respondent"), was an attorney licensed to practice law in the Commonwealth of Virginia.
2. Respondent was admitted to the practice of law on May 12, 1987.
3. Victoria Cameron retained Respondent to represent her in a civil suit in Hopewell against individuals alleged to have contaminated property she owned causing \$26,000.00 in damages.
4. Respondent took a \$10,000.00 up front retainer to handle the suit.
5. Before trial began in November of 2007, Respondent advised Ms. Cameron that he was still holding approximately \$7,000.00 of unearned fees. However, Respondent never gave Ms. Cameron a statement of accounting either before or after trial.
6. Shortly after trial of the matter commenced, the case was halted for an in chambers conference.
7. Respondent emerged from the conference stating that he had reached a deal in which Ms. Cameron would receive \$25,000.00.
8. Ms. Cameron reluctantly accepted the settlement.
9. Respondent advised Ms. Cameron that she would receive a settlement check, but she never received anything. Respondent told her in December of 2007 that the checks would be coming soon.
10. Ms. Cameron attempted to contact Respondent after their December 2007 conversation, but he failed to answer or return any calls, and he failed to respond to her written correspondence.
11. In February of 2008, Ms. Cameron spoke to another lawyer in Respondent's office, James Nachman, who advised her that he knew nothing of her case, and that Respondent had left the practice of law.
12. Around that time, Mr. Nachman began receiving calls from Respondent's clients. Mr. Nachman left numerous messages for Respondent which Respondent simply ignored.

13. Unbeknownst to Ms. Cameron, Respondent left the practice of law for other employment and simply abandoned his law practice and clients.

14. At the time that Respondent abandoned his law practice, and as of the time that Ms. Cameron filed her complaint, Respondent had outstanding monies due and owing to clients that were left in his trust account.

15. Respondent failed to adequately wind down his practice, failed to adequately disburse funds from his trust account in a timely fashion, and otherwise failed to protect the interests of his clients.

16. Ms. Cameron was required to retain other counsel to help collect on the deal that Respondent negotiated.

17. During the course of the investigation of this complaint, Respondent issued a check in the amount of \$1,115.38 to Ms. Cameron, which represented the amount that Respondent determined was unearned from the initial retainer.

II.

VSb DOCKET NO. 09-031-076442

COMPLAINANT: Tazwell Price

1. At all times relevant, John Lester Squires, III ("Respondent"), was an attorney licensed to practice law in the Commonwealth of Virginia.

2. Respondent was admitted to the practice of law on May 12, 1987.

3. Tazwell Price and Jeffrey Shelby were injured in an automobile accident in March of 2006. They retained Respondent to represent their interests.

4. They executed an engagement letter with Respondent, although they did not retain a copy of the letter.

5. After completing treatment of their injuries, they had a meeting with Respondent, and requested that Respondent keep them informed on the case.

6. Price began calling about every other week, but Respondent did not return the phone calls.

7. Price and Shelby both came to Respondent's office sometime in May or June of 2007, and discussed the case. Respondent advised he had everything he needed and that he would wrap up the case.

8. Thereafter, Respondent had no communication with either Price or Shelby until January of 2008.

9. Respondent set up a meeting with Price and Shelby for January of 2008, but cancelled thirty minutes before the appointed time.

10. Price called Respondent's office thereafter and was advised that Respondent was no longer there.

11. Unbeknownst to Price and Shelby, Respondent had abandoned the practice of law and had abandoned their interests.

12. Price and Shelby had to retain other counsel, who learned that Respondent had filed suit, but did not file anything with the court to either request service of process or leave to withdraw from the case.

III.

MISCONDUCT

A. VSB DOCKET NO. 09-031-076263 (Nachman, Complainant)

The Board unanimously finds that the following charges of misconduct are established by clear and convincing evidence in VSB DOCKET NO. 09-031-076263 :

RULE 1.3 Diligence

- (a) A lawyer shall act with reasonable diligence and promptness in representing a client.
- (b) A lawyer shall not intentionally fail to carry out a contract of employment entered into with a client for professional services, but may withdraw as permitted under Rule 1.16.

RULE 1.4 Communication

- (a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

RULE 1.5 Fees

- (b) The lawyer's fee shall be adequately explained to the client. When the lawyer has not regularly represented the client, the amount, basis or rate of the fee shall be communicated to the client, preferably in writing, before or within a reasonable time after commencing representation.

RULE 1.15 Safekeeping Property

- (c) A lawyer shall:

- (4) promptly pay or deliver to the client or another as requested by such person the funds, securities, or other properties in the possession of the lawyer which such person is entitled to receive.

RULE 1.16 Declining or Terminating Representation

- (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 the fee that has not been earned and handling records as indicated in paragraph (e).

RULE 8.4 Misconduct

It is professional misconduct for a lawyer to:

- (b) commit a deliberately wrongful act that reflects adversely on the lawyer's honesty, trustworthiness or fitness to practice law.

B. VSB DOCKET NO. 09-031-076442 (Price, Complainant):

The Board unanimously finds that the following charges of misconduct are established by clear and convincing evidence in VSB DOCKET NO. 09-031-076442:

RULE 1.3 Diligence

- (a) A lawyer shall act with reasonable diligence and promptness in representing a client.
- (b) A lawyer shall not intentionally fail to carry out a contract of employment entered into with a client for professional services, but may withdraw as permitted under Rule 1.16.

RULE 1.4 Communication

- (a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

RULE 1.5 Fees

- (b) The lawyer's fee shall be adequately explained to the client. When the lawyer has not regularly represented the client, the amount, basis or rate of the fee shall be communicated to the client, preferably in writing, before or within a reasonable time after commencing representation.

RULE 1.15 Safekeeping Property

- (c) A lawyer shall:
 - (4) promptly pay or deliver to the client or another as requested by such person the funds, securities, or other properties in the possession of the lawyer which such person is entitled to receive.

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RULE 8.4 Misconduct

It is professional misconduct for a lawyer to:

- (b) commit a deliberately wrongful act that reflects adversely on the lawyer's honesty, trustworthiness or fitness to practice law.

IV. DISPOSITION

Based on the above findings of fact and of misconduct, the Board heard evidence of aggravation and mitigation. The Board heard the testimony of Respondent, who expressed remorse and acknowledged that his conduct warranted a suspension of his license to practice law. The Board also received the recommendation of the Bar. Based on the foregoing, including the fact that the Respondent had no prior discipline since his admission to the Bar in 1987, and after recess and due deliberation, the Board reconvened and the Chair announced the unanimous decision of the Board; and, ORDERED that, pursuant to Part 6, §IV, ¶13-18(M) of the Rules of the Supreme Court of Virginia, the license of the Respondent to practice law in the Commonwealth of Virginia be and hereby is SUSPENDED for a period of Nine (9) Months, effective April 23, 2010.

It is FURTHER ORDERED that, as directed in the Board's April 23, 2010 Summary Order in this matter, a copy of which was served on Respondent by certified mail, Respondent must comply with the requirements of Part 6, Section IV, Paragraph 13-29 of the Rules of the Supreme Court of Virginia. The Respondent shall forthwith give notice by certified mail, return receipt requested, of the suspension of his license to practice law in the Commonwealth of Virginia to all clients for whom he is currently handling matters and to all opposing attorneys and presiding Judges in pending litigation. The Respondent shall give notice within fourteen (14) days of the effective date of the Summary Order and make such arrangements as are required within forty-five (45) days of the effective date of the order. The Respondent shall also furnish proof to the VSB within sixty (60) days that such notices have been timely given and such arrangements made for the disposition of matters.

It is further ordered that if the Respondent is not handling any client matters on the effective date of the suspension, he shall submit an affidavit to that effect to the Clerk. All issues concerning the adequacy of the notice and arrangements required by ¶13-29 shall be determined by the Board.

It is ordered that Part Six, § IV, ¶13-9(E) of the Rules of the Supreme Court of Virginia, the Clerk shall assess all costs against Respondent.

It is further ordered that the Clerk shall send an attested copy of this Order and Opinion to Respondent, John Lester Squires, III, by certified mail, return receipt requested, at his address of record, 808 North Hamilton Street, Richmond, VA 23221 and by hand to Paulo E. Franco,

Jr., Assistant Bar Counsel, 707 East Main Street, Suite 1500, Richmond, Virginia 23219-2803.

SO ORDERED, this 13th day of May, 2010.

By

A handwritten signature in black ink, consisting of a large, stylized initial 'W' followed by a long horizontal line extending to the right.

William E. Glover, First Vice-Chair,
Presiding