

VIRGINIA:

BEFORE THE FIFTH DISTRICT COMMITTEE SECTION I
OF THE VIRGINIA STATE BAR

IN THE MATTER OF
MICHAEL ALAN WARD, RESPONDENT

VS B DOCKET NO. 13-051-092489

DISTRICT COMMITTEE DETERMINATION
(PUBLIC REPRIMAND WITH TERMS)

On May 7, 2014, a hearing in this matter was held before a duly convened Fifth District Committee, Section I, Panel consisting of Cary Z. Cucinnelli, Esquire, Sandra M. Rohrstaff, Esquire, substitute Member of District 4, Section II, David M. Bowie, Lay Member, Carl S. Person, Lay Member, and Raymond F. Morrogh, Esquire, presiding.

The Respondent, Michael Alan Ward, Esquire, appeared in person and represented himself *pro se*, and Kathleen M. Uston, Assistant Bar Counsel, appeared as counsel for the Virginia State Bar. The Complainant, Randa H. Mangano, was also present. The proceedings were transcribed by Kathy L. Hannum, Rudiger, Green & Kerns Reporting Service, 4116 Leonard Drive, Fairfax, Virginia, 22030, 703/591-3136.

Pursuant to Part 6, Section IV, Paragraph 13-16.Z.2 of the Rules of the Virginia Supreme Court, the Fifth District Committee, Section I, of the Virginia State Bar hereby serves upon the Respondent the following Public Reprimand with Terms:

I. FINDINGS OF FACT

1. At all times relevant hereto, Michael Alan Ward, Esquire, (hereinafter the "Respondent") has been an attorney licensed to practice law in the Commonwealth of Virginia in good standing.
2. In or around November, 2011, Randa H. Mangano (hereinafter the "Complainant") retained Respondent to assist her with a child support matter, paying him \$1,000.00 by credit card transaction.

3. On or around November 30, 2011, and incident to the representation of Complainant, Respondent contacted the Division of Child Support Enforcement (hereinafter "DCSE") in Richmond, telephoning their "800" number, to inquire with that office whether or not a child support case had been established in Virginia in Complainant's case. Respondent testified that he left a message with DCSE at this time.

4. Respondent testified that he took no steps following this initial telephone call to follow up with DCSE regarding Complainant's case, until March, 2013, after the representation had terminated. Respondent testified further that he did not make any further effort to contact DCSE after this initial attempt, also until after the representation had terminated.

5. The District Committee finds that Respondent did not exercise reasonable diligence and promptness in contacting DCSE and in following up on the matter afterwards.

6. The District Committee received documentary and testimonial evidence of efforts by the Complainant to contact Respondent after November 30, 2011, to obtain a status report on her case.

7. The District Committee also received documentary and testimonial evidence of efforts by the Complainant to inquire of Respondent about developments in her case after her retention of him on November 30, 2011.

8. The District committee finds that Respondent failed to keep his client reasonably informed about the status of her case, and failed to respond to her reasonable requests for information about her case.

9. The District Committee finds that Respondent failed to clearly explain the matter to Complainant to the extent reasonably necessary for her to make informed decisions.

10. The District Committee accepted Respondent's testimony, under oath, that he placed a telephone call to DCSE on or around November 30, 2011.

II. NATURE OF MISCONDUCT

Such conduct by Michael Alan Ward 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.

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.

(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

III. PUBLIC REPRIMAND WITH TERMS

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

1. For a period of eighteen (18) months from the date of this Determination, Respondent shall commit no violations of the Rules of Professional Conduct set forth above.
2. Any finding by a disciplinary tribunal of the Virginia State Bar that Respondent has violated any of the Rules of Professional Conduct set forth above must set forth the date of the violation or violations found, and that date or dates must fall within the eighteen (18) month period described above. The finding by a disciplinary tribunal may or may not be made within the eighteen (18) month period described above.

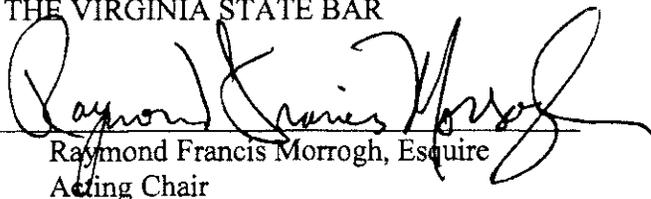
Upon satisfactory proof that such terms and conditions have been met, this matter shall be closed. If, however, the terms and conditions are not met by the date(s) specified, then notice shall be served upon Respondent of a Show Cause hearing which shall thereafter be scheduled

and at which it shall be the burden of the Respondent to show compliance with the terms set forth above. If the District Committee determines that compliance has not been proven by the Respondent, then this matter shall be certified to the Disciplinary Board for Sanction Determination, with a recommendation that a six (6) month suspension be imposed, pursuant to Part Six, Section IV, Paragraph 13-16.CC of the Rules of the Virginia Supreme Court. Any Proceeding initiated due to failure to comply with terms will be considered a new matter, and an administrative fee and costs will be assessed pursuant to Paragraph 13-9.E of the Rules of Court.

Pursuant to Part Six, Section IV, Paragraph 13-9.E of the Rules of the Virginia Supreme Court, the Clerk of the Disciplinary System shall assess costs.

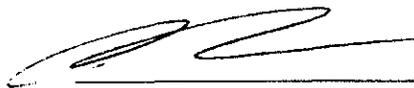
FIFTH DISTRICT COMMITTEE SECTION I
OF THE VIRGINIA STATE BAR

By


Raymond Francis Morrogh, Esquire
Acting Chair

CERTIFICATE OF SERVICE

I certify that on the 28th day of May, 2014, a true copy of the District Committee Determination (Public Reprimand with Terms) was sent by certified mail to Michael Alan Ward, Respondent, at Suite 301, 4085 Chain Bridge Road, Fairfax, VA 22030, Respondent's last address of record with the Virginia State Bar.



Kathleen M. Uston, Esquire
Assistant Bar Counsel