

VIRGINIA:

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

IN THE MATTER OF
JUAN CHARDIET

VSB Docket No. 13-051-093997

SUBCOMMITTEE DETERMINATION
(PUBLIC ADMONITION WITHOUT TERMS)

On August 29, 2014, a meeting in this matter was held before a duly convened Fifth District Section I Subcommittee consisting of Chidi I. James, Esquire, David M. Bowie Lay Member, and Nancy J. Crawford, Esquire, presiding.

Pursuant to Part 6, § IV, ¶13-15.B.4 of the Rules of the Supreme Court of Virginia, the Fifth District Section I Subcommittee of the Virginia State Bar hereby serves upon the respondent Juan Chardiet (“Respondent”), the following Public Admonition Without Terms:

I. FINDINGS OF FACT

1. At all times relevant hereto, JUAN CHARDIET (hereinafter “Respondent”) has been an attorney licensed to practice law in the Commonwealth of Virginia.

2. In or around December, 2011, Complainant, GF (hereinafter “Complainant”) met with Respondent concerning her matrimonial matter.¹ Complainant states that Respondent had her meet him at Clyde’s Restaurant in Reston, Virginia.

3. Thereafter, on December 28, 2011, Complainant’s husband filed suit for divorce. On December 29, 2011, Complainant sent an email to Respondent concerning the case wherein she offered to pay Respondent a retainer in order to keep their relationship strictly professional.

Complainant stated, “I was having second thoughts because you showed an interest in me. I am vulnerable right now and I can’t deal with that.” In response, Respondent advised Complainant that he did not want or need her to pay him anything due to his “chivalrous” intentions.

¹ The Complainant is being identified by her initials only to protect her privacy.

4. Respondent filed responsive pleadings on behalf of Complainant, and discovery and other incidents of trial ensued, culminating in entry of an Order on March 19, 2012, declaring the parties' Prenuptial Agreement valid. Complainant contacted Respondent to inquire about the status of her case, but he did not respond to her inquiries.

5. Consequently, in or around May, 2012, Complainant hired another attorney to represent her, Christian M. Lapham, Esquire, who sent an Order of Substitution to Respondent on May 18, 2012, with a request that he sign and return same to Mr. Lapham for entry and make Complainant's file available for pick up. Respondent did not respond to this request, but stated that he did not receive the full facsimile containing the signature page.

6. Accordingly, by email dated June 25, 2012, Mr. Lapham followed up with Respondent, who finally responded on June 25, 2012, signing and returning the Order of Substitution, and providing access to Complainant's file, to Mr. Lapham.

II. NATURE OF MISCONDUCT

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

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

(e) All original, client-furnished documents and any originals of legal instruments or official documents which are in the lawyer's possession (wills, corporate minutes, etc.) are the property of the client and, therefore, upon termination of the representation, those items shall be returned within a reasonable time to the client or the client's new counsel upon request, whether

or not the client has paid the fees and costs owed the lawyer. If the lawyer wants to keep a copy of such original documents, the lawyer must incur the cost of duplication. Also upon termination, the client, upon request, must also be provided within a reasonable time copies of the following documents from the lawyer's file, whether or not the client has paid the fees and costs owed the lawyer: lawyer/client and lawyer/third-party communications; the lawyer's copies of client-furnished documents (unless the originals have been returned to the client pursuant to this paragraph); transcripts, pleadings and discovery responses; working and final drafts of legal instruments, official documents, investigative reports, legal memoranda, and other attorney work product documents prepared or collected for the client in the course of the representation; research materials; and bills previously submitted to the client. Although the lawyer may bill

and seek to collect from the client the costs associated with making a copy of these materials, the lawyer may not use the client's refusal to pay for such materials as a basis to refuse the client's request. The lawyer, however, is not required under this Rule to provide the client copies of

billing records and documents intended only for internal use, such as memoranda prepared by the lawyer discussing conflicts of interest, staffing considerations, or difficulties arising from the lawyer-client relationship. The lawyer has met his or her obligation under this paragraph by furnishing these items one time at client request upon termination; provision of multiple copies is not required. The lawyer has not met his or her obligation under this paragraph by the mere provision of copies of documents on an item-by-item basis during the course of the representation.

III. PUBLIC ADMONITION WITHOUT TERMS

Accordingly, it is the decision of the subcommittee to impose a Public Admonition without Terms and Juan Chardiet 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.

FIFTH DISTRICT SUBCOMMITTEE
SECTION I OF THE VIRGINIA
STATE BAR

By: 
Nancy Jane Crawford
Chair of the Committee
Subcommittee Chair

(Certificate of Mailing on Page 4)

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of September, 2014, a true and correct copy of the Subcommittee Determination (Public Admonition Without Terms) was sent by certified mail to Juan Chardiet, Respondent, at 6665-A Old Dominion Drive, McLean, VA 22101, Respondent's last address of record with the Virginia State Bar.

Renee M. Brennan for

Kathleen Maureen Uston
Assistant Bar Counsel