



VIRGINIA:

BEFORE THE SECOND DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

IN THE MATTER OF
STEVEN MARCUS MIYARES

VSB Docket No. 16-021-105642

SUBCOMMITTEE DETERMINATION
(PUBLIC REPRIMAND WITH TERMS)

On February 22, 2017, a meeting was held in this matter before a duly convened Second District Subcommittee consisting of Lisa L. Thatch, Chair Presiding, Kenneth N. Whitehurst, III, Member, and Mark B. Shaw, Lay Member. During the meeting, the Subcommittee voted to approve an agreed disposition for a Public Reprimand with Terms pursuant to Part 6, § IV, ¶ 13-15.B.4. of the Rules of the Supreme Court of Virginia. The agreed disposition was subsequently entered into by the Virginia State Bar, by M. Brent Saunders, Senior Assistant Bar Counsel, and Steven Marcus Miyares (“Respondent”) and Jason Stuart Redding Miyares, Esquire, counsel for Respondent.

WHEREFORE, the Second District Subcommittee of the Virginia State Bar hereby serves upon Respondent the following Public Reprimand with Terms:

I. FINDINGS OF FACT

1. At all times relevant hereto, Respondent was an attorney licensed to practice law in the Commonwealth of Virginia.
2. The complainant, Paula M. Townsend (“Ms. Townsend”), hired Respondent in mid-January 2016 for representation in her contested divorce in Northampton County, as memorialized by a representation agreement signed by Ms. Townsend and Respondent on January 14, 2016.
3. From late February through early April 2016, Ms. Townsend attempted to contact Respondent regarding the settling of her matter by sending him multiple e-mails and a fax and leaving numerous voicemail messages for him at his office. Respondent did not respond to any of those inquiries.

4. Respondent also failed to notify Ms. Townsend of his receipt of a telephone inquiry from the opposing party's counsel on March 11, 2016 regarding settlement.

5. In his response to this complaint, Respondent informed the bar he had apologized to Ms. Townsend for what he characterized as "entirely unacceptable" lack of communication with her and had offered to complete her case. Notwithstanding, Ms. Townsend terminated his representation, following which he issued a full refund of the \$500.00 advance fee she had paid for the representation.

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.

(c) A lawyer shall inform the client of facts pertinent to the matter and of communications from another party that may significantly affect settlement or resolution of the matter.

III. PUBLIC REPRIMAND WITH TERMS

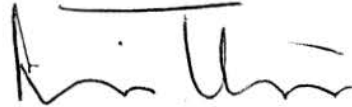
Accordingly, having approved the agreed disposition, it is the decision of the Subcommittee to impose a Public Reprimand with Terms. The terms are as follows:

Respondent is placed on probation for a period of three (3) years commencing upon the issuance of this determination. During such probationary period, Respondent will not engage in professional misconduct as defined by the Virginia Rules of Professional Conduct or the disciplinary rules of any other jurisdiction in which the Respondent is admitted to practice law. Any final determination that Respondent engaged in professional misconduct during this probationary period made by a District Subcommittee, District Committee, the Disciplinary Board, a Three-Judge Panel or the Supreme Court of Virginia - or similar tribunal in another jurisdiction - shall conclusively be deemed to be a violation of this Term.

If the terms are not met, pursuant to Part 6, § IV, ¶ 13-15.F and G of the Rules of the Supreme Court of Virginia, the District Committee shall hold a hearing and Respondent shall be required to show cause why a Certification for Sanction Determination should not be imposed. 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 Part 6, § IV, ¶ 13-9.E. of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess costs.

SECOND DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR



Lisa L. Thatch
Subcommittee Chair

CERTIFICATE OF MAILING

I certify that on the 14th day of MARCH, 2017, a true and complete copy of the Subcommittee Determination (Public Reprimand With Terms) was sent by certified mail to Steven Marcus Miyares, Respondent, at 1724 Jermyn Ln, Virginia Beach, VA 23454-1174, Respondent's last address of record with the Virginia State Bar, and by first class mail, postage prepaid to Jason Stuart Redding Miyares, counsel for Respondent, at 1724 Jermyn Lane, Virginia Beach, VA 23454.



M. Brent Saunders
Senior Assistant Bar Counsel