

DISCIPLINARY SUMMARIES

The following are summaries of disciplinary actions for violations of the Virginia Rules of Professional Conduct (RPC) (Rules of the Virginia Supreme Court Part 6, § II, eff. Jan. 1, 2000) or another of the Supreme Court Rules.

Copies of disciplinary orders are available at the web link provided with each summary or by contacting the Virginia State Bar Clerk's Office at (804) 775-0539 or clerk@vsb.org. VSB docket numbers are provided.

DISCIPLINARY BOARD

Jonathan David Esten

Manassas, Virginia
17-053-107549

On December 8, 2017, the Virginia State Bar Disciplinary Board revoked Jonathan David Esten's license to practice law based on his affidavit consenting to the revocation. By tendering his consent to revocation at a time when allegations of misconduct are pending, Esten acknowledges that the material facts upon which the allegations of misconduct are pending are true. RPC 1.15 (a) (1), (b)(2)(4) & (5); 8.1 (a), (c) & (d); 8.4 (b) & (c), Rules Part 6, § IV, ¶ 13-28
www.vsb.org/docs/Esten-121117.pdf

Douglass Hayden Fisher

Richmond, Virginia
17-032-106505

On December 19, 2017, the Virginia State Bar Disciplinary Board issued a public reprimand with terms to Douglass Hayden Fisher for violating professional rules that govern misconduct and candor toward the tribunal. This was an agreed disposition of the charges. RPC 3.3 (a)(1) & (e), 8.4 (c)
www.vsb.org/docs/Fisher-122017.pdf

Kawai Lau

Bellevue, Washington
18-000-110176

On November 17, 2017, the Virginia State Bar Disciplinary Board revoked Kawai Lau's license to practice law based on his exclusion from the practice of law by the United States Patent and Trademark Office on May 31, 2017. Rules Part 6, § IV, ¶ 13-24
www.vsb.org/docs/Lau-112917.pdf

Kimberly Lisa Marshall

Poolesville, Maryland
15-070-100583

On January 9, 2018, the Virginia State Bar Disciplinary Board suspended Kimberly Lisa Marshall's license to practice law for a period of one year and one day for violating professional rules that govern diligence, communication, the safekeeping

of property, declining or terminating representation, and misconduct. Rules 1.3 (a)(b); 1.4 (a); 1.15 (b)(1-3); 1.15 (d)(e); and 8.4 (b)(c)
www.vsb.org/docs/Marshall-011018.pdf

James Aloysius Powers

Sterling, Virginia
18-000-110175

On November 17, 2017, the Virginia State Bar Disciplinary Board indefinitely suspended James Aloysius Powers' license to practice law. Reinstatement is contingent upon compliance with conditions and procedures of the Maryland Court of Appeals and the Virginia State Bar. Powers' license was previously summarily suspended in Virginia on October 26, 2017, based on his indefinite suspension in Maryland. Rules Part 6, § IV, ¶ 13-24
www.vsb.org/docs/Powers-121817.pdf

DISTRICT COMMITTEES

Pamela Lynn Cave

Fairfax, Virginia
17-052-109102

On November 16, 2017, the Virginia State Bar Fifth District – Section II Subcommittee issued a public reprimand with terms to Pamela Lynn Cave for violating professional rules that govern the safekeeping of property. This was an agreed disposition of misconduct charges. RPC 1.15 (a)(3)(i-ii), (b)(2)(3), (c)(1)(2)(i-ii)(3)(4), (d)(3)(i-iv)(4)
www.vsb.org/docs/Cave-112017.pdf

Anthony Elmer Collins

Wise, Virginia
14-102-097282

On October 20, 2017, the Virginia State Bar Tenth District – Section II Subcommittee issued a public reprimand with terms to Anthony Elmer Collins for violating professional rules that govern conflict of interest. This was an agreed disposition of misconduct charges. RPC 1.8 (b)
www.vsb.org/docs/Collins-112017.pdf

Ana Maria Cuitino

McLean, Virginia
17-051-105629, 17-051-106484

On January 19, 2018, the Virginia State Bar Fifth District Section I Subcommittee issued a public reprimand with terms to Ana Maria Cuitino for violating the rules that govern diligence, communication, safekeeping of property, and declining or terminating representation. This was an agreed disposition of the charges. RPC 1.3 (a); 1.4 (a); 1.15 (a)(1), (b)(3)&(4), (c)(1)(2)(i)(ii) &(4); 1.16 (a)(2), (d) & (e)
www.vsb.org/docs/Cuitino-012318.pdf

Tara Elizabeth Steinnerd

Arlington, Virginia
17-041-108074

On December 8, 2017, the Virginia State Bar Fourth District – Section I Subcommittee issued a public reprimand with terms to Tara Elizabeth Steinnerd for violating professional rules that

govern fairness to opposing party and counsel, communication with persons represented by counsel, meritorious claims and contentions, and misconduct. This was an agreed disposition of the charges. RPC 3.4 (d) & (j), 4.2, 3.1, 8.4 (b)
www.vsb.org/docs/Steinnerd-121117.pdf

DISCIPLINARY PROCEEDINGS

Suspension – Failure to Pay Disciplinary Costs

		Effective Date	Lifted
Alexander M. Chanthunya	Silver Spring, MD	January 19, 2018	
Wayne Richard Hartke	Reston, VA	November 20, 2017	
Karl Leonard Larson	Arlington, TX	December 22, 2017	
John Fredrick McGarvey	Glen Allen, VA	November 27, 2017	
John Forrest Roberts	Williamsburg, VA	January 5, 2018	
Pamela Bruce Stuart	Washington, DC	December 12, 2017	

Suspension – Failure to Comply with Subpoena

Karl Galen Blanke	Burke, VA	November 28, 2017	
Angela Dawn Whitley	Richmond, VA	December 28, 2017	

Impairment

William Steven Paleos	Frederick, MD	November 28, 2017	
-----------------------	---------------	-------------------	--

NOTICES TO MEMBERS

COMMENTS SOUGHT ON PROPOSED SUPREME COURT RULE AMENDMENT REGARDING LIMITED SCOPE REPRESENTATION

The Advisory Committee on Rules of Court of the Supreme Court of Virginia is seeking public comment on a proposed amendment adding a subsection (f) to Rule 1:5 to address limited-scope representation. The advisory committee is a subcommittee of the Judicial Council of Virginia.

The deadline is March 1, 2018. www.vsb.org/site/news/item/comments_sought_on_proposed_supreme_court_rule_amendment_regarding_limited

SUPREME COURT OF VIRGINIA AMENDS EMERITUS RULE TO ENCOURAGE PRO BONO SERVICE

Effective March 1, 2018, the Supreme Court of Virginia approved changes to the rules governing emeritus status in the Virginia State Bar.

Among other things, the amendments to Paragraph 3(e) of Part 6, Section IV of the Rules of the Supreme Court of Virginia alter the number of years an attorney must have been engaged in active practice before becoming an emeritus member, and they abolish the requirement to practice under the direct supervision of legal aid attorneys.

www.vsb.org/site/news/item/SCV_amends_emeritus_rule

SUPREME COURT OF VIRGINIA ANNOUNCES NEW DIGITAL SUBSCRIPTION SERVICE

Members of the public can now sign up for a free service that helps quickly inform subscribers of Supreme Court of Virginia and Court of Appeals of Virginia opinions, orders, rule changes, dockets, events, and more.

www.vsb.org/site/news/item/SCoV_digital_subscription_service

SENATORS AND VSB TO EVALUATE CANDIDATES FOR FEDERAL JUDICIAL VACANCY

US Senators Mark R. Warner and Timothy M. Kaine are accepting applications from candidates interested in pursuing a nomination to fill the upcoming judicial vacancy in the US District Court for the Western District of Virginia occasioned by the retirement of Judge Glen E. Conrad.

www.vsb.org/site/news/item/federal_judicial_vacancy_2018-01

THE VIRGINIA LAW FOUNDATION AND VIRGINIA ACCESS TO JUSTICE COMMISSION CREATE PRO BONO PORTAL

The portal gives lawyers access to **free** subject-specific training materials to assist them with pro bono cases.

www.vacle.org/Free_Pro_Bono_Content-pg222.aspx

NOTICES TO MEMBERS

VSb TECHSHOW

Registration is open for the April 23, 2018, VSb TECHSHOW at the Greater Richmond Convention Center. <http://bit.ly/VSBTECHSHOW2018>

OLIVER HILL/SAMUEL TUCKER PRE-LAW INSTITUTE

Applications for the Oliver Hill/Samuel Tucker Pre-Law Institute, a joint initiative of the VSb's Diversity Conference and Young Lawyers Conference, are due April 1, 2018. Help spread the word in this effort to promote diversity in law. www.vsb.org/site/conferences/ylc/oliver-hill-samuel-tucker-prelaw-institute

BAR LEADERS INSTITUTE

Mark your calendar for the March 9, 2018, Bar Leaders Institute at Lewis Ginter Botanical Garden. Registration will open on January 10, 2018. www.vsb.org/site/conferences/clba-calendar/bar_leaders_institute1

AWARDS

The VSb is seeking nominations for the following awards:
 Clarence M. Dunnville Jr. Achievement Award
 Virginia Legal Aid Award
 Oliver White Hill Law Student Pro Bono Award
 Tradition of Excellence Award
 Local Bar Leader of the Year
 Specialty Bar Leader of the Year
 Bar Association of the Year
 Awards of Merit
www.vsb.org/site/members/awards-and-contests/

2018 COUNCIL ELECTIONS

If you are interested in serving on Council, the Virginia State Bar's governing body, there will be an election conducted in the following circuits by electronic ballot. To be eligible to run, you must be an active member in good standing of the circuit as of March 15, 2018. You must file a nominating petition with the executive director at elections@vsb.org on or before **March 30, 2018**. The nominating petition shall be signed by not fewer than ten other members eligible to vote in the circuit, and shall be accompanied by a statement of qualifications not exceeding one hundred and fifty words (in Word format) and a digital photograph (head shot). It is recommended you describe what is it about your background that makes you well suited to the position and what you hope to accomplish as a member of bar council. See sample petition at www.vsb.org/site/news/item/vsb_seeks_candidates_for_council

NOMINATIONS SOUGHT FOR COMMITTEE VACANCIES

Volunteers are needed to serve the Virginia State Bar's boards and committees. The Nominating Committee will refer nominees to the VSb Council for consideration at its June meeting.

Vacancies in 2018 are listed below. All appointments will be for the terms specified, beginning on July 1, 2018, unless otherwise noted.

EXECUTIVE COMMITTEE: 6 vacancies (1 current member is not eligible for reappointment, and 5 current members are eligible for reappointment). Filled from ranks of the council for 1-year terms, by council appointment.

CLIENTS' PROTECTION FUND BOARD: 4 vacancies (1 current lawyer member from the 7th disciplinary district and 1 current lawyer member at-large are not eligible for reappointment; 1 current lawyer member from the 10th disciplinary district and 1 current lawyer member at-large are eligible for reappointment). May serve 2 consecutive 3-year terms. Appointment by council.

JUDICIAL CANDIDATE EVALUATION COMMITTEE: 3 lawyer vacancies (of which 3 vacancies are to be filled by a member from the 1st, 2nd and 25th judicial circuits). May serve 1 full 3-year term. Appointment by council.

VIRGINIA CLE COMMITTEE: 6 lawyer vacancies (of which 6 lawyer members are eligible for reelection to 1-year terms). Appointment by VLF Board on recommendation of council. Term commences January 1, 2019.

AMERICAN BAR ASSOCIATION DELEGATES: 1 lawyer vacancy (of which 1 current member is eligible for reappointment). May serve 3 consecutive 2-year terms. Appointment by council. Term commences September 1, 2018.

Nominations, along with a brief resume, should be sent by **March 9, 2018**, to VSb Nominating Committee, c/o Asha Holloman, Virginia State Bar, 1111 East Main Street, Suite 700, Richmond, VA 23219-0026 or emailed to nominations@vsb.org.

NOMINATIONS SOUGHT FOR DISTRICT COMMITTEE VACANCIES

The Standing Committee on Lawyer Discipline calls for nominations for district committee vacancies to be filled by Council in June. Note that there are vacancies which may not become available because some members are eligible for reappointment. To review qualifications for eligibility, see Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-4 — Establishment of District Committees, specifically 13-4.E (Qualifications of Members) and 13-4.F (Persons Ineligible for Appointment).

FIRST DISTRICT COMMITTEE: 2 attorney vacancies (current members are eligible for reappointment); 1 non-attorney vacancy (current member is eligible for reappointment). Vacancies are to be filled by members from the 1st, 3rd, 5th, 7th or 8th judicial circuits.

SECOND DISTRICT COMMITTEE, SECTION I: 2 attorney vacancies. Vacancies are to be filled by members from the 2nd or 4th judicial circuits.

SECOND DISTRICT COMMITTEE, SECTION II: 1 attorney vacancy. Vacancy is to be filled by member from the 2nd or 4th judicial circuits.

THIRD DISTRICT COMMITTEE, SECTION I: 3 attorney vacancies (1 member is eligible for reappointment). Vacancies are to be filled by members from the 6th, 11th, 12th, 13th or 14th judicial circuits.

THIRD DISTRICT COMMITTEE, SECTION II: 2 attorney vacancies (1 member is eligible for reappointment); 1 non-attorney vacancy. Vacancies are to be filled by members from the 6th, 11th, 12th, 13th or 14th judicial circuits.

THIRD DISTRICT COMMITTEE, SECTION III: 3 attorney vacancies (current members are eligible for reappointment); 1 non-attorney vacancy (current member is eligible for reappointment). Vacancies are to be filled by members from the 6th, 11th, 12th, 13th or 14th judicial circuits.

FOURTH DISTRICT COMMITTEE, SECTION I: 2 attorney vacancies (1 member is eligible for reappointment); 1 non-attorney vacancy (current member is eligible for reappointment). Vacancies are to be filled by members from the 17th or 18th judicial circuits.

FOURTH DISTRICT COMMITTEE, SECTION II: 1 attorney vacancy (current member is eligible for reappointment); 1 non-attorney vacancy (current member is eligible for reappointment). Vacancies are to be filled by members from the 17th or 18th judicial circuits.

FIFTH DISTRICT COMMITTEE, SECTION I: 3 attorney vacancies (1 member is eligible for reappointment); 1 non-attorney vacancy. Vacancies are to be filled by members from the 19th or 31st judicial circuits.

FIFTH DISTRICT COMMITTEE, SECTION II: 2 attorney vacancies (1 member is eligible for reappointment). Vacancies are to be filled by members from the 19th or 31st judicial circuits.

FIFTH DISTRICT COMMITTEE, SECTION III: 2 attorney vacancies; 1 non-attorney vacancy. Vacancies are to be filled by members from the 19th or 31st judicial circuits.

SIXTH DISTRICT COMMITTEE: 2 attorney vacancies (current members are eligible for reappointment); 1 non-attorney vacancy (current member is eligible for reappointment). Vacancies are to be filled by members from the 9th or 15th judicial circuits.

SEVENTH DISTRICT COMMITTEE: 1 attorney vacancy (current member is eligible for reappointment); 1 non-attorney vacancy. Vacancies are to be filled by members from the 16th, 20th or 26th judicial circuits.

EIGHTH DISTRICT COMMITTEE: 4 attorney vacancies (2 members are eligible for reappointment). Vacancies are to be filled by members from the 23rd or 25th judicial circuits.

NINTH DISTRICT COMMITTEE: 4 attorney vacancies (1 member is eligible for reappointment). Vacancies are to be filled by members from the 10th, 21st, 22nd or 24th judicial circuits.

TENTH DISTRICT COMMITTEE, SECTION I: 2 attorney vacancies; 2 non-attorney vacancies (both members are eligible for reappointment). Vacancies are to be filled by members from the 27th, 28th, 29th or 30th judicial circuits.

TENTH DISTRICT COMMITTEE, SECTION II: 3 attorney vacancies (2 members are eligible for reappointment). Vacancies are to be filled by members from the 27th, 28th, 29th or 30th judicial circuits.

Nominations, along with a brief resume, should be sent by **February 28, 2018**, to Stephanie Blanton, Virginia State Bar, 1111 East Main Street, Suite 700, Richmond, VA 23219-0026 Blanton@vsb.org.



Got an Ethics Question?

The VSB Ethics Hotline is a confidential consultation service for members of the Virginia State Bar. Non-lawyers may submit only unauthorized practice of law questions. Questions can be submitted to the hotline by calling (804) 775-0564 or by clicking on

the “Email Your Ethics Question” link on the Ethics Questions and Opinions web page at www.vsb.org/site/regulation/ethics/.

Virginia State Bar Harry L. Carrico Professionalism Course

March 8, 2018, Alexandria

April 18, 2018, Charlottesville

See the most current dates and registration information at www.vsb.org/site/members/new.

President-elect Heath Seeks Members for Virginia State Bar Committees With Terms Commencing July 1, 2018

To: Members of the Bar
From: Leonard C. Heath Jr., President-elect

As you know, much of the work of the Virginia State Bar is done through its committees, and we need members willing to serve. Appointments will generally be for a three-year term, running from July 1, 2018, to June 30, 2021, with the possibility of another three-year term to follow. The work of the committees is time consuming and in most cases requires committee members to set aside substantial time to fulfill the requirements of the job.

To encourage participation — and recognizing the time constraints — members are generally limited to serving on only one committee. The number of available positions is quite limited, but I will attempt to accommodate as many people as possible.

The committees are as follows:

Standing Committees:*

- Budget & Finance
- Professionalism
- Lawyer Discipline
- Legal Ethics

Special Committees:

- Access to Legal Services
- Lawyer Insurance
- Bench-Bar Relations
- Lawyer Referral
- Better Annual Meeting
- Resolution of Fee Disputes
- Future of Law Practice
- Technology and the Practice of Law

*Lawyer member vacancies on Standing Committees are limited due to requirements for a specific number of Executive Committee and Council members to serve on each committee.

If you would like to be considered for appointment to any of the VSB committees listed, please complete the form below or download the form at <http://www.vsb.org/site/about> and return it to the Virginia State Bar office by February 23, 2018, by mail or e-mail to Asha B. Holloman:

Virginia State Bar
1111 East Main Street, Suite 700
Richmond, VA 23219-0026
aholloman@vsb.org

VSB Committee Preference Form (term commencing July 1, 2018)

Please complete this form and return it with a brief resume by February 23, 2018.

Name:	VSB Attorney No.:		
Address:			
City/State/Zip:	Phone:	E-mail:	
Choice	Committee Name	Have you ever served on this committee?	Length of Service
1st Choice		Yes No	
2nd Choice		Yes No	
3rd Choice		Yes No	

Check here if you have never served on a VSB committee.

To assist us in the committee selection process, please provide the following information:

Private Practice	Corporate Counsel	
Primary area of practice:	Other	
Government attorney		
Commonwealth	City/County	Federal