

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.

CIRCUIT COURT

Joseph Dee Morrissey

Henrico, Virginia

15-033-100800, 15-033-102037, 16-033-104333

By order entered March 30, 2018, the Circuit Court for the City of Richmond revoked Joseph Dee Morrissey's license to practice law in the Commonwealth of Virginia. The three-judge panel found that Morrissey violated professional rules regarding misconduct, the responsibilities of partners and supervisory lawyers, and the unauthorized practice of law. On June 14, 2018, the Supreme Court of Virginia denied a stay of revocation pending appeal. The revocation is effective June 15, 2018. RPC 8.4 (b), 5.1, 5.5 (c)

www.vsb.org/docs/Morrissey-061218.pdf

DISCIPLINARY BOARD

William Aaron Cluett

Henrico, Virginia

16-032-106107, 17-032-108661, 18-032-109836

On July 10, 2018, the Virginia State Bar Disciplinary Board issued a public reprimand with terms to William Aaron Cluett for violating professional rules that govern competence, diligence, and communication. This was an agreed disposition of misconduct charges.

RPC 1.1; 1.3 (a); 1.4 (a), (b), (c)

www.vsb.org/docs/Cluett-071218.pdf

Alisa Lachow Correa

Lake Ridge, Virginia

17-051-106642

Effective May 18, 2018, the Virginia State Bar Disciplinary Board issued a public reprimand with terms to Alisa Lachow Correa for violating professional rules that govern the safekeeping of property. RPC 1.15 (b)(3), (c)(1)(2)(4), (d)(2)(3)(4)

www.vsb.org/docs/Correa-071218.pdf

Bruce Edward Downing

Winchester, Virginia

17-070-106921, 17-070-107873

Effective April 23, 2018, the Virginia State Bar Disciplinary Board issued a public admonition to Bruce Edward Downing for violating

professional rules that govern competence, diligence, communication, safekeeping property, declining or terminating representation, and bar admission and disciplinary matters. This was an agreed disposition of misconduct charges. RPC 1.1; 1.3 (a); 1.4 (a), (c); 1.15 (a)(1)(3), (b); 1.16 (d); 8.1 (b)

www.vsb.org/docs/Downing-071218.pdf

Michael Anthony Lormand

Glen Allen, Virginia

18-031-112311

Effective June 22, 2018, the Virginia State Bar Disciplinary Board revoked Michael Anthony Lormand's license to practice law based on violations of the rules of professional conduct governing communication, fees, safekeeping of property, declining or terminating representation, and misconduct. RPC 1.4 (a), (c); 1.5 (b); 1.15 (a) (1), (b)(1, 3-5); 1.16 (d), (e); 8.4 (b), (c)

www.vsb.org/docs/Lormand-070618.pdf

Robert L. Isaac Shearer Jr.

Fairfax, Virginia

18-052-109900

Effective June 22, 2018, the Virginia State Bar Disciplinary Board suspended Robert Lyman Isaac Shearer Jr.'s license to practice law in the Commonwealth of Virginia for three years for violating professional rules that govern diligence, communication, safekeeping of property, declining or terminating representation, and bar admission and disciplinary matters. RPC 1.3 (a); 1.4 (a); 1.15 (a) (1), (b)(4); 1.16 (d); 8.1 (c)

www.vsb.org/docs/Shearer-070318.pdf

Leslie Dana Silverman

Olney, Maryland

18-000-111671

Effective June 22, 2018, the Virginia State Bar Disciplinary Board revoked Leslie Dana Silverman's license to practice law in the Commonwealth of Virginia based on her December 5, 2017, disbarment from the practice of law in the District of Columbia by the District of Columbia Court of Appeals. Rules of the Supreme Court of Virginia Part 6, § IV, ¶ 13-24

www.vsb.org/docs/SILVERMAN-070618.pdf

Jejomar Guarin Untalan

Sterling, Virginia

18-000-111882

Effective May 25, 2018, the Virginia State Bar Disciplinary Board suspended Jejomar Guarin Untalan's license to practice law in Virginia for a period of six months with all but 60 days stayed in favor of a one-year period of probation – subject to conditions imposed by the District of Columbia. This was an imposition of reciprocal discipline, based on his suspension by the District of Columbia. Rules of Court Part 6, § IV, ¶ 13-24

www.vsb.org/docs/Untalan-070918.pdf

DISTRICT COMMITTEES

Lowell Alan Stanley

Norfolk, Virginia
17-021-109667

On July 20, 2018, the Second District Subcommittee of the Virginia State Bar issued a public reprimand without terms to Lowell Alan Stanley for violating professional rules that govern the safekeeping of property. This was an agreed disposition of misconduct charges. RPC 1.15 (b)(4)(5)
www.vsb.org/docs/Stanley-072018.pdf

Nancy Beth White

Manakin-Sabot, Virginia
17-033-106515

On June 25, 2018, the Virginia State Bar Third District Subcommittee issued a public reprimand with terms to Nancy Beth White for violating professional rules that govern competence, diligence, safekeeping of property, and bar admission and disciplinary matters. This was an agreed disposition of misconduct charges. RPC 1.1; 1.3 (a); 1.15 (b)(5); 8.1 (c)
www.vsb.org/docs/White-062718.pdf

DISCIPLINARY PROCEEDINGS

Suspension – Failure to Pay Disciplinary Costs

		Effective Date	Lifted
Karl Gallen Blanke	Burke, VA	June 28, 2018	
Richard Murray	Bradenton, FL	July 10, 2018	
Charles Gregory Phillips	Salem, VA	June 21, 2018	July 20, 2018
Laura Reed Wright	Roanoke, VA	June 7, 2018	

Suspension – Failure to Comply with Subpoena

William Franklin Burton	Chevy Chase, MD	June 4, 2018	July 11, 2018
John James McNally	Norfolk, VA	May 31, 2018	July 3, 2018
Brian Austin Revercomb	King George, VA	June 8, 2018	

Impairment

Carrie Willis Witter	Richmond, VA	July 13, 2018	
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NOTICES TO MEMBERS

MCLE ADMINISTRATIVE SUSPENSIONS

Virginia State Bar members who have been administratively suspended for failure to comply with the Mandatory Continuing Legal Education requirements for 2017 are listed at www.vsb.org/site/members/administrative-suspensions#MCLE. The requirements are described in Part 6, Section IV, Paragraphs 17, 13.2, and 19 of the Rules of the Virginia Supreme Court. The VSB has been unable to contact some of these attorneys. The bar requests that members report the location and practice status of any person on the list by contacting the MCLE Department at (804) 775-0577 or MCLE@vsb.org. The list was posted online July 12, 2018. To determine whether a listed attorney has fulfilled MCLE obligations after that date, contact the MCLE Department.

PRO BONO CONFERENCE

The Special Committee on Access to Legal Services will hold its annual Pro Bono Conference and Celebration on Wednesday, October 17, at the Waterside Marriott in Norfolk. Three CLE sessions are available. More information: www.vsb.org/site/events/item/2018_pro_bono_conference or contact Crista Gantz at cgantz@vsb.org.

SOLO AND SMALL FIRM PRACTITIONERS FORUMS

Register now for the Solo & Small-Firm Practitioner Forum on Thursday, October 18 at the Wytheville Meeting Center that offers CLE and Ethics credits. For more information, please contact Paulette Davidson at 804-775-0521 or visit <http://bit.ly/2018SoloWytheville>

NOTICES TO MEMBERS

NOMINATIONS SOUGHT FOR BOARD AND 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 October meeting. All appointments are made by the Supreme Court of Virginia.

Vacancies in 2019 are listed below. All appointments or elections will be for the terms specified, beginning on July 1, 2019.

Council Members at Large: 4 lawyer vacancies (of which 2 incumbents are not eligible for reappointment, 1 incumbent is eligible for reappointment to a second term and 1 incumbent has resigned). May serve 2 consecutive 3-year terms.

Disciplinary Board: 6 lawyer vacancies and 1 lay member vacancy (of which 4 lawyer members are not eligible for reappointment and 2 current members are eligible for reappointment to a second term, and 1 lay member is eligible for reappointment). District committee service is required. May serve 2 consecutive 3-year terms.

Mandatory Continuing Legal Education Board: 3 lawyer vacancies (of which 2 members are not eligible for reappointment and 1 current member is eligible for reappointment to a second term). May serve 2 consecutive 3-year terms.

Nominations, along with a brief résumé, should be sent by September 7, 2018, to:

Doris Henderson Causey, Chair VSB Nominating Committee
Virginia State Bar, 1111 E. Main St., Suite 700, Richmond, VA
23219-0026 or emailed to nominations@vsb.org.

Learn more about the VSB and additional volunteer opportunities.
www.vsb.org/site/about

VSB DISCIPLINARY BOARD TO HEAR STEVEN FRANK HELM'S REINSTATEMENT PETITION ON NOVEMBER 16, 2018

Deadline for Comment: November 9, 2018

On December 27, 2018, **Steven Frank Helm** petitioned the Supreme Court of Virginia for reinstatement of his license to practice law pursuant to Part 6, § IV, ¶ 13-25.E of the Rules of the Supreme Court of Virginia. On January 16, 2018, the Clerk of the Virginia State Bar Disciplinary Board certified that the requirements of Part 6, § IV, ¶ 13-25.F were met. Accordingly, the Virginia State Bar Disciplinary Board will hear the Petition for Reinstatement on November 16, 2018 at 9:00 a.m. at the State Corporation Commission, Courtroom A, 1300 E. Main Street, Richmond, VA 23219. After hearing evidence and oral argument,

the Disciplinary Board will make factual findings and recommend to the Supreme Court whether the petition should be granted or denied.

The Disciplinary Board seeks information about Mr. Helm's fitness to practice law. Written comments or requests to testify at the hearing should be submitted to DaVida M. Davis, Clerk of the Disciplinary System, 1111 East Main Street, 7th Floor, Richmond, Virginia, 23219 or by email to clerk@vsb.org, no later than November 9, 2018. Comments will become a matter of public record. Copies of Mr. Helm's April 1, 2011 Consent to Revocation (with Mr. Helm's Affidavit Declaring Consent to Revocation attached) and the Petition for Reinstatement with all attachments are available to the public by contacting Ms. Davis at clerk@vsb.org, or by calling the clerk's office at (804) 775-0539.

Mr. Helm was initially licensed to practice law in the Commonwealth of Virginia on September 30, 1991. On April 1, 2011, the Virginia State Bar accepted his Affidavit Consenting to Revocation and entered an order revoking his law license to practice law, effective that date. At the time that he consented to the revocation of his license, Mr. Helm was under investigation for three cases involving lack of diligence, lack of communication, failure to properly account for client funds, and failure to properly maintain client funds in his trust account.

On March 29, 2012, pursuant to a plea agreement, Mr. Helm pled guilty in the United States District Court for the Western District of Virginia to one count of mail fraud (violation of 18 U.S.C. Section 1341) and one count of fraud and false statements in violation of 26 U.S.C. 7206 (1). Mr. Helm engaged in mail fraud by utilizing the United States Postal Service in furtherance of a scheme to wrongfully use client funds to pay personal expenses and obligations. Mr. Helm engaged in the offense of fraud and false statements by filing a false tax return in which he intentionally failed to properly report income acquired during the 2009 calendar year.

Mr. Helm was awarded a sentence that included imprisonment for a period of 24 months and, upon his release from confinement, a period of supervised release of two years. On June 12, 2012, he reported to the Federal Correctional Institute in Morgantown, West Virginia. He was released to a halfway house in Newport News, VA, on December 26, 2013, after serving 18 months, two weeks, and two days of his federal sentence, having been awarded "good time" for good behavior. He was released from the halfway house on January 22, 2014, at which time he commenced his period of supervised release. In furtherance of a recommendation from his probation officer, Mr. Helm was released from his supervised release approximately one year early, that being on March 30, 2015.

In his Petition for Reinstatement, Mr. Helm asserted that he has learned valuable lessons from his mistakes, that he is a person of honest demeanor and good moral character and possesses the requisite fitness to practice law within the Commonwealth of Virginia. He further asserted that he now recognizes the severity of his situational depression, which he contends contributed to his committing the misconduct that resulted in the revocation of his license and his criminal convictions, and that he has recovered from this situational depression. Mr. Helm further asserted that more

than six years have elapsed since the revocation of his license and that he has used that time to serve his debt to society, and to grow in character, maturity and experience. Mr. Helm submits that he has kept current with the law, and that since the time of his revocation, he has completed over ninety credit hours of continuing legal education, including fifteen hours in ethics, all of which have been approved by the Virginia State Bar. He further provided proof that he took and passed the Multistate Professional Responsibility Examination on August 13, 2016, receiving a scaled score of 97.

Mr. Helm's law license was placed under a Cost Suspension on September 28, 2011, for failure to pay costs associated with the three misconduct cases which were under investigation at the time he submitted his Consent to Revocation. A receiver was appointed for Respondent's law practice and on February 13, 2017, the receiver made payment to the Virginia State Bar for all outstanding costs, including a payment in the amount of \$7,266.27 to the Clients' Protection Fund. Thereafter, the Cost Suspension was lifted. Presently, Mr. Helm does not owe the Virginia State Bar any costs or fees associated with any complaints against him.

Mr. Helm reported that his law-related employment since his release has included positions with several law firms, including: Commonwealth Accident Injury Law, P.C. (Litigation and Office Manager) 2016 to present; UnitedLex (document review) 2015 to 2016; and 2255 Appeals (founder/owner of an appellate consulting business) 2014 to 2016. Mr. Helm also served as a consulting paralegal to Richmond-area law firms.

Mr. Helm reported that his non-law-related employment included: Downtown and James Center YMCAs (group fitness instructor and personal trainer) 2015 to present; Max's on Broad/Tarrant's Café/Tarrant's West (RVA Hospitality) (various positions from bartender to director of public relations) from 2014 to 2017; KennTico Cuban Bar & Grill (bartender) 2015; and Pegasus Restaurant (bartender/server) 2015. Mr. Helm reported that his community service includes volunteering with the Lewis Ginter Botanical Gardens and supporting local charities by training for and running in marathons.



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/.



Wear the Pin That Says You're a Super Lawyer.

**Answer 15 questions or more on Virginia.freelegalanswers.org
and we'll send you a pin to wear with pride.**

Virginia.freelegalanswers.org — A national ABA-sponsored program bringing legal answers to people who cannot afford an attorney. Questions? Contact Crista Gantz at cgantz@vsb.org or (804) 775-0522.

Do Pro Bono. Do Good.

NOTICES TO MEMBERS

CLIENTS' PROTECTION FUND BOARD PETITIONS PAID

Between July 1, 2017 and June 30, 2018, the Clients' Protection Fund Board approved payments to 27 clients. The matters involved 14 attorneys.

Attorney/Location		FY 2018 Amount Paid	To Date	Type of Case
Michael Alan Bishop (Deceased)	Meadowview, VA	7,884.00	29,134.00	Unearned fees/Conversion/Theft
Michael Alan Bishop (Deceased)	Meadowview, VA	7,500.00	29,134.00	Unearned fees/Virginia Civil Law
Sara Elizabeth Chase	Henrico, VA	1,000.00	23,450.00	Unearned fees/Family Law
Shelly Renee Collette	Winchester, VA	750.00	750.00	Unearned fees/Guardianship
Jud Andrew Fischel	Warrenton, VA	2,500.00	2,500.00	Unearned fees/Civil Law - State
Stephen Joseph Fisher (Deceased)	Leesburg, VA	1,800.00	1,800.00	Unearned fees/Bankruptcy
Tony Michael Hutchinson	Norton, VA	500.00	500.00	Unearned fees/Bankruptcy
Karen M. Kennedy	Fredericksburg, VA	3,300.00	35,300.00	Unearned fees/Consumer Law
Karen M. Kennedy	Fredericksburg, VA	25,810.00	35,300.00	Unearned fees/Consumer Credit
Karen M. Kennedy	Fredericksburg, VA	6,190.00	35,300.00	Unearned fees/Consumer Credit/Real Estate
Kimberly Lisa Marshall	Poolesville, MD	6,500.00	6,500.00	Unearned fees/Family Law
Michael Jerome Massie	Portsmouth, VA	4,338.75	7,178.25	Unearned fees/Embezzlement
Michael Jerome Massie	Portsmouth, VA	2,839.50	7,178.25	Unearned fees/Embezzlement
John Frederick McGarvey	Glen Allen, VA	2,550.00	14,550.00	Unearned fees/Criminal Law
John Frederick McGarvey	Glen Allen, VA	2,900.00	14,550.00	Unearned fees/Criminal Law
John Frederick McGarvey	Glen Allen, VA	1,150.00	14,550.00	Unearned fees/Criminal Law
John Frederick McGarvey	Glen Allen, VA	1,750.00	14,550.00	Unearned fees/Family Law
John Frederick McGarvey	Glen Allen, VA	1,000.00	14,550.00	Unearned fees/Criminal Law
John Frederick McGarvey	Glen Allen, VA	3,200.00	14,550.00	Unearned fees/Criminal Law
John Frederick McGarvey	Glen Allen, VA	2,000.00	14,550.00	Unearned fees/Criminal Law
Jean Jerome Dandy Ngando Ekwalla	Woodbridge, VA	1,600.00	167,331.12	Unearned fees/Bankruptcy
Jean Jerome Dandy Ngando Ekwalla	Woodbridge, VA	2,850.00	167,331.12	Unearned fees/Consumer Credit
Jean Jerome Dandy Ngando Ekwalla	Woodbridge, VA	2,250.00	167,331.12	Unearned fees/Landlord/Tenant
John Arthur Sutherland Jr.	Fairfax, VA	7,333.33	7,333.33	Conversion-Theft/Personal Injury, Property Damage
Michael Alan Ward	Fairfax, VA	1,985.00	1,985.00	Unearned fees/Family Law
Nnika Evangeline White	Richmond, VA	500.00	23,756.80	Unearned fees/Family Law
Nnika Evangeline White	Richmond, VA	1,150.00	23,756.80	Unearned fees/Bankruptcy
Total		\$103,130.58		