

VIRGINIA:

BEFORE THE THIRD DISTRICT, SECTION I SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

IN THE MATTER OF
Steven Paul Hanna

VS B Docket No. 21-031-121740

SUBCOMMITTEE DETERMINATION
(PUBLIC REPRIMAND WITHOUT TERMS)

On August 18, 2021 and September 03, 2021 meetings were held in this matter before a duly convened Third District, Section I Subcommittee consisting of Charles Butler Barrett, Chair Presiding; Wyatt Jackson Taylor, Member; and Marx Eisenman, Jr., Lay Member.

During the meeting, the Subcommittee voted to approve an agreed disposition for a Public Reprimand without Terms pursuant to Part 6, § IV, ¶ 13-15.B.4 of the Rules of the Supreme Court of Virginia. The agreed disposition was entered into by the Virginia State Bar, by Renu M. Brennan, Bar Counsel, and Steven Paul Hanna, Respondent, *pro se*.

WHEREFORE, the Third District, Section I Subcommittee of the Virginia State Bar hereby serves upon Respondent the following Public Reprimand without Terms:

I. FINDINGS OF FACT

1. Respondent was licensed to practice law in the Commonwealth of Virginia on October 6, 1994. At all times referenced herein, Respondent was licensed to practice law.
2. Respondent was appointed to represent Ms. Collier in Petersburg Circuit Court on six (6) felony charges including felony charge for obtaining greater than \$200 in cash by false pretenses in violation of Va. Code Section 18.2-178. The matters were tried November 29, 2016. Two of the felony charges were dismissed, a nolle prosequi was entered on three of the felony charges, and the remaining felony charge was reduced to a misdemeanor.
3. On November 29, 2016, Ms. Collier was convicted on the misdemeanor obtaining money by false pretense. The Petersburg Circuit Court entered judgment June 22, 2017. A

corrected conviction and sentencing order was entered August 18, 2017. Ms. Collier was sentenced to twelve (12) months in jail.

4. Ms. Collier requested Respondent appeal the conviction, and Respondent noted an appeal. Respondent was appointed to represent Ms. Collier on appeal.
5. By letter dated December 9, 2016, Respondent advised Ms. Collier that he had noted her appeal.
6. The Petition for Appeal was due October 2, 2017. Respondent did not file the Petition for Appeal with the Court of Appeals of Virginia.
7. By Order entered November 14, 2017, the Court of Appeals of Virginia dismissed the appeal because Respondent failed to timely file the Petition for Appeal.
8. By motion filed January 16, 2018 Respondent requested a delayed appeal. Respondent stated that he did not receive an email regarding the due date to file the Petition for Appeal.
9. By addendum filed January 31, 2018, Respondent certified that his client concurred in the motion and wanted the appeal to proceed.
10. By Order entered February 16, 2018, the Court of Appeals of Virginia granted the delayed appeal. Respondent timely noted the appeal and requested and received an extension until October 1, 2018 to file the Petition for Appeal.
11. Respondent timely filed the Petition for Appeal with the Court of Appeals of Virginia.
12. By Order entered January 14, 2019, the Court of Appeals awarded Ms. Collier an appeal.
13. By Memorandum Opinion dated May 28, 2019, the Court of Appeals of Virginia affirmed the conviction and judgment without addressing the assignment of error on the merits. The Court of Appeals of Virginia held the single assignment of error was procedurally defaulted under Rule 5A:20(e) requiring that the appellant's opening brief must contain "[t]he standard of review and the argument (including principles of law and authorities) relating to each assignment of error."

Respondent's assignment of error did not challenge a ruling made in the appellant's favor.

Respondent also referenced the inapposite case for the standard of review and failed to set out the standard of review for analyzing the sufficiency of the evidence, the only aspect of the trial court's ruling actually challenged by the assignment of error.

Respondent did not provide any legal authorities including the relevant statute defining the crime of false pretenses or any case law listing the elements of the challenged offense.

Respondent only cited the relevant statute in noting the crime of which his client was convicted. The Court of Appeals cited authority that it is not the trial or appellate courts' obligation to research or argue a case and that it is the duty of the appellant's counsel to present the error and legal authority upon which the error is based. Failure to do so results in waiver of the alleged error.

The Court of Appeals concluded "that the deficiencies in the appellant's brief are significant and, as such, require treating her single assignment of error as waived." The Court of Appeals affirmed the conviction without addressing the merits of the assignment of the error.

14. On June 27, 2019, Respondent noted an appeal to the Supreme Court of Virginia, noting his appointment by the Court.
15. Respondent did not comply with Rule 5:17(c)(1)(iii) requiring that the assignment of error address any ruling of the Court of Appeals of Virginia or any ruling of the Court of Appeals of Virginia to rule on an issue.
16. By Order entered December 11, 2019, the Supreme Court of Virginia dismissed Ms. Collier's appeal pursuant to Rule 5:17(c)(1)(iii).
17. By letter dated December 19, 2019, Respondent advised Ms. Collier that her appeal was dismissed as follows:

The court is saying I made a procedural error. I believe this can be corrected. You have to file a petition for a writ of habeas corpus. I can help you do this. This will then likely get the appeal back on track. That said, I know you stated you were not interested in pursuing this appeal since we beat the felony charges so I understand if you do not take any action. Let me know what you want to do.

18. Ms. Collier did not respond to Respondent.
19. Respondent asserts that Ms. Collier was satisfied with his handling of her matters and that she subsequently tried to hire him. Respondent further asserts that when he then asked Ms. Collier about the pending appeal, she stated that she did not "care about that anymore." Respondent states that Ms. Collier did not contact him about the outcome of the appeal, but Respondent recognizes that it is his duty to communicate with his client, and he does not identify these facts in an attempt to excuse his failures.

II. NATURE OF MISCONDUCT

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

RULE 1.1 Competence

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

RULE 1.3 Diligence

(a) A lawyer shall act with reasonable diligence and promptness in representing a client.

III. PUBLIC REPRIMAND WITHOUT TERMS

Accordingly, having approved the agreed disposition, it is the decision of the Subcommittee to impose a Public Reprimand without Terms and Steven Paul Hanna is hereby so reprimanded.

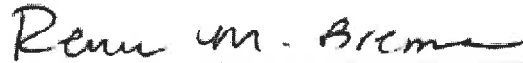
Pursuant to Part 6, § IV, ¶ 13-9.E of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess costs.

**THIRD DISTRICT, SECTION I SUBCOMMITTEE
OF THE VIRGINIA STATE BAR**

By: Charles Butler Barrett
Charles Butler Barrett
Subcommittee Chair

CERTIFICATE OF MAILING

I certify that on September 10, 2021, a true and complete copy of the Subcommittee Determination (Public Reprimand without Terms) was sent by certified mail to Steven Paul Hanna, Respondent, at 416 North Sycamore Street, Petersburg, VA 23803, Respondent's last address of record with the Virginia State Bar.



Renu M. Brennan
Bar Counsel