

VIRGINIA:

**BEFORE THE NINTH DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR**

**IN THE MATTER OF
DION FRANCIS RICHARDSON**

VSB Docket No.: 05-090-1878

SUBCOMMITTEE DETERMINATION

(Approval of Agreed Disposition for Public Reprimand without Terms)

On April 12, 2005, a duly convened Ninth District Subcommittee consisting of Joy Lee Price, Esquire (Chair presiding), Phillip D. Payne, IV, Esquire, and Theodore Bruning, Jr., lay member, met and considered these matters.

Pursuant to Part Six, Section IV, Paragraph 13.G.1.c(3) of the Rules of the Supreme Court of Virginia, the Ninth District Subcommittee of the Virginia State Bar hereby approves the Agreed Disposition entered into between Respondent Dion Francis Richardson (“Respondent”) and Assistant Bar Counsel Scott Kulp, and hereby serves upon Respondent the following Public Reprimand without Terms:

FINDINGS OF FACT

1. At all times relevant to this matter, Respondent was an attorney licensed to practice law in the Commonwealth of Virginia.
2. Respondent agreed to represent Grace W. Nichols (“Ms. Nichols”) in connection with a personal injury claim. An April 18, 2001 Fee Agreement memorialized the representation.
3. Respondent filed a lawsuit on Ms. Nichols’ behalf on February 21, 2002 in the Circuit Court for the City of Roanoke, Case No. CL03-205, but Respondent did not serve the lawsuit on the defendants.

4. Having failed to serve the lawsuit upon the defendants within 1 year after it was filed in accordance with Rule 3:3 of the Rules of the Supreme Court of Virginia, Respondent took a voluntary nonsuit of Ms. Nichols' personal injury claim without first consulting with Ms. Nichols.

5. By March 19, 2004 correspondence with counsel for Verizon Communications, Inc. --a party intervening in the case seeking subrogation for workers' compensation benefits paid to Ms. Nichols-- Respondent stated, in part, "[u]pon entry of the nonsuit Order, the motion for judgment will be re-filed and served upon the defendants."

6. The Nonsuit Order was entered by the circuit court on April 4, 2004; however, Respondent did not re-file and serve the motion for judgment within the longer of 6 months or within the remaining time under the original statute of limitations pursuant to Va. Code § 8.01-299.

7. Respondent's file contains correspondence from Ms. Nichols stating, in part, that she had not heard from Respondent for 14 months and that she contacted the Court to discover that the case was closed as of April 2004. The correspondence further states that "[p]lease let me know what is going on. I put trust in you. Its been 2 months since it was closed out."

8. Respondent neither informed Ms. Nichols of the reasons for the nonsuit nor protected Ms. Nichols by informing her of her obligations to re-file the motion for judgment.

NATURE OF MISCONDUCT

The foregoing findings of fact give rise to the following violations of the Rule of Professional Conduct:

RULE 1.3 Diligence

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

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.
- (b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

RULE 1.16 Declining or Terminating Representation

- (c) Upon termination of representation, a lawyer shall take steps to the extend 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).

SUBCOMMITTEE DETERMINATION

It is the decision of the Ninth District Subcommittee to accept the Agreed Disposition of the parties. Accordingly, a hearing is not necessary to resolve this matter and Respondent shall receive a Public Reprimand without Terms pursuant to Part Six, Section IV, Paragraph 13.G.1.c(3) of the Rules of the Supreme Court of Virginia. WHEREFORE, the Respondent is hereby issued a Public Reprimand without Terms.

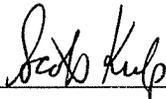
The Clerk of the Disciplinary System is directed to assess the appropriate administrative fees.

**NINTH DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR**

By: 
Joy Lee Price, Esquire
Subcommittee Chair Presiding

CERTIFICATE OF SERVICE

I certify I have, this the 31st day of MAY, 2005, mailed by
CERTIFIED MAIL, RETURN RECEIPT REQUESTED, a true and complete copy of the
Subcommittee Determination (Public Reprimand without Terms) to Respondent Dion
Francis Richardson, at his last address of record with the Virginia State Bar, Allied Arts
Building, Ste. 15B, 725 Church Street, Lynchburg, VA 24505.



Scott Kulp
Assistant Bar Counsel