

**VIRGINIA:**

**BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD**

**IN THE MATTER OF  
WILLIAM SCOTT BRADBURY**

**VS B DOCKET NO. 11-070-087393**

**AGREED DISPOSITION MEMORANDUM ORDER**

On October 16, 2013, this matter was heard by the Virginia State Bar Disciplinary Board upon the joint request of the parties for the Board to accept the Agreed Disposition signed by the parties and offered to the Board as provided by the Rules of the Supreme Court of Virginia. The panel consisted of Richard J. Colten, Chair, John S. Barr, Tony H. Pham, Lisa A. Wilson, and Anderson Wade Douthat IV, Lay Member. The Virginia State Bar was represented by Alfred L. Carr, Assistant Bar Counsel. William Scott Bradbury was present and was not represented by counsel. The Chair polled the members of the Board as to whether any of them were aware of any personal or financial interest or bias which would preclude any of them from fairly hearing the matter to which each member responded in the negative. Court Reporter Terry S. Griffith, Chandler and Halasz, P.O. Box 9349, Richmond, Virginia 23227, telephone (804) 730-1222, after being duly sworn, reported the hearing and transcribed the proceedings.

**WHEREFORE**, upon consideration of the Agreed Disposition, the Certification, and Respondent's Disciplinary Record,

It is **ORDERED** that the Board accepts the Agreed Disposition and the Respondent shall receive a Three-Year Suspension, as set forth in the Agreed Disposition, which is attached to this Memorandum Order.

It is further **ORDERED** that the sanction is effective on October 16, 2013.

It is further **ORDERED** that the Respondent must comply with the requirements of Part Six, § IV, ¶ 13-29 of the Rules of the Supreme Court of Virginia. The Respondent shall forthwith give notice by certified mail, return receipt requested, of the Suspension of his license to practice law in the Commonwealth of Virginia, to all clients for whom he is currently handling matters and to all opposing attorneys and presiding judges in pending litigation. The Respondent shall also make appropriate arrangements for the disposition of matters then in his care in conformity with the wishes of his client. Respondent shall give such notice within 14 days of the effective date of the Three-year Suspension, and make such arrangements as are required herein within 45 days of the effective date of the Three-year Suspension. The Respondent shall also furnish proof to the Bar within 60 days of the effective day of the Three-year Suspension that such notices have been timely given and such arrangements made for the disposition of matters.

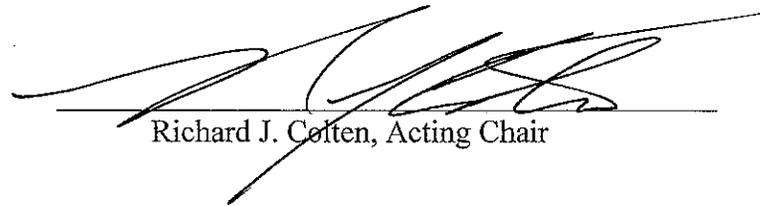
It is further **ORDERED** that if the Respondent is not handling any client matters on the effective date of the Three-year Suspension, he shall submit an affidavit to that effect to the Clerk of the Disciplinary System at the Virginia State Bar. All issues concerning the adequacy of the notice and arrangements required by Paragraph 13-29 shall be determined by the Virginia State Bar Disciplinary Board, unless the Respondent makes a timely request for a hearing before a three-judge court.

The Clerk of the Disciplinary System shall assess costs pursuant to ¶ 13-9 E. of the Rules.

A copy teste of this Order shall be mailed by Certified Mail to William Scott Bradbury, at his last address of record 3012 Seven Oaks Place, Falls Church, VA 22042 with the Virginia State Bar, and c/o Chau thi Huynh Hoa, AP2-Kohm 10- TT. Ho Phong, Huyen Gia Rai – Tinh Bac Lieu, Vietman, and hand-delivered to Alfred L. Carr, Assistant Bar Counsel, 707 East Main Street, Suite 1500, Richmond, Virginia 23219.

ENTERED THIS 16 DAY OF OCTOBER, 2013

VIRGINIA STATE BAR DISCIPLINARY BOARD



Richard J. Colten, Acting Chair

OCT 15 2013

VIRGINIA:

BEFORE THE DISCIPLINARY BOARD  
OF THE VIRGINIA STATE BAR

IN THE MATTER OF  
WILLIAM SCOTT BRADBURY

VSB Docket No. 11-070-087393

AGREED DISPOSITION  
(Three Year Suspension)

Pursuant to the Rules of the Virginia Supreme Court Rules of Court Part 6, Section IV, Paragraph 13-6.H., the Virginia State Bar, by Alfred L. Carr, Assistant Bar Counsel and William Scott Bradbury, Respondent, hereby enter into the following Agreed Disposition arising out of the referenced matter.

I. STIPULATIONS OF FACT

1. At all relevant times Respondent, William Scott Bradbury, was a duly licensed attorney in the Commonwealth of Virginia.
2. On March 25, 2009, the Virginia State Bar suspended Respondent's license to practice law for non-compliance with mandatory CLE requirements.
3. On August 7, 2009, Respondent changed his bar license status to "Associate" from "Active."
4. On October 8, 2010, Respondent's Associate status changed to Not in Good Standing ("NGS") for non-payment of dues, and his license was suspended.
5. In January of 2010, Respondent was approached by Taon Duong and asked to help recover \$120,000 in proceeds from a foreclosure sale of Mr. Nam Dinh Nguyen's home. Mr. Nguyen spoke very little English.
6. On November 30, 2010, Respondent's Associate status changed to In Good Standing.

 1



7. Mr. Duong informed the VSB investigator that Respondent agreed to take the case and asked for five percent of the amount recovered as a legal fee.
8. Respondent did not execute a written retainer agreement for the contingent fee arrangement or inform Mr. Nguyen in writing if, when, and how the five percent contingent fee would be calculated.
9. Mr. Duong informed the VSB investigator that Respondent did little or no work on behalf of Mr. Nguyen and asked Mr. Nguyen for more money because the case became more complicated.
10. Respondent, by letter dated December 22, 2010, contacted the Atlantic Law Group ("ALG") to notify them that Mr. Nguyen was his client and that he had enclosed his letter of representation.
11. Respondent, acting as Mr. Nguyen's attorney, contacted the ALG by email on the following dates:
  - a. Once on March 28, 2011,
  - b. Four times on April 15, 2011, and
  - c. Once on April 18, 2011.
12. Mr. Nguyen, by letter dated April 5, 2011, informed ALG that Respondent no longer represented him in the recovery of the surplus money from the foreclosure sale of his home.
13. Respondent, during the April 18, 2011 email exchange with the ALG, insisted that he continued to be legal counsel for Mr. Nguyen in the recovery of the proceeds.





14. On July 29, 2011, by Order of the Fairfax County Circuit Court in case number 2011-3365, ALG paid over \$98,790.48 in foreclosure proceeds to the Court and was dismissed from the case.
15. On September 6, 2011, Respondent had his personal friend, Bert W. Kapinus, Esquire, licensed only in Maryland, sign and file a Request For The Award Of Counsel Fees In This Matter (Case No. 2011-3365) seeking an award of \$10,000.00 in legal fees. Respondent also filed an Order For The Award Of Counsel Fees In This Matter granting him \$10,000.00 in legal fees and allowing him to withdraw from the case as the attorney of record.
16. The attorney in Maryland informed VSB Investigator McCall that he had no idea Respondent was not authorized to practice law in Virginia. He stated that he only agreed to help Respondent because Respondent had told him that Respondent was out of the United States.
17. On October 7, 2011, the Virginia State Bar suspended Respondent's license for non-payment of annual dues.
18. Respondent, by email dated November 14, 2011 to VSB Investigator McCall, admitted that Mr. Nguyen was a client and that he had acted as his attorney to recovery the foreclosure sale proceeds.
19. As of May 14, 2013, Respondent's license remains suspended by the Virginia State Bar and his status is Associate, Not in Good Standing.

## II. NATURE OF MISCONDUCT

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

 3



### **RULE 1.5 Fees**

- (b) The lawyer's fee shall be adequately explained to the client. When the lawyer has not regularly represented the client, the amount, basis or rate of the fee shall be communicated to the client, preferably in writing, before or within a reasonable time after commencing the representation.
- (c) A fee may be contingent on the outcome of the matter for which the service is rendered, except in a matter in which a contingent fee is prohibited by paragraph (d) or other law. A contingent fee agreement shall state in writing the method by which the fee is to be determined, including the percentage or percentages that shall accrue to the lawyer in the event of settlement, trial or appeal, litigation and other expenses to be deducted from the recovery, and whether such expenses are to be deducted before or after the contingent fee is calculated. Upon conclusion of a contingent fee matter, the lawyer shall provide the client with a written statement stating the outcome of the matter and, if there is a recovery, showing the remittance to the client and the method of its determination.

### **RULE 3.1 Meritorious Claims And Contentions**

A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law. A lawyer for the defendant in a criminal proceeding, or the respondent in a proceeding that could result in incarceration, may nevertheless so defend the proceeding as to require that every element of the case be established.

### **RULE 3.4 Fairness To Opposing Party And Counsel**

A lawyer shall not:

- (i) File a suit, initiate criminal charges, assert a position, conduct a defense, delay a trial, or take other action on behalf of the client when the lawyer knows or when it is obvious that such action would serve merely to harass or maliciously injure another.

### **RULE 5.5 Unauthorized Practice Of Law**

- (a) A lawyer shall not:
  - (1) practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction; or
  - (2) assist a person who is not a member of the bar in the performance

*AGS*

of activity that constitutes the unauthorized practice of law.

**RULE 8.4 Misconduct**

It is professional misconduct for a lawyer to:

- (c) engage in professional conduct involving dishonesty, fraud, deceit or misrepresentation;

**III. PROPOSED DISPOSITION**

Accordingly, Assistant Bar Counsel and the Respondent tender to the Disciplinary Board for its approval the agreed disposition of three year suspension as representing an appropriate sanction if this matter were to be heard through an evidentiary hearing by a panel of the Disciplinary Board. If the Agreed Disposition is approved, the Clerk of the Disciplinary System shall assess an administrative fee.

THE VIRGINIA STATE BAR

By: 

Alfred L. Carr, Assistant Bar Counsel

  
William Scott Bradbury, Respondent