

**VIRGINIA :**

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

**IN THE MATTER OF  
RICHARD FRANCIS PAPCUN**

**VS B Docket No. 08-031-075283**

**AGREED DISPOSITION**

On November 4, 2009 a meeting in this matter was held before a duly convened Third District Section I Subcommittee consisting of Joseph P. Rapisarda, Jr., Chair, Larry A. Pochucha, Esquire, and Robert S. Argabright, lay member.

Pursuant to Part 6, Section IV, Paragraph 13-15.B.4. of the Rules of the Virginia Supreme Court, the Third District Section I Subcommittee of the Virginia State Bar hereby serves upon the Respondent the following PUBLIC Admonition Without Terms:

**I. STIPULATIONS OF FACT**

1. Respondent, Richard Francis Papcun was at all times relevant an attorney licensed to practice law in the Commonwealth of Virginia.
2. Respondent was admitted to the practice of law on June 9, 1969.
3. The Virginia State Bar ("Bar") received a complaint about Respondent from Mr. Melvin McCray.
4. On June 2, 2008, the Bar's Intake Department wrote to Respondent asking that Respondent address Mr. McCray's concerns.
5. Respondent did not respond to the Bar's June 2, 2008 letter.
6. The Bar wrote back to Respondent on June 17, 2008 requesting that he take some action to address Mr. McCray's concerns, and warned that if no action were taken that the case would be referred for investigation.
7. Respondent did not respond to the Bar's June 17, 2008 letter.

9. On June 26, 2008, Assistant Bar Counsel wrote to Respondent seeking a formal response to Mr. McCray's complaint pursuant to the Rules of the Virginia Supreme Court.
10. Respondent failed to respond to Assistant Bar Counsel's letter.
11. The case was referred to the Third District Committee Section I for further investigation.
12. On December 8, 2008, the Bar served Respondent with a subpoena duces tecum.
13. The return receipt card shows that the subpoena was signed for by someone in Respondent's office on December 17, 2008.
14. Respondent did not comply with the subpoena by the original return date of December 29, 2008.
15. Assistant Bar Counsel wrote to Respondent on January 9, 2009 advising him that if he did not comply with the subpoena, he could face the sanction of an interim suspension of his law license.
16. Respondent did not respond to Assistant Bar Counsel's letter, nor did the letter prompt a response to or compliance with the December 8, 2008 subpoena.
17. On February 6, 2009, the Bar sought an interim suspension of Respondent's license for failure to comply with the December 8, 2008 subpoena.
18. A copy of that request was delivered to Respondent by certified mail, return receipt, and received by Respondent on February 9, 2009.
19. On February 19, 2009, the Virginia State Bar administratively suspended Respondent's license to practice law.
20. On April 23, 2009, the Bar wrote to Respondent advising him that he was not in compliance with Rules of Court, Part Six, Section IV, Paragraph 13.M.
21. Upon information and belief, Respondent has not been in compliance with the provisions of the aforesaid Rule of Court.
22. Respondent was interviewed by the Bar on September 25, 2009. When asked whether he had continued to practice law while his license was administratively suspended, he refused to answer the question. He further refused to answer any questions as to why he had not responded to the Bar's correspondence.

23. Respondent did tender documents responsive to the subpoena to the Virginia State Bar's investigator at that meeting.

24. Respondent is in the process of winding down his practice and intends to retire from the active practice of law.

## **II. NATURE OF MISCONDUCT**

Such conduct by Richard Francis Papcun constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

### **RULE 8.1 Bar Admission and Disciplinary Matters**

An applicant for admission to the bar, or a lawyer already admitted to the bar, in connection with a bar admission application, any certification required to be filed as a condition of maintaining or renewing a license to practice law, or in connection with a disciplinary matter, shall not:

- (c) fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this Rule does not require disclosure or information otherwise protected by Rule 1.6; or

## **III. PROPOSED DISPOSITION**

Accordingly, Assistant Bar Counsel and the Respondent tender to a subcommittee of the Third District Committee Section I for its approval the agreed disposition of a Public Admonition Without Terms as representing an appropriate sanction if this matter were to be heard through an evidentiary hearing by a panel of the Third District Committee.

If the Agreed Disposition is approved, the Clerk of the Disciplinary System shall assess an administrative fee.

Pursuant to Rules of Court, Part Six, Section IV, Paragraph 13-30.B., the Respondent understands that his/her prior disciplinary record shall be furnished to the subcommittee considering this agreed disposition.

THE VIRGINIA STATE BAR

By 

Paulo E. Franco, Jr.  
Assistant Bar Counsel



Richard Francis Papcun, Esquire  
Respondent, *pro se*