

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF
HARRY TUN

Respondent

)
)
)
)

VSB DOCKET NO.: 12-000-089303

MEMORANDUM ORDER OF SUSPENSION

THIS MATTER came on to be heard on October 28, 2011 before a panel of the Virginia State Bar Disciplinary Board consisting of J. Casey Forrester, William E. Glover, Randall G. Johnson, Jr., and Jody D. Katz, lay member and Pleasant S. Brodnax, III, 2nd Vice Chair, presiding,

The Virginia State Bar was represented by Renu M. Brennan, Assistant Bar Counsel. The Respondent, Harry Tun, appeared in person and represented himself. The Chair polled the members of the Board as to whether any of them had any personal or financial interest or bias which would preclude any of them from fairly hearing this matter and serving on the panel, and each member responded that there were no such conflicts. The court reporter for the proceeding, Valarie L. S. May of Chandler & Halasz, Post Office Box 9349, Richmond, Virginia 23227, telephone: (804) 730-1222, after duly being sworn, reported the hearing and transcribed the proceedings.

The matter came before the Board on the Rule to Show Cause and Order of Suspension and Hearing entered by the Board on September 29, 2011 for the Respondent to show cause why the same discipline that was imposed against him by the District of Columbia Court of Appeals on August 11, 2011 should not be imposed by the Board. Specifically, the District of Columbia Court of Appeals suspended Respondent from the practice of law in the District of Columbia for a period of eighteen (18) months, with six (6) months of the suspension stayed, followed by one year of probation upon certain conditions agreed to by the parties.

The Respondent failed to file a written response to the Board's Rule to Show Cause and Order of Suspension and Hearing entered on September 29, 2011 within 14 days of the date of the mailing of the Board's Order as required by the Rules of the Supreme Court of Virginia, Part Six, Section IV, Paragraph 13-24B. The Board ruled that the Respondent was precluded from submitting evidence pursuant to Paragraphs 13-24F and 13-24G for not having filed a written response. The Respondent did not tender any evidence, but he was allowed to present argument. The Board accepted into evidence the Bar's exhibits, and considered the arguments of Bar counsel and the Respondent. The Board finds that the Respondent has failed to show cause by clear and convincing evidence why the Board should not impose the same discipline as was imposed in the District of Columbia.

Accordingly, it is ORDERED that the Respondent, Harry Tun, is suspended from the practice of law in the Commonwealth of Virginia for eighteen (18) months beginning on September 29, 2011, with six (6) months of the suspension stayed, followed by one year of probation on the conditions agreed to in the District of Columbia. The Respondent's license in the Commonwealth of Virginia shall be reinstated upon written proof of reinstatement in the District of Columbia.

It is further ORDERED that as directed in the Board's Rule to Show Cause and Order of Suspension and Hearing of September 29, 2011, the Respondent must comply with the requirements of Part Six, Section IV, Paragraph 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(s). Respondent shall give such notice within 14 days of the effective date of the suspension, and

make such arrangements as are required herein within 45 days of the effective date of the suspension. The Respondent shall also furnish proof to the Bar within 60 days of the effective date of the suspension if 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 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.

It is further ORDERED that costs shall be assessed by the Clerk of the Disciplinary System pursuant to the Rules of the Supreme Court of Virginia, Part Six, Section IV, Paragraph 13-9E.

It is further ORDERED that the Clerk of the Disciplinary System shall send a certified copy of this Order by certified mail to Harry Tun at his last address of record with the Virginia State Bar at 400 5th Street, N.W., Suite 300, Washington, D.C. 20001, and shall hand-deliver a copy to Renu M. Brennan, Assistant Bar Counsel at 707 East Main Street, Suite 1500, Richmond, Virginia 23219.

ENTERED this 4th day of November, 2011.

VIRGINIA STATE BAR DISCIPLINARY BOARD

By: 
Pleasant S. Brodnax, III, Second Vice Chair