

VIRGINIA:

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

IN THE MATTER OF
FREDRICK SCOTT KAUFMAN

VSb Docket No. 25-033-134948

SUBCOMMITTEE DETERMINATION
(PUBLIC REPRIMAND WITHOUT TERMS)

On October 1, 2025, a meeting in this matter was held before a duly convened Third District, Section III Subcommittee consisting of Dennis Russell Kiker, Esq, Chair; Bobbi Reneé Graves, Esq., Member; and Barbara S. Lanier, 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 Jessica C. Beatty, Assistant Bar Counsel, Fredrick Scott Kaufman (“Respondent”), and Paulo Emilio Franco, Jr., counsel for Respondent.

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

I. FINDINGS OF FACT

1. Respondent was admitted to the Virginia State Bar (“VSB”) in 1989. At all times relevant hereto, Respondent has been licensed to practice law in the Commonwealth of Virginia.
2. On December 4, 2023, Respondent was court-appointed to represent Complainant Jason Gentry (“Gentry”) in felony matters before the Henrico Circuit Court.
3. A sentence hearing was scheduled for November 14, 2024. Approximately a week prior to the sentencing, Respondent met with Gentry and reviewed the pre-sentence report and guidelines. Respondent did not discuss with Gentry his appellate options.
4. On November, 14, 2024, Respondent and Gentry appeared for the sentencing hearing, at which time the judge gave Gentry a prison sentence in excess of the sentencing

guidelines (ten years with eight suspended on one charge and ten years with six suspended on another charge, total of twenty years with fourteen suspended).

5. At the sentencing hearing after Gentry was sentenced, Respondent told Gentry that he would meet with him within the next several weeks to discuss post-sentencing options; Respondent, however, did not do so.

6. A final sentencing order was entered December 10, 2024. Respondent did not send Gentry a copy of the sentencing order for another six months, and only did so after Respondent received Gentry's bar complaint. Respondent did not in any way advise Gentry of appellate deadlines triggered by the entry of the sentencing order.

7. On March 4, 2025, Gentry filed a bar complaint. As of the date of the filing of the bar complaint, Respondent had not met with or spoken to Gentry or in any way advised him of his post-conviction rights or appellate rights.

8. Gentry's wife sent a text message to Respondent requesting to set up a meeting between Gentry and Respondent to discuss a motion to reduce sentence, and Respondent replied that he would meet with Gentry.

9. On or about March 28, 2025, Respondent met with Gentry. Respondent and Gentry discussed filing for a sentence modification. Even though Respondent knew at that time that there was no basis to file a motion to reduce Gerry's sentence and that the motion was time-barred, Respondent advised Gentry that he would research and file the motion.

10. Respondent did not during his March 28, 2025, meeting or ever advise Gentry of his appellate rights and options or post-conviction rights, including appeal, delayed appeal, or habeas petition. Respondent knew at the time of his March 28, 2025 meeting with Gentry that he had failed to discuss and timely pursue Gentry's appellate rights and that an appeal was time-barred, and he did not inform Gentry.

11. On April 13, 2025, Respondent sent Gentry a letter stating Respondent could not file a motion to reduce sentence because it lacked merit. The letter made no mention of other post-conviction relief options.

12. Respondent did not discuss a motion for delayed appeal with Gentry because he was not aware it was an option until he was told about it after April 13, 2025, by his counsel in the disciplinary investigation.

13. Respondent met again with Gentry at Nottoway Correctional Center at the end of May or beginning of June and told Gentry that he intended to file a motion for a delayed appeal and pursue an appeal to the Court of Appeals of Virginia.

14. On June 5, 2025, Respondent filed a Motion for Delayed Appeal, and on June 18, 2025, the same was granted by the Court of Appeals of Virginia. Respondent timely filed a renewed Notice of Appeal with the Henrico Circuit Court and is proceeding with the appeal.

II. NATURE OF MISCONDUCT

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

Rules 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.

By demonstrating a lack of legal knowledge reasonably necessary for the representation by indicating a lack of independent knowledge of Va. Code § 19.2-321.1, Respondent violated Rule 1.1

Rule 1.3 Diligence

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

By failing to diligently pursue his client's objectives; by failing to timely pursue post-trial or appellate relief on his client's behalf; and by failing to timely preserve his client's right to appeal, Respondent violated Rule 1.3(a)

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.

By failing to communicate with his client at any time after their meeting prior to the November 2024 sentencing hearing until he received the bar complaint in March of 2025; by indicating to his client that he intended to file a motion to reduce sentence when he knew such a motion to be unfounded; by failing to provide his client with a copy of the December Sentencing Order until after it was too late to request reconsideration by the trial court and after the deadlines to timely appeal had passed; by failing to inform his client about trial and appellate deadlines arising from the December Sentencing Order; by failing to inform his client of the right to appeal following conviction until after the deadline to timely appeal had passed; and by failing to advise his client that he may have a right to file a motion for delayed appeal or petition for writ of habeas corpus, Respondent violated Rule 1.4(a).

By failing to discuss appellate options with his client and by failing to inform his client about appellate deadlines so that his client could make informed decisions regarding his right to appeal, Respondent violated Rule 1.4(b).

III. PUBLIC REPRIMAND WITHOUT TERMS

Accordingly, it is the decision of the Subcommittee to impose a Public Reprimand without Terms, and Fredrick Scott Kaufman is 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 III SUBCOMMITTEE
OF THE VIRGINIA STATE BAR



Dennis Russell Kiker
Subcommittee Chair

CERTIFICATE OF SERVICE

I hereby certify that on October 14, 2025 a true and complete copy of the foregoing Subcommittee Determination was sent to Fredrick Scott Kaufman, Respondent, by certified mail at 730 Erich Rd, Richmond, Virginia 23225-4336, Respondent's last address of record with the Virginia State Bar, and by email to fredlawva@gmail.com; and to Paulo Emilio Franco, Jr., counsel for Respondent, by first-class mail at ThompsonMcMullan, P.C. 100 Shockoe Slip 3rd Floor, Richmond, Virginia 23219, and by email to pfranco@t-mlaw.com.



Jessica C. Beatty
Assistant Bar Counsel

VIRGINIA:

**BEFORE THE THIRD DISTRICT, SECTION III SUBCOMMITTEE
OF THE VIRGINIA STATE BAR**

**IN THE MATTER OF
FREDRICK SCOTT KAUFMAN**

VS **Docket No. 25-033-134948**

AGREED DISPOSITION
PUBLIC REPRIMAND WITHOUT TERMS

Pursuant to the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-15.B.4, the Virginia State Bar, by Jessica C. Beatty, Assistant Bar Counsel, and Fredrick Scott Kaufman ("Respondent"), and Paulo Emilio Franco, Jr., Respondent's counsel, enter into the following agreed disposition arising out of this matter.

I. STIPULATIONS OF FACT

1. Respondent was admitted to the Virginia State Bar ("VSB") in 1989. At all times relevant hereto, Respondent has been licensed to practice law in the Commonwealth of Virginia.
2. On December 4, 2023, Respondent was court-appointed to represent Complainant Jason Gentry ("Gentry") in felony matters before the Henrico Circuit Court.
3. A sentencing hearing was scheduled for November 14, 2024. Approximately a week prior to the sentencing, Respondent met with Gentry and reviewed the pre-sentence report and guidelines. Respondent did not discuss with Gentry his appellate options.
4. On November 14, 2024, Respondent and Gentry appeared for the sentencing hearing, at which time the judge gave Gentry a prison sentence in excess of the sentencing guidelines (ten years with eight suspended on one charge and ten years with six suspended on another charge, total of twenty years with fourteen suspended).
5. At the sentencing hearing after Gentry was sentenced, Respondent told Gentry that he would meet with him within the next several weeks to discuss post-sentencing options; Respondent, however, did not do so.
6. A final sentencing order was entered December 10, 2024. Respondent did not send Gentry a copy of the sentencing order for another six months, and only did so after

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Respondent received Gentry's bar complaint. Respondent did not in any way advise Gentry of appellate deadlines triggered by the entry of the sentencing order.

7. On March 4, 2025, Gentry filed a bar complaint. As of the date of the filing of the bar complaint, Respondent had not met with or spoken to Gentry or in any way advised him of his post-conviction rights or appellate rights.

8. Gentry's wife sent a text message to Respondent requesting to set up a meeting between Gentry and Respondent to discuss a motion to reduce sentence, and Respondent replied that he would meet with Gentry.

9. On or about March 28, 2025, Respondent met with Gentry. Respondent and Gentry discussed filing for a sentence modification. Even though Respondent knew at that time that there was no basis to file a motion to reduce Gentry's sentence and that the motion was time-barred, Respondent advised Gentry that he would research and file the motion.

10. Respondent did not during his March 28, 2025, meeting or ever advise Gentry of his appellate rights and options or post-conviction rights, including appeal, delayed appeal, or habeas petition. Respondent knew at the time of his March 28, 2025, meeting with Gentry that he had failed to discuss and timely pursue Gentry's appellate rights and that an appeal was time-barred, and he did not inform Gentry.

11. On April 13, 2025, Respondent sent Gentry a letter stating Respondent could not file it a motion to reduce sentence because it lacked merit. The letter made no mention of other post-conviction relief options.

12. Respondent did not discuss a motion for delayed appeal with Gentry because he was not aware it was an option until he was told about it after April 13, 2025, by his counsel in the disciplinary investigation.

13. Respondent met again with Gentry at Nottoway Correctional Center at the end of May or beginning of June and told Gentry that he intended to file a motion for delayed appeal and pursue an appeal to the Court of Appeals of Virginia.

14. On June 5, 2025, Respondent filed a Motion for Delayed Appeal, and on June 18, 2025, the same was granted by the Court of Appeals of Virginia. Respondent timely filed a renewed Notice of Appeal with the Henrico Circuit Court and is proceeding with the appeal.

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

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

By demonstrating a lack of legal knowledge reasonably necessary for the representation by indicating a lack of independent knowledge of Va. Code § 19.2-321.1, Respondent violated Rule 1.1.

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

By failing to communicate with his client at any time after their meeting prior to the November 2024 sentencing hearing until he received the bar complaint in March of 2025; by indicating to his client that he intended to file a motion to reduce sentence when he knew such a motion to be unfounded; by failing to provide his client with a copy of the December Sentencing

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Order until after it was too late to request reconsideration by the trial court and after the deadlines to timely appeal had passed; by failing to inform his client about trial and appellate deadlines arising from the December Sentencing Order; by failing to inform his client of the right to appeal following conviction until after the deadline to timely appeal had passed; and by failing to advise his client that he may have a right to file a motion for delayed appeal or petition for writ of habeas corpus, Respondent violated Rule 1.4(a).

By failing to discuss appellate options with his client and by failing to inform his client about appellate deadlines so that his client could make informed decisions regarding his right to appeal, Respondent violated Rule 1.4(b).

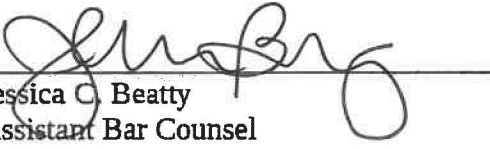
III. PROPOSED DISPOSITION

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

If the agreed disposition is approved, the Clerk of the Disciplinary System shall assess costs.

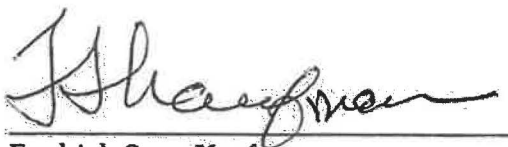
Pursuant to Part 6, Section IV, Paragraph 13-30.B of the Rules of the Supreme Court of Virginia, Respondent's prior disciplinary record shall be furnished to the subcommittee considering this agreed disposition.

VIRGINIA STATE BAR



Jessica C. Beatty
Assistant Bar Counsel




A handwritten signature in cursive script, appearing to read "F. Kaufman", written in dark ink.

Fredrick Scott Kaufman
Respondent

A handwritten signature in cursive script, appearing to read "Paulo Franco", written in dark ink.

Paulo Emilio Franco, Jr.
Respondent Counsel