

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

**IN THE MATTER OF
GEORGE ED BARKER, JR.**

VS B DOCKET NO. 18-102-111159

**AGREED DISPOSITION MEMORANDUM ORDER
PUBLIC REPRIMAND WITH TERMS**

On Tuesday, March 17, 2020 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 Part Six, § IV, ¶ 13-6 H of the Rules of the Supreme Court of Virginia. The panel consisted of Michael A. Beverly, 2nd Vice Chair, Kamala H. Lannetti, Michael J. Sobey, John D. Whittington, and Martha Goodman, Lay Member. The Virginia State Bar was represented by Edward J. Dillon, Jr. , Senior Assistant Bar Counsel. George Ed Barker, Jr. 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 Beverly Lukowsky, 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, Respondent's Answer, Respondent's Disciplinary Record, the arguments of the parties, and after due deliberation,

It is **ORDERED** that the Disciplinary Board accepts the Agreed Disposition and the Respondent shall receive a Public Reprimand with Terms, as set forth in the Agreed Disposition, which is attached and incorporated in this Memorandum Order.

It is further **ORDERED** that the sanction is effective March 17, 2020.

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

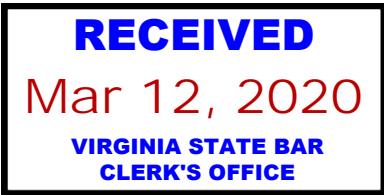
It is further ORDERED that an attested copy of this Order be mailed to the Respondent, George Ed Barker, Jr., by certified mail, return receipt requested, at his last address of record with the Virginia State Bar at 28548 Hawthorne Drive, Meadowview, VA 24361, and a copy hand-delivered to Edward J. Dillon, Jr. Senior Assistant Bar Counsel, Virginia State Bar, Suite 700, 1111 E. Main Street, Richmond, VA 23219.

Enter this Order this 17th day of March, 2020

VIRGINIA STATE BAR DISCIPLINARY BOARD



Michael A. Beverly
Second Vice Chair



VIRGINIA:

BEFORE THE DISCIPLINARY BOARD
OF THE VIRGINIA STATE BAR

IN THE MATTER OF
GEORGE ED BARKER, JR.

VSB Docket No. 18-102-111159

AGREED DISPOSITION
(Public Reprimand with Terms)

Pursuant to the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-6.H, the Virginia State Bar, by Edward J. Dillon, senior assistant bar counsel, and George E. Barker, Jr., Respondent, hereby enter into the following Agreed Disposition arising out of the referenced matter.

I. STIPULATIONS OF FACT

1. At all relevant times, George E. Barker, Jr. ("Respondent") has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. On or about February 8, 2018, a Warrant of Arrest – Felony was issued for Respondent, alleging that Respondent sold, gave, or distributed a Schedule III controlled substance on February 8, 2018 in violation of Virginia Code § 18.2-248 (the "Felony Arrest").
3. The Felony Arrest resulted from Respondent's passage of tri-folded papers, which included two of Respondent's business cards that were bonded together with a suboxone strip secreted between them, to his client at counsel table in a courtroom at the Washington County Courthouse on February 8, 2018. At the time of the incident, Respondent's client was in custody as an inmate of the jail.
4. By Order entered February 23, 2018, the Washington County Circuit Court prohibited Respondent from practicing law before the courts of the 28th Judicial Circuit until the criminal case against him had concluded.
5. In or about June 2019, Respondent entered an *Alford* plea of guilty to three misdemeanor charges, including possession of a Schedule III substance on February 8, 2018 in violation of Virginia Code § 18.2-250 and delivery or attempt to deliver articles to a prisoner on February 8, 2018 in violation of Virginia Code § 18.2-474. The Washington County Circuit Court, pursuant to a Conviction and Sentencing Order, a copy of which is attached hereto and incorporated herein as **Exhibit A**, imposed a nine-month sentence on Respondent, with all nine months suspended, and

ordered Respondent to serve 12 months of supervised probation for each charge consecutively.

6. By Order entered July 19, 2019, the Washington County Circuit Court vacated its February 23, 2018 Order and allowed Respondent to resume practicing law before the courts of the 28th Judicial Circuit.
7. Respondent has maintained that he did not know that a suboxone strip was secreted between the two business cards Respondent passed to his client in the Washington County Courthouse on February 8, 2018 and has stated that his client's wife had given him the business cards to give to the client at the Washington County Courthouse.
8. During the course of the Virginia State Bar investigation, Respondent admitted that he has used marijuana at times throughout his adult life and that he has taken methamphetamine six to eight times in his life beginning in or about 2016.
9. In a letter filed with the Washington County Circuit Court on or about February 6, 2020, Southwest Virginia Community Corrections requested that a Rule to Show Cause be issued against Respondent based on allegations that Respondent tested positive for marijuana and methamphetamine in January 2020.

II. NATURE OF MISCONDUCT

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

RULE 8.4 Misconduct

It is professional misconduct for a lawyer to:

(b) commit a criminal or deliberately wrongful act that reflects adversely on the lawyer's honesty, trustworthiness or fitness to practice law;

III. PROPOSED DISPOSITION

Accordingly, Senior Assistant Bar Counsel and the Respondent tender to the Disciplinary Board for its approval the agreed disposition of a Public Reprimand with Terms as representing

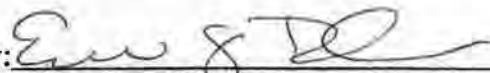
an appropriate sanction if this matter were to be heard through an evidentiary hearing by a panel of the Disciplinary Board. The terms with which the Respondent must comply are as follows:

1. Not later than July 1, 2020, Respondent shall fully participate in an evaluation conducted by the Judges and Lawyers Assistance Program ("JLAP") and shall implement all of JLAP's recommendations. Respondent shall enter into a written contract with JLAP for as long as recommended by JLAP and shall comply with the terms of such contract. Respondent authorizes JLAP to provide bi-annual reports to the Office of Bar Counsel stating whether Respondent is in compliance with JLAP's contract with Respondent. The Office of Bar Counsel shall be bound by JLAP's contract with Respondent with respect to confidentiality and disclosure of information. In the event that JLAP is unable to offer Respondent a contract that would assist Respondent in addressing substance abuse issues, Respondent authorizes JLAP to report the same to the Office of Bar Counsel.

Upon satisfactory proof that such terms and conditions have been met, this matter shall be closed. If, however, all the terms and conditions are not met by the deadlines imposed above, the Respondent agrees that the Disciplinary Board shall impose an alternative disposition of a six-month suspension pursuant to Rules of Court, Part Six, Section IV, Paragraph 13-18.O.

If the Agreed Disposition is approved, the Clerk of the Disciplinary System shall assess costs pursuant to ¶ 13-9.E of the Rules.

THE VIRGINIA STATE BAR

By: 
Edward J. Dillon, Senior Asst. Bar Counsel


George Ed Barker, Jr., Respondent

VIRGINIA: IN THE CIRCUIT COURT OF WASHINGTON COUNTY

FIPS Code: 191C
Hearing Date: June 24, 2019
Judge: Birg E. Sergent

COMMONWEALTH OF VIRGINIA

SSN: XXX-XX-1309
DOB: [REDACTED]
Sex: Male

v.

GEORGE ED BARKER, JR., DEFENDANT

CONVICTION AND SENTENCING ORDER

This case came before the Court for entry of a plea by the defendant, who appeared in person with his/her attorney, Terry Kilgore. The Commonwealth was represented by Aaron Gillespie, Special Prosecutor. Maggie Laird, Court Reporter, was also present.

Commonwealth moved to amend CR18-980 to Possess Paraphernalia, Va. Code §54.1-3466, VCC: PHA3508M1, CR18-981 to Possess Schedule III, Va. Code §18.2-250, VCC: NAR3023M1, and CR18-982 to Deliver or Attempt to Deliver Articles, Va. Code §18.2-474, VCC: PRI3243M, which the Court granted.

CASE NO.	OFFENSE DESCRIPTION & INDICATOR	OFFENSE DATE	VA CODE SECTION	VA CRIME CODE
18-790	Distribute Schedule III (F)	02/08/18	§18.2-248	NAR3135F5
18-979	Possess Schedule I or II (F)	06/28/17	§18.2-250	NAR3022F5
18-980	Amended to: Possess Paraphernalia (M)	08/31/17	§54.1-3466	PHA3508M1
18-981	Amended to: Possess Schedule III (M)	02/08/18	§18.2-250	NAR3023M1
18-982	Amended to: Deliver or Attempt to Deliver Articles (M)	02/08/18	§18.2-474	PRI3243M1

NOLLE PROSEQUI:

Upon motion of the Commonwealth, and for good cause shown, it is hereby ordered, that pursuant to §19.2-265.3 of the Code of Virginia 1950, as amended, the Commonwealth is granted a nolle prosequi with respect to the following case numbers:
Case No. CR18-790, CR18-979

PLEA OF DEFENDANT: Guilty Nole Conteste
 Not Guilty Alford Plea

The plea(s) was/were voluntarily and freely entered.

Following the avowal of the evidence by the Commonwealth and the stipulation to such by the defendant, the Court found the evidence sufficient to support a finding of guilt.

The defendant, his Counsel, and the Commonwealth were in agreement to waive preparation of a Presentence Investigation and Report.

Before pronouncing the sentence, the Court inquired if the defendant desired to make a statement and if the defendant desired to advance any reason why judgment should not be pronounced.

Whereupon, based on foregoing, the evidence presented/stipulated, the Court pronounced judgment as indicated below:



Case No. 18-980

GUILTY

Jail: 3 Months Days

\$ fine and \$ 948.00 costs of this proceeding.

Suspended Sentence: 3 Months Days

Case No. 18-981

GUILTY

Jail: 3 Months Days

\$ fine and \$ included on 18-980 costs of this proceeding.

Suspended Sentence: 3 Months Days

Case No. 18-982

GUILTY

Jail: 3 Months Days

\$ 500.00 fine and \$ included on 18-980 costs of this proceeding.

Suspended Sentence: 3 Months Days

This sentence shall run concurrently to one another.

All suspensions or deferrals are conditioned upon defendant's general good behavior and, in the case of supervised probation, upon compliance with all terms and conditions of probation as adopted by this court, which can be referenced in General Miscellaneous with instrument number CGM190001.

Defendant is ordered to complete any substance abuse screening, sex offender assessment, testing and treatment as directed by the Department of Corrections. The defendant shall be subject to payment of any fees associated with substance abuse treatment, sex offender assessment and/or intervention and treatment.

Supervised Probation: Nine (9) months of the sentence of incarceration is suspended. The defendant is placed on probation to commence immediately under the supervision of a Southwest Virginia Community Corrections Probation Officer for twelve (12) months per charge or unless sooner released by the Court or by the Probation Officer. Probation shall include substance abuse counseling and/or testing as prescribed by the Probation Officer. The Court notes the probationary period shall run consecutively to one another

Special Conditions: The defendant shall complete any substance abuse screening, assessment, testing, and treatment as directed by the Probation Officer.

Other Special Conditions: The defendant shall pick up trash and litter in a designated area of Washington County as assigned by his/her Probation Officer and/or the Litter Control Officer.

Suspension of operator's license: Six (6) months per drug charge

License surrendered: YES NO

Restricted license can be issued by separate order.

Payment of Costs/Fine/Restitution:

Due within six (6) months of this date or within six (6) months of release from incarceration.

\$50.00 due monthly commencing within 30 days of this date.

Pursuant to plan to be established by Probation Officer and approved by this Court.

Credit for time served: The defendant shall be given credit for time spent in confinement while awaiting trial pursuant to Virginia Code § 53.1-187.

The defendant was allowed to depart.

This matter is hereby stricken from the docket of this Court.

ENTER: this 3rd day of July 2019
George Ed Barker, Jr. Judge Designated

SENTENCING SUMMARY:

Total Sentence Imposed: 9 months
Total Sentence Suspended: 9 months
Probation Period to Serve: 12 months per charge

A COPY TESTE:
CIRCUIT COURT WASHINGTON COUNTY, VA
PATRICIA S MOORE, CLERK
BY: *[Signature]* DEPUTY CLERK

Electronic Certification Made
Pursuant to §17.1-226.3:2



Sep 4 2019 9:46 AM

COPIES PROVIDED ON BY S. BOTT TO
 Com RMS (Probation, SWVRJ, DOC, DMV)
 Def Atty
 Sent Commission
 Other: JSDR 7.8.19
GDC
(OCRA users retrieve orders via OCRA)