

**VIRGINIA:**

**BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD**

**IN THE MATTER OF  
JUDY RAYE MOATS**

**VSB DOCKET NO. 21-052-121504**

**CONSENT TO REVOCATION ORDER**

On January 25, 2022, came Judy Raye Moats and presented to the Board an Affidavit Declaring Consent to Revocation (hereinafter "Affidavit") of her license to practice law in the courts of this Commonwealth. By tendering her Consent to Revocation at a time when a disciplinary complaint, Investigation or Proceeding is pending, the nature of which is specifically set forth in the attached Affidavit, and Certification, Respondent acknowledges that the material facts contained in the pending disciplinary complaint, Investigation or Proceeding are true.

The Board having considered the Affidavit, and Bar Counsel having no objection, the Board accepts her Consent to Revocation.

Upon consideration whereof, it is therefore ordered that Judy Raye Moats's license to practice law in the courts of this Commonwealth be and the same hereby is revoked, and that the name of Judy Raye Moats be stricken from the Roll of Attorneys of this Commonwealth.

It is further ORDERED that The Respondent must comply with the requirements of Part 6, Section IV, Paragraph 13-29 of the Rules of the Supreme Court of Virginia. The Respondent shall forthwith give notice by certified mail of the Revocation of her license to practice law in the Commonwealth of Virginia, to all clients for whom she 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 her care in conformity with the wishes of her clients. The Respondent shall give such notice immediately and in no event later than 14 days of the effective date of the Revocation, and make such arrangements as are required herein as soon as is practicable and in no event later than 45 days of the effective date of the Revocation. The Respondent shall also furnish proof to the Clerk of the Disciplinary System

of the Virginia State Bar within 60 days of the effective date of the Revocation that such notices have been timely given and such arrangements have been made for the disposition of matters.

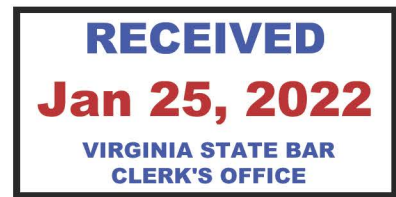
It is further ORDERED that if the Respondent is not handling any client matters on the effective date of the Revocation, she shall submit an affidavit to that effect within 60 days of the effective date of the Revocation to the Clerk of the Disciplinary System at the Virginia State Bar. The Board shall decide all issues concerning the adequacy of the notice and arrangements required herein. The burden of proof shall be on the Respondent to show compliance.

It is further ORDERED that the Clerk of the Disciplinary System shall mail an attested copy of this order by electronic, regular and certified mail, return receipt requested, to the Respondent, Judy Raye Moats at her address of record with the Virginia State Bar, being, Suite 301, 4041 University Drive, Fairfax, VA 22030, and a copy sent by electronic mail to Elizabeth K. Shoenfeld, Senior Assistant Bar Counsel.

Entered this 25th day of January, 2022

Virginia State Bar Disciplinary Board

By Carolyn V. Grady Digitally signed by Carolyn V. Grady  
Date: 2022.01.25 17:40:55 -05'00'  
Carolyn V. Grady  
Chair



VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF  
JUDY RAYE MOATS

VSJ Docket No. 21-052-121504

AFFIDAVIT DECLARING CONSENT TO REVOCATION

I, Judy Raye Moats, after being duly sworn, state as follows:

1. I was licensed to practice law in the Commonwealth of Virginia on October 16, 1981.
2. I submit this Affidavit Declaring Consent to Revocation pursuant to Rule of Court, Part 6, Section IV, Paragraph 13-28.
3. My consent to revocation is freely and voluntarily rendered. I am not being subjected to coercion or duress, and I am fully aware of the implications of consenting to the revocation of my license to practice law in the Commonwealth of Virginia.
4. I am aware that there is currently pending a proceeding involving allegations of misconduct, VSJ Docket No. 21-052-121504. The specific nature of the proceeding is set forth in the attached Subcommittee Determination (Certification).
5. I acknowledge that the material facts upon which the allegations of misconduct are predicated are true.
6. I submit this Affidavit and consent to the revocation of my license to practice law in the Commonwealth of Virginia because I know that if the disciplinary proceedings based on the alleged misconduct were prosecuted to a conclusion, I could not successfully defend them.

SIGNATURE ON NEXT PAGE

Executed and dated on January 24, 2022.

Judy Raye Moats  
Judy Raye Moats  
Respondent

COMMONWEALTH OF VIRGINIA  
CITY/COUNTY OF FAIRFAX, to wit:

The foregoing Affidavit Declaring Consent to Revocation was subscribed and sworn to before  
me by Judy Raye Moats on January 24, 2022.

Michele Manion Triplett  
Notary Public

My Commission expires: 12.31.2003 .#



VIRGINIA:

BEFORE THE FIFTH DISTRICT, SECTION II SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR

IN THE MATTER OF  
JUDY RAYE MOATS

VSB Docket No. 21-052-121504

SUBCOMMITTEE DETERMINATION  
(CERTIFICATION)

On July 20, 2021, a meeting in this matter was held before a duly convened Fifth District, Section II Subcommittee consisting of Joseph Cameron Davis, Chair presiding; Lauren Alexa D'Agostino, Member; and Courtney Reheiser, Lay Member.

Pursuant to Part 6, § IV, ¶ 13-15.B.3 of the Rules of the Supreme Court of Virginia, the Fifth District, Section II Subcommittee of the Virginia State Bar (“VSB”) hereby serves upon Judy Raye Moats, (“Respondent”) the following Certification:

I. ALLEGATIONS OF FACT

1. Respondent was licensed to practice law in Virginia in 1981. Until May 13, 2021, Moats was a member in good standing of the VSB.

Facts Regarding Respondent's  
Involvement with The Estate of Mary K. Copsey

2. Mary K. Copsey died on August 5, 2017. Her will, which Respondent witnessed, named Complainant Annette Church as an executor and left Church 30% of Copsey's estate.
3. On September 12, 2017, Copsey's will was admitted to probate, and Respondent and Church qualified as co-executors. Church hired Respondent because she lived in Nevada and needed someone in Virginia who was knowledgeable regarding these matters. Church said that she signed a retainer agreement but was unable to provide it to the VSB.
4. Respondent and Church obtained a fiduciary bond, without surety, in the amount of \$600,000. A Memorandum of Facts valuing Copsey's estate at \$308,120 was also filed.
5. On February 15, 2018, the Inventory, signed by both Respondent and Church, was filed for Copsey's estate. The Inventory identified \$4,000 in tangible personal property and a Morgan Stanley account valued at \$126,547.37.

6. On March 30, 2018, Denise Farley, an auditor for the Commissioner of Accounts, wrote to Respondent and Church to notify them that the Inventory could not be approved for the following reasons:
  - An affidavit verifying that proper notice had been given to the required parties had not been filed.
  - The numbers given for the Morgan Stanley account appeared to be incorrect.
  - Any items of personal property valued at \$500 or more were not listed separately.
  - A Bank of America account was identified but the type of account was not mentioned.
  - The Commissioner needed confirmation regarding whether to use a supplemental original signature that had been provided.

Farley requested that these items be corrected within 30 days.

7. On April 26, 2018, Church signed an affidavit verifying that notice had been given. The affidavit was filed on May 3, 2018.
8. On April 28, 2018, Respondent wrote to Farley responding to her questions. The Commissioner received Respondent's letter on April 30, 2018. After some additional correspondence regarding the Morgan Stanley statement, the Inventory was approved.
9. On February 27, 2019, the First Account for the Copsey estate was filed.
10. On May 14, 2019, Commissioner of Accounts auditor Hennie Abalo-Kitchen wrote to Respondent and Church to request that they submit vouchers supporting the expenses advanced from personal funds and reimbursed by the estate.
11. On May 24, 2019, the First Account was approved.
12. On November 18, 2019, a Second and Final Account was filed.
13. On April 2, 2020, Commissioner of Accounts auditor Matt Andrusia wrote to Respondent and Church. He said that it appeared that \$30,159.52 had been paid in fees to the co-executors, and the guideline fee for the estate is \$25,589.23. Andrusia asked Respondent and Church to either return the difference to the residual beneficiaries or provide signed consents to the fees from the beneficiaries. Andrusia requested a response within 30 days.
14. On April 20, 2020, Church spoke to Respondent, and Respondent assured her that she would handle the issue raised by Andrusia. On May 19, 2020, Andrusia confirmed that he and Respondent had exchanged voicemail messages. Notwithstanding Respondent's promise to Church, Respondent did not take proper action to address the issue raised by Andrusia.

15. On June 8, 2020, Andrusia followed up with Respondent and Church in a letter marked "FINAL NOTICE."
16. On June 11, 2020, Church wrote to Andrusia and asked if he could recommend someone to help her because she had "been literally abandoned by my attorney."
17. On June 23, 2020, Respondent wrote to Church, stating, "2020 has not been a good year. Both my computer and I crashed. My computer in February and I in May. Full recovery has not happened." Respondent asserted that \$5,090 in legal fees and \$18.52 in expense reimbursements should not be counted as fiduciary fees, but she did not provide any documentation to support this assertion.
18. On October 23, 2020, Commissioner of Accounts Anne Heishman issued a summons to Respondent and Church to produce a Final Account accompanied by the required fee within 30 days. Respondent did not respond to the summons.
19. On February 11, 2021, Fairfax Circuit Court Judge Ortiz ordered that a summons be issued against Respondent and Church to show cause regarding the delinquency of the Final Account. The summons to show cause was issued on February 22, 2021, and Respondent was served on March 1, 2021. The hearing was set for March 19, 2021 at 9:00 a.m.
20. On March 16, 2021, Respondent emailed Traci Twomey, Vice President of Administration for the Fairfax Office of the Commissioner of Accounts, and asked to schedule an appointment to discuss the Copesey estate. Respondent said she realized "this is a mess and I would like your assistance in bringing closure."
21. On March 17, 2021, an administrator from the Commissioner's office emailed Respondent and stated, "We are continuing the March 19<sup>th</sup> court date to June 4<sup>th</sup> at 10 am. There will be a court ordered hearing held in our office on April 27, 2021 at 10:00 via zoom. A written notice will be mailed next week. If you are able to clear the exceptions on your final account prior to that date, we will cancel the hearing."
22. On March 18, 2021, Twomey emailed Respondent with information regarding how to participate in the March 19 hearing via videoconference. The next morning at 10:58 a.m., which almost two hours after the hearing docket started, Respondent replied to Twomey and stated that she "received email stating that this was canceled." Twomey responded and said that although the hearing was not canceled, the matter was continued until June 4, 2021 at 10:00 a.m., at which time the court would decide whether the fiduciaries should be removed and their bond forfeited.
23. On March 19, 2021, Commissioner Heishman filed a petition to remove fiduciaries and forfeit bond.
24. On March 30, 2021, Heishman issued a notice that on April 27, 2021, a hearing would be held regarding whether and in what amount the fiduciary bond should be forfeited. On April 16, 2021, Respondent was emailed a link to a videoconference meeting for the April 27, 2021 hearing. Respondent did not appear for the April 27, 2021 hearing.

25. On May 4, 2021, Commissioner Heishman filed a report in which she asserted that she could not approve the Final Account because the fiduciaries had been overpaid by \$6,570.29 and they had not done anything to address the overage. As a beneficiary, Church was entitled to \$1,971.09 of that overage, and Commissioner Heishman asserted that the remainder should be paid to the other beneficiaries.
26. On June 3, 2021, Respondent emailed Twomey to ask if the next day's hearing could be continued. Respondent also asked for a list of all payments that should have been made. Church replied that she did "NOT want to continue this problem – [Respondent] has had months to deal with this." Twomey replied that because there was no agreement to continue, the hearing would go forward.
27. On June 4, 2021, the court entered an order removing Church and Respondent as co-executors and entering judgment against Church and Respondent, jointly and severally, in the amount of \$4,599.18. Neither Respondent nor Church appeared for the hearing.

Facts Regarding Respondent's  
Failure to Participate in the VSB Investigation

28. On December 23, 2020, Church filed a bar complaint. On December 29, 2020, VSB Deputy Intake Counsel Jane Fletcher emailed a copy of Church's complaint to Respondent. Fletcher asked Respondent to communicate with Church about the status of the matter and state whether she has cured the deficiencies cited by the Commissioner of Accounts. Fletcher also asked Respondent to notify her regarding any actions she takes in the matter. Respondent did not respond to Fletcher.
29. On January 11, 2021, Fletcher sent a second letter to Respondent via email and U.S. mail. Fletcher asked Respondent to notify her immediately when she could expect a response. Fletcher wrote that if Respondent did not reply within five days, it is "highly likely that I will open an active investigation file." Respondent still did not reply.
30. On January 29, 2021, bar counsel sent Respondent a letter notifying her that Church's complaint had been referred to the Fifth District, Section II Committee for further investigation. Bar counsel demanded that Respondent submit a written answer to the complaint within 21 days and notified Respondent that pursuant to Rule of Professional Conduct 8.1(c), she has a "duty to comply with the bar's lawful demands for information" and that "[f]ailure to respond in a timely manner to this and other lawful demands from the bar for information about the complaint may result in the imposition of disciplinary sanctions."
31. Respondent did not reply to the bar's January 29, 2021 letter.
32. On February 11, 2021, VSB Investigator William Sterling emailed Respondent to request documents needed for his investigation. Respondent did not provide any information in response to Sterling's email.
33. On March 18, 2021, the bar served a subpoena *duces tecum* on Respondent. The subpoena requested Respondent's entire file and billing records for the Copsey estate. A

response was requested by April 8, 2021. Respondent did not submit a timely response. On April 13, 2021, bar counsel wrote to Respondent to advise her that if the bar did not receive a response by April 23, 2021, it would file a Notice of Noncompliance with the VSB Disciplinary Board. Respondent still did not respond.

34. On March 22, 2021, Commissioner Heishman filed a bar complaint regarding Respondent's actions in the Copsey estate. Commissioner Heishman's complaint was combined with Church's existing complaint. On March 25, 2021, the bar sent Respondent a copy of Commissioner Heishman's complaint and gave her the opportunity to respond. Respondent did not respond to Commissioner Heishman's complaint either.
35. On April 28, 2021, bar counsel filed a Notice of Noncompliance regarding Respondent's failure to comply with the subpoena. Respondent was advised that if she did not petition the Board to withhold a suspension within 10 days, she would be suspended. Respondent did not respond to the Notice of Noncompliance in any way.
36. On May 13, 2021, the VSB Disciplinary Board issued an order suspending Respondent on an interim basis until she complies with the bar's subpoena.
37. Investigator Sterling made several unsuccessful attempts to interview Respondent. On June 7, 2021, Investigator Sterling emailed and sent a letter to Respondent requesting that she contact him by June 14, 2021 to schedule her interview. Respondent agreed to an interview at 10:00 a.m. on June 22, 2021 at her office. When Investigator Sterling appeared for the interview, Respondent was not there. Respondent's assistant told Investigator Sterling that Respondent was sick and gave Investigator Sterling Respondent's phone number to call to arrange another interview date. Respondent did not answer Investigator Sterling's three calls. Investigator Sterling emailed Respondent that if she did not call him back that day, he would submit his report without Respondent's input. Respondent did not respond. The next morning, Investigator Sterling sent another email, marked "IMMEDIATE ACTION REQUIRED," giving Respondent until noon that day to schedule an interview. Respondent still did not respond.
38. As of the date of this certification, Respondent remains under an interim suspension for failure to respond to the bar's subpoena.

## II. NATURE OF MISCONDUCT

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

*By failing to respond to communications from the Commissioner's office and to the Commissioner's summons, failing to appear for three hearings, and failing to resolve the issue*

*regarding the executor fees in any way, Respondent violated Rules 1.1 and 1.3(a-b), as set forth below.*

*By failing to appear in response to the Commissioner's summons and the court's show cause order, Respondent violated Rule 3.4(d), as set forth below.*

*By failing to respond to the bar complaint, failing to respond to the bar's subpoena duces tecum, failing to submit to an interview, and failing to cooperate in the bar's investigation, Respondent violated Rules 8.1(c) and (d), as set forth below.*

**RULE 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.

**RULE 1.3 Diligence**

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

(b) A lawyer shall not intentionally fail to carry out a contract of employment entered into with a client for professional services, but may withdraw as permitted under Rule 1.16.

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

A lawyer shall not:

(d) Knowingly disobey or advise a client to disregard a standing rule or a ruling of a tribunal made in the course of a proceeding, but the lawyer may take steps, in good faith, to test the validity of such rule or ruling.

**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 of information otherwise protected by Rule 1.6[.]

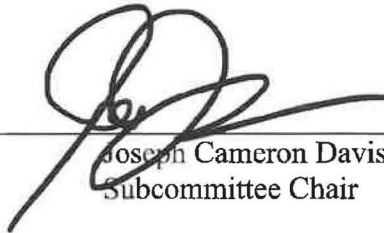
(d) obstruct a lawful investigation by an admissions or disciplinary authority.

III. CERTIFICATION

Accordingly, it is the decision of the Subcommittee to certify the above matter to the Virginia State Bar Disciplinary Board.

FIFTH DISTRICT, SECTION II SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR

By

A handwritten signature in black ink, appearing to read 'Joseph Cameron Davis', is written over a horizontal line. The signature is stylized and cursive.

Joseph Cameron Davis  
Subcommittee Chair

CERTIFICATE OF SERVICE

I certify that on 7/23/2021, I emailed to MoatsLaw@aol.com; mailed by first-class mail and certified mail a true and correct copy of the foregoing Subcommittee Determination (Certification) to Judy Raye Moats, Esquire, Respondent, at Suite 301, 4041 University Drive, Fairfax, VA 22030, Respondent's last address of record with the Virginia State Bar.



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Elizabeth K. Shoenfeld  
Senior Assistant Bar Counsel