

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF LYNCHBURG

IN THE MATTER OF
BRIAN RANDOLPH MOORE

CASE NO. CL21000970
VSB DOCKET NOS: 21-090-121540 & 21-090-121354

AGREED DISPOSITION MEMORANDUM ORDER
PUBLIC ADMONITION WITHOUT TERMS

This matter came to be heard on Wednesday, January 19, 2022, before a Circuit Court Three-Judge panel, upon the joint request of the parties for the Court to accept the Agreed Disposition endorsed by the parties and offered to the Court as provided by the Rules of the Supreme Court of Virginia. The panel consisted of the Honorable Robert M. D. Turk, Judge of the Twenty-seventh Judicial Circuit, Designated Chief Judge, the Honorable Stacey W. Moreau, Judge of the Twenty second Judicial Circuit, and the Honorable James J. Reynolds, Judge of the Twenty-second Judicial Circuit. Brian Randolph Moore was present and was not represented by counsel. The Virginia State Bar appeared through its Deputy Bar Counsel, Edward J. Dillon, Jr. The Chief Judge polled the members of the panel 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 judge responded in the negative. Court Reporter, Jacquelin Longmire, 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 Virginia State Bar Charge of Misconduct, Respondent's Answer, Respondent's Disciplinary Record, the arguments of the parties, and after due deliberation,

It is **ORDERED** that the Circuit Court accepts the Agreed Disposition and the Respondent shall receive a Public Admonition without Terms. The Agreed Disposition, is attached to, and incorporated in this Memorandum Order.

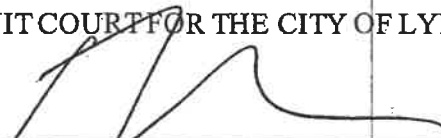
It is further **ORDERED** that the sanction is effective January 20, 2022.

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

A copy teste of this Order shall be mailed, to the Respondent, Brian Randolph Moore, at his last address of record with the Virginia State Bar, The Moore Law Firm, P.O. Box 3618, Lynchburg, Virginia 24503, Edward J. Dillon, Jr., Deputy Bar Counsel, Virginia State Bar, 1111 East Main Street, Suite 700, Richmond, Virginia 23219-0026, and to the Clerk of the Disciplinary System, Virginia State Bar, 1111 East Main Street, Suite 700, Richmond, VA 23219-0026.

ENTERED THIS 19 DAY OF JAN., 2022

CIRCUIT COURT FOR THE CITY OF LYNCHBURG


Robert M. D. Turk Chief Judge
Three-Judge Circuit Court

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF LYNCHBURG

VIRGINIA STATE BAR EX REL.
NINTH DISTRICT COMMITTEE
VSB Docket Nos. 21-090-121540 and 21-090-121354

Complainant,

Case No. CL 21000970

v.

BRIAN RANDOLPH MOORE
The Moore Law Firm PLLC
P.O. Box 3618
Lynchburg, Virginia 24503

Respondent.

**AGREED DISPOSITION
PUBLIC ADMONITION WITHOUT TERMS**

Pursuant to the Rules of the Supreme Court of Virginia, Part 6, § IV, ¶ 13-6.H, the Virginia State Bar, by Edward James Dillon, Jr., Deputy Bar Counsel, and Brian Randolph Moore, Respondent, *pro se*, hereby enter into the following agreed disposition arising out of the referenced matter.

I. STIPULATIONS OF FACT

1. At all relevant times, Brian Randolph Moore (“Respondent”) has been an attorney licensed to practice law in the Commonwealth of Virginia. Respondent was licensed to practice law in the Commonwealth of Virginia in April 2005.

VSB Docket No. 21-090-121540 (Complainant: William Wallis)

2. In or about 2019, William Wallis paid Respondent \$3,500 to represent him in a divorce matter.
3. Mr. Wallis met with Respondent multiple times in 2020 to prepare answers to written

discovery propounded by Mr. Wallis' spouse. Mr. Wallis confirmed that Respondent took notes during these meetings. Respondent described taking notes on "yellow paper" and stated that he believed he later put his handwritten notes into a more formal document.

4. After a May 20, 2020 hearing on opposing counsel's motion to compel, the Lynchburg Circuit Court sanctioned Respondent for not responding to discovery. Respondent made sure that the sanction ran against Respondent, not his client, and subsequently paid the sanction.
5. Sometime after the May 2020 hearing, Respondent ceased communicating with Mr. Wallis and, by September 2020, Mr. Wallis retained another attorney to represent him in the matter.
6. Respondent subsequently refunded \$3,000 to Mr. Wallis.
7. By letter dated January 7, 2021, the Virginia State Bar provided Respondent with a copy of the bar complaint filed against Respondent by Mr. Wallis, reminded Respondent of his obligations under Rule of Professional Conduct 8.1(c), and demanded that he submit a written answer to the bar complaint within 21 days.
8. Respondent did not provide the Virginia State Bar with a written answer to the bar complaint filed by Mr. Wallis.
9. During the course of the investigation, the Virginia State Bar issued a subpoena *duces tecum* to Respondent for his client file and trust account books and records pertaining to the \$3,500 legal fee paid by Mr. Wallis.
10. Respondent told the Virginia State Bar that he captured and maintained the data for such books and records in an electronic format. However, despite the aforementioned subpoena *duces tecum* and a request from the Virginia State Bar investigator during a February 26, 2021 interview, Respondent has not produced to the Virginia State Bar copies of his trust account books and records pertaining to Mr. Wallis.
11. Respondent also told the Virginia State Bar investigator in a February 26, 2021 interview that he possessed or had access to numerous other records pertaining to his representation of Mr. Wallis, including bank statements for his trust account, information provided to Respondent by Mr. Wallis, and email communications with Sarah Houck, who Mr. Wallis later retained to represent him, and Mr. Wallis. To date, Respondent has not produced those records to the Virginia State Bar in response to the subpoena *duces tecum* or requests made by the Virginia State Bar investigator during the course of the February 26, 2021 interview.

VSb Docket No. 21-090-121354 (Complainant: Priscilla Triplett)

12. In or about January 2019, Priscilla Triplett paid Respondent \$1,500 to represent her in a divorce matter. Between January 2019 and November 2019, Respondent worked with Ms. Triplett to prepare a draft property settlement agreement.
13. Between November 2019 and July 2020, Ms. Triplett had no communication with Respondent despite making numerous efforts to contact him by phone and email.
14. After she was served with a complaint for divorce in or about July 2020, Ms. Triplett succeeded in reaching Respondent by telephone at his office and arranged to meet Respondent at his office on July 10, 2020.
15. At the July 10, 2020 meeting, Ms. Triplett believed she had terminated Respondent's representation of her. She retained another attorney to represent her in the divorce matter. Respondent disagrees with the assertion that his representation of Ms. Triplett was terminated on July 10, 2020.
16. Respondent later told the Virginia State Bar that he believed that he had convinced Ms. Triplett at the July 10, 2020 meeting to allow him to continue with the representation.
17. Respondent, however, admitted that he accomplished nothing for Ms. Triplett between November 2019 and December 2020, when Ms. Triplett filed the bar complaint in this matter, and that, aside from the July 10, 2020 meeting, he had no communication with Ms. Triplett between November 2019 and December 2020.
18. After the bar complaint was filed, Respondent refunded \$960 of the \$1,500 legal fee to Ms. Triplett. The amount of the refund was consistent with itemized invoices produced to the Virginia State Bar during the course of the investigation.
19. During the course of the investigation, the Virginia State Bar issued a subpoena *duces tecum* to Respondent for his trust account books and records pertaining to the \$1,500 legal fee paid by Ms. Triplett.
20. Respondent told the Virginia State Bar that he captured and maintained the data for such books and records in an electronic format. He told the Virginia State Bar investigator during a February 26, 2021 interview that, if he could access the data, he "may" provide it to the Virginia State Bar. To date, Respondent has not produced to the Virginia State Bar copies of his trust account books and records pertaining to Ms. Triplett.

II. NATURE OF MISCONDUCT

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

VSB Docket No. 21-090-121540

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.

RULE 1.15 Safekeeping Property (*Effective Prior to March 15, 2020*)

(c) Record-Keeping Requirements. A lawyer shall, at a minimum, maintain the following books and records demonstrating compliance with this Rule:

(1) Cash receipts and disbursements journals for each trust account, including entries for receipts, disbursements, and transfers, and also including, at a minimum: an identification of the client matter; the date of the transaction; the name of the payor or payee; and the manner in which trust funds were received, disbursed, or transferred from an account.

(2) A subsidiary ledger containing a separate entry for each client, other person, or entity from whom money has been received in trust.

The ledger should clearly identify:

(i) the client or matter, including the date of the transaction and the payor or payee and the means or methods by which trust funds were received, disbursed or transferred; and

(ii) any unexpended balance.

(4) All records subject to this Rule shall be preserved for at least five calendar years after termination of the representation or fiduciary responsibility.

RULE 1.15 Safekeeping Property (*Effective March 15, 2020*)

(c) Record-Keeping Requirements. A lawyer shall, at a minimum, maintain the following books and records demonstrating compliance with this Rule:

(1) Receipts and disbursements journals for each trust account. These journals shall include, at a minimum: identification of the client or matter; date and amount of the transaction; name of the payor or payee; manner in which the funds were received, disbursed, or transferred; and current balance. A checkbook or transaction register may be used in lieu of separate receipts and disbursements journals as long as the above information is included.

(2) A client ledger with a separate record for each client, other person, or entity from whom money has been received in trust. Each entry shall include, at a minimum: identification of the client or matter; date and amount of the transaction; name of the payor or payee; source of funds received or purpose of the disbursement; and current balance.

(4) All records subject to this Rule shall be preserved for at least five calendar years after termination of the representation or fiduciary responsibility.

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; or

RULE 1.3 Diligence

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

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.

RULE 1.15 Safekeeping Property (*Effective Prior to March 15, 2020*)

(c) Record-Keeping Requirements. A lawyer shall, at a minimum, maintain the following books and records demonstrating compliance with this Rule:

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(2) A subsidiary ledger containing a separate entry for each client, other person, or entity from whom money has been received in trust.

The ledger should clearly identify:

(i) the client or matter, including the date of the transaction and the payor or payee and the means or methods by which trust funds were received, disbursed or transferred; and

(ii) any unexpended balance.

(4) All records subject to this Rule shall be preserved for at least five calendar years after termination of the representation or fiduciary responsibility.

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(2) A client ledger with a separate record for each client, other person, or entity from whom money has been received in trust. Each entry shall include, at a minimum: identification of the client or matter; date and amount of the transaction; name of the payor or payee; source of funds received or purpose of the disbursement; and current balance.

(4) All records subject to this Rule shall be preserved for at least five calendar years after termination of the representation or fiduciary responsibility.

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(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; or

III. PROPOSED DISPOSITION

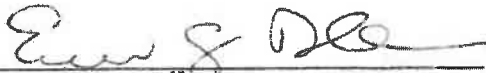
Accordingly, Deputy Bar Counsel and Respondent tender to the Three-Judge Panel hearing this matter the Agreed Disposition of a Public Admonition without Terms as

representing an appropriate sanction if this matter were to be heard through an evidentiary hearing by the Three-Judge Panel. The Virginia State Bar and Respondent agree that, should the Three-Judge Panel reject this Agreed Disposition, the Three-Judge Panel retains jurisdiction to hear this matter on January 20, 2022 or anytime thereafter.

If the Agreed Disposition is approved, the Clerk of the Disciplinary System shall assess costs.

Pursuant to Part 6, § IV, ¶ 13-30.B of the Rules of the Supreme Court of Virginia, Respondent's prior disciplinary record shall be furnished to the Three-Judge Panel considering this agreed disposition.

THE VIRGINIA STATE BAR



Edward James Dillon, Jr.
Deputy Bar Counsel



Brian Randolph Moore, Esquire
Respondent