

**VIRGINIA:**

**BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD**

**IN THE MATTER OF  
BARRY RAY TAYLOR**

**VS. B DOCKET NOS. 19-022-115655, 19-022-116041,  
20-022-118980 and 21-022-120790**

**AGREED DISPOSITION MEMORANDUM ORDER  
FIVE-YEAR SUSPENSION**

On Wednesday, May 18, 2022 these matters were heard, telephonically, 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 6, Section IV, Paragraph 13-6.H of the Rules of the Supreme Court of Virginia. The panel consisted of Thomas R. Scott, Jr., Chair, Stephanie G. Cox, Yvonne S. Gibney, Tony H. Pham and Tammy D. Stephenson, Lay Member. The Virginia State Bar was represented by M. Brent Saunders, Senior Assistant Bar Counsel. Barry Ray Taylor 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 Jennifer L. Hairfield, 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 Five-Year Suspension, 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 May 18, 2022.

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 or 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 clients. The Respondent shall give such notice immediately and in no event later than 14 days of the effective date of the Revocation or Suspension, 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 or Suspension. 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 or Suspension 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 Suspension, he shall submit an affidavit to that effect within 60 days of the effective date of the Revocation or Suspension 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. If the Respondent fails to show compliance, the Board may impose a sanction of Revocation or additional Suspension for failure to comply with the requirements of subparagraph 13-29.

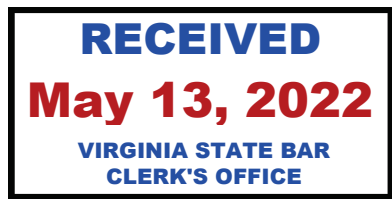
The Clerk of the Disciplinary System shall assess costs pursuant to Part 6, Section IV, Paragraph 13-9.E of the Rules.

It is further ORDERED that an attested copy of this Order be mailed to the Respondent by electronic, regular first-class and certified mail, return receipt requested, at his last address of record with the Virginia State Bar at 577 Sterling Rd., Virginia Beach, VA 23461, and a copy by electronic mail to M. Brent Saunders, Senior Assistant Bar Counsel.

Enter this Order this 18th day of May, 2022

VIRGINIA STATE BAR DISCIPLINARY BOARD

  
\_\_\_\_\_  
Thomas R. Scott, Jr.  
First Vice Chair



VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTERS OF  
BARRY RAY TAYLOR

VS  
VS  
VS  
VS

VSB Docket No. 19-022-115655  
VSB Docket No. 19-022-116041  
VSB Docket No. 20-022-118980  
VSB Docket No. 21-022-120790

AGREED DISPOSITION  
(FIVE-YEAR SUSPENSION)

Pursuant to the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-6.H., the Virginia State Bar, by M. Brent Saunders, Assistant Bar Counsel, and Barry Ray Taylor (“Respondent”), pro se, hereby enter into the following Agreed Disposition arising out of the referenced matter.

I. STIPULATIONS OF FACT

1. Respondent was licensed to practice law in the Commonwealth of Virginia on October 6, 1994, and remained so licensed at all times relevant hereto.

19-022-115655

2. Saeid Yousefieh retained Respondent for a divorce case and a civil matter in December 2017.

3. Respondent sent a letter to Mr. Yousefieh’s former counsel for the divorce matter (Deborah Albiston) advising her that he had been retained to represent Mr. Yousefieh and requesting Mr. Yousefieh’s file.

4. Ms. Albiston signed a substitution order and a representative from Respondent’s office picked up the order on January 23, 2018.

5. In February 2019, more than a year later, Ms. Albiston discovered that Respondent had still not filed the substitution order in the divorce case and had not officially substituted

in as counsel of record. Thereafter, a substitution order was filed with the Court and entered on March 1, 2019.

6. In addition to the divorce case, Respondent was retained to help Mr. Yousefieh recover funds from the sale of commercial property. At the time, the funds were being held in trust by an attorney who had been hired to sell the commercial property. In April 2018, the attorney filed a Bill of Interpleader requesting that the Court determine the distribution of the proceeds.
7. In October 2018, the Clerk of the Circuit Court for the City of Norfolk filed a Notice of Default Judgment. The notice provided that the Court would dismiss the Bill of Interpleader or grant default judgment on November 30, 2018.
8. On November 14, 2018, Respondent sent a Notice of Hearing for a Motion for Leave to Enter Late Pleadings to be heard on the Duty Judge's docket on November 26, 2018.
9. The Court entered an order on November 26, 2018 giving Respondent THIRTY (30) days to file responsive pleadings to the Bill of Interpleader. At that time, Mr. Yousefieh's wife, Maya Bashiri, was acting pro se.
10. The attorney holding the funds told the VSB investigator that he did not have a problem contacting Respondent, but Respondent always told him that he was negotiating with the other side regarding the distribution of the funds.
11. In December 2018, attorney Kyle Korte filed a Motion to Intervene on behalf of Ms. Bashiri. Mr. Korte told the VSB investigator that he tried to contact Respondent regarding the proceeds from the sale of the property. He said he was able to talk to Respondent one time early in his representation, but he said Respondent was abrasive and antagonistic.

12. Mr. Korte tried calling Respondent several times after the first interaction and received no response. Mr. Korte told the investigator that Respondent never did anything regarding the escrowed funds.
13. Due to his inability to contact Respondent, Mr. Korte filed a Notice of Hearing for February 1, 2019, requesting that the Court disburse half of the proceeds from the sale of the commercial property to Ms. Bashiri. The Notice of Hearing filed with the Court included a Certificate of Service stating that Mr. Korte sent the Notice to Respondent on January 25, 2019.
14. On February 1, 2019, the Court held a hearing on the Bill of Interpleader. Respondent did not show up for the hearing. Respondent's former partner, Shannon Bayona, appeared at the hearing and asked for a continuance. The Court denied the request for a continuance. Respondent told the VSB investigator that he did not receive notice of the hearing.
15. The order entered from that hearing states that "other than Bashiri, no other party has filed an Answer or any form of responsive pleading with this Court or otherwise responded to the Bill of Interpleader..." The Court's order awarded approximately one-half of the proceeds to Ms. Bashiri.
16. On March 7, 2019, Mr. Yousefieh filed a letter and motion in the Norfolk Circuit Court. The letter stated that Mr. Yousefieh did not want to work with Respondent any longer on the Interpleader case. The motion stated that Respondent did not answer when he was notified to come to court and Mr. Yousefieh requested that he be permitted to file a late pleading.

17. Mr. Yousefieh then hired Robert Frazier to represent him and notified the Court on March 27, 2019.
18. Mr. Korte told the VSB investigator that he heard nothing from Respondent after the February 1, 2019 hearing and when Mr. Yousefieh hired Robert Frazier, he and Mr. Frazier were able to work out a consent order in a short period of time and resolve the matter.
19. Mr. Frazier requested Mr. Yousefieh's file from Respondent on April 26, 2019, but he did not hear from Respondent or receive the file.
20. Mr. Frazier asked for the file again on May 29, 2019, but he did not receive the file from Respondent.
21. Both Mr. Yousefieh and his sister told the VSB investigator that Respondent did not communicate with them and would not return their calls or explain what was going on in Mr. Yousefieh's case.
22. Mr. Yousefieh also told the investigator that Respondent was not honest with the VSB when he told the investigator that he did not receive notice of the February 1, 2019 hearing. Mr. Yousefieh provided the investigator with a letter from Mr. Korte to Respondent that provided notice of the hearing. Additionally, Mr. Yousefieh told the investigator that Respondent told Mr. Yousefieh that he did not need to attend the hearing and that Respondent would take care of it himself.

19-022-116041

23. Walter T. Howard consulted with Respondent regarding a worker's compensation case in 2015.

24. After hearing about Mr. Howard's medical care following his injury, Respondent advised Mr. Howard that he should file a malpractice case against the doctor who treated Mr. Howard after his injury.
25. Based on Respondent's advice, Mr. Howard agreed to have Respondent file a medical malpractice case against the doctor who treated him for his injuries.
26. Respondent filed a medical malpractice case in Suffolk Circuit Court in August 2017 and subsequently non-suited the case without telling Mr. Howard.
27. Respondent re-filed the case in February 2019.
28. Mr. Howard told the VSB investigator that 1) Respondent had been telling Mr. Howard for three years that he was trying to find an expert witness; 2) Respondent failed to communicate with him and never returned phone calls or responded to emails; 3) Respondent would not appear for scheduled appointments and Mr. Howard would have to reschedule two or three times; 4) Respondent would repeatedly claim that he had come down with a bug or a medical condition; and, 5) Respondent did not provide Mr. Howard with any significant updates regarding his case.
29. In February 2019, Respondent told Mr. Howard and his wife that he was planning on contacting a company regarding a litigation loan for the Howards. Respondent told them to call back in a few months and the papers would be ready for them to sign.
30. Mr. Howard's wife called in April 2019 and left a message, but never received a return call. Mrs. Howard waited two weeks and called again and spoke with Respondent's partner, Ms. Bayona. Mrs. Howard did not receive a return call.
31. The Howards scheduled an appointment to meet with Respondent on May 14, 2019. The Howards arrived for the meeting and Respondent's secretary said Respondent was not

there but would be back shortly. The Howards waited 40 minutes and Respondent did not show. Respondent's secretary called Respondent and Respondent said he was having heart issues and would not make the appointment.

32. The Howards scheduled another appointment, but Respondent cancelled the appointment and the Howards were told in May 2019 that Respondent was withdrawing from their case. Respondent never spoke to Mr. Howard regarding his withdrawal from the case.
33. Two weeks later, the Howards checked the court file and Respondent was still counsel of record.
34. The VSB investigator checked the court file in February 2020 and Respondent was still counsel of record.

20-022-118980

35. Melvin Cooper hired Respondent for a medical malpractice case in February 2012 on behalf of his mother.
36. Respondent filed suit in the Chesapeake Circuit Court on March 27, 2013 against the doctor who treated Mr. Cooper's mother. Respondent non-suited the case on August 22, 2014. At the time, Respondent did not provide an explanation to Mr. Cooper for the non-suit.
37. Mr. Cooper told the VSB investigator that Respondent would never communicate with him about the case.
38. Mr. Cooper told the VSB investigator that he knew Respondent re-filed the lawsuit on October 4, 2014 because his sister looked on the internet and saw that it had been re-filed. Respondent did not provide a reason or explanation to Mr. Cooper regarding re-filing the lawsuit.

39. Respondent failed to appear at a hearing on December 2, 2015, and Mr. Cooper was unaware of the failure to appear.
40. The case was dismissed with prejudice on December 16, 2015, but Respondent did not tell Mr. Cooper. Again, Mr. Cooper found out about the dismissal when his sister looked up the case on the internet.
41. Mr. Cooper continued to call Respondent for an explanation and he finally spoke with Respondent at the end of December 2015. Respondent told Mr. Cooper that he lost his medical expert witness who backed out, which made the case weak.
42. During the investigation, the VSB investigator learned that Respondent submitted an expert witness designation in the malpractice case. The physician that Respondent named had not reviewed any records and was not Respondent's expert witness. Respondent had contacted the physician through a consulting company and sent a check for \$2,000 for the physician to review the records, but the check bounced, and the consulting company closed its file. Neither Mr. Cooper nor his sister was aware of the specific expert witness but had been told by Respondent that he had medical experts ready to testify.
43. In February 2016, Respondent sent Mr. Cooper the dismissal order.
44. Mr. Cooper filed a bar complaint in June 2020. Respondent did not respond to the bar complaint or to a subpoena *duces tecum*, and he did not make himself available for an interview with the investigator when the investigator tried to contact him in October 2020.

45. However, in February 2021, Respondent sent a letter to the VSB providing a late response to the complaint. Much of what Respondent stated in the late response was contradicted by the information the VSB investigator gathered in his investigation.
46. Respondent's late response was provided to Mr. Cooper and Mr. Cooper advised the VSB that the majority of the information Respondent provided about the case was false.

21-022-120790

47. James Baber hired Respondent in October 2018 for a medical malpractice case.
48. Mr. Baber brought his medical records to Respondent and Respondent was supposed to copy them. Mr. Baber told the VSB investigator that Respondent did not answer his phone calls or respond to emails. Mr. Baber went to Respondent's office and it was closed down and Mr. Baber learned that Respondent was suspended, but Respondent did not contact Mr. Baber to notify him.
49. Respondent still has all of Mr. Baber's medical records. Mr. Baber does not know anything about his case and whether Respondent filed a lawsuit or settled the case.
50. Mr. Baber filed a bar complaint in September 2020.
51. Respondent did not respond to the bar complaint when it was filed. He did not respond to the investigator when the investigator tried to interview him, and he did not respond to the subpoena *duces tecum*.
52. Respondent sent a letter to the VSB in February 2021 that appeared to be a late response to the complaint. Respondent stated in the letter that records were included, but no records were included.
53. Respondent's late response was provided to Mr. Baber and Mr. Baber advised the VSB that the information Respondent provided about Mr. Baber's case was false.

54. An email was sent to Respondent to let him know that no documents were attached or provided with his letter as he had indicated. Respondent did not respond to the email.

## II. STIPULATIONS OF MISCONDUCT

Respondent stipulates such conduct constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

19-022-115655

### 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 1.16 Declining Or Terminating Representation

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(d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, refunding any advance payment of fee that has not been earned and handling records as indicated in paragraph (e).

(e) All original, client-furnished documents and any originals of legal instruments or official documents which are in the lawyer's possession (wills, corporate minutes, etc.) are the property of the client and, therefore, upon termination of the representation, those items shall be returned within a reasonable time to the client or the client's new counsel upon request, whether or not the client has paid the fees and costs owed the lawyer. If the lawyer wants to keep a copy of such original documents, the lawyer must incur the cost of duplication. Also upon termination, the client, upon request, must also be provided within a reasonable time copies of the following documents from the lawyer's file, whether or not the client has paid the fees and costs owed the lawyer: lawyer/client and lawyer/third-party communications; the lawyer's copies of client-furnished documents (unless the originals have been returned to the client pursuant to this paragraph); transcripts, pleadings and discovery responses; working and final drafts of legal instruments, official documents, investigative reports, legal memoranda, and other attorney work product documents prepared or collected for the client in the course of the representation; research materials; and bills previously submitted to the client. Although the lawyer may bill and seek to collect from the client the costs associated with making a copy of these materials, the

lawyer may not use the client's refusal to pay for such materials as a basis to refuse the client's request. The lawyer, however, is not required under this Rule to provide the client copies of billing records and documents intended only for internal use, such as memoranda prepared by the lawyer discussing conflicts of interest, staffing considerations, or difficulties arising from the lawyer-client relationship. The lawyer has met his or her obligation under this paragraph by furnishing these items one time at client request upon termination; provision of multiple copies is not required. The lawyer has not met his or her obligation under this paragraph by the mere provision of copies of documents on an item-by-item basis during the course of the representation.

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:

(a) knowingly make a false statement of material fact;

19-022-116041

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.

20-022-118980

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.

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.

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(a) knowingly make a false statement of material fact;

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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;

RULE 8.4 Misconduct

It is professional misconduct for a lawyer to:

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(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation which reflects adversely on the lawyer's fitness to practice law.

21-022-120790

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 1.16 Declining Or Terminating Representation

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(d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, refunding any advance payment of fee that has not been earned and handling records as indicated in paragraph (e).

(e) All original, client-furnished documents and any originals of legal instruments or official documents which are in the lawyer's possession (wills, corporate minutes, etc.) are the property

of the client and, therefore, upon termination of the representation, those items shall be returned within a reasonable time to the client or the client's new counsel upon request, whether or not the client has paid the fees and costs owed the lawyer. If the lawyer wants to keep a copy of such original documents, the lawyer must incur the cost of duplication. Also upon termination, the client, upon request, must also be provided within a reasonable time copies of the following documents from the lawyer's file, whether or not the client has paid the fees and costs owed the lawyer: lawyer/client and lawyer/third-party communications; the lawyer's copies of client-furnished documents (unless the originals have been returned to the client pursuant to this paragraph); transcripts, pleadings and discovery responses; working and final drafts of legal instruments, official documents, investigative reports, legal memoranda, and other attorney work product documents prepared or collected for the client in the course of the representation; research materials; and bills previously submitted to the client. Although the lawyer may bill and seek to collect from the client the costs associated with making a copy of these materials, the lawyer may not use the client's refusal to pay for such materials as a basis to refuse the client's request. The lawyer, however, is not required under this Rule to provide the client copies of billing records and documents intended only for internal use, such as memoranda prepared by the lawyer discussing conflicts of interest, staffing considerations, or difficulties arising from the lawyer-client relationship. The lawyer has met his or her obligation under this paragraph by furnishing these items one time at client request upon termination; provision of multiple copies is not required. The lawyer has not met his or her obligation under this paragraph by the mere provision of copies of documents on an item-by-item basis during the course of the representation.

#### 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:

(a) knowingly make a false statement of material fact;

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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;

#### RULE 8.4 Misconduct

It is professional misconduct for a lawyer to:

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(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation which reflects adversely on the lawyer's fitness to practice law.

### III. PROPOSED DISPOSITION

Accordingly, Respondent and counsel for the bar tender to the Disciplinary Board for its approval the agreed disposition of the suspension of Respondent's license to practice law in the Commonwealth of Virginia for a period of FIVE YEARS, effective on the date of the issuance of an order of the Disciplinary Board approving this Agreed Disposition.

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:   
\_\_\_\_\_  
M. Brent Saunders  
Assistant Bar Counsel

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Barry Ray Taylor  
Respondent


III. PROPOSED DISPOSITION

Accordingly, Respondent and counsel for the bar tender to the Disciplinary Board for its approval the agreed disposition of the suspension of Respondent's license to practice law in the Commonwealth of Virginia for a period of FIVE YEARS, effective on the date of the issuance of an order of the Disciplinary Board approving this Agreed Disposition.

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

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