

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF  
BARRY RAY TAYLOR

VSB DOCKET NO. 24-000-130439

**MEMORANDUM ORDER**

This matter came before the Virginia State Bar Disciplinary Board (the “Board”) for a hearing on March 22, 2024, upon the Notice of Hearing and Rule to Show Cause (“Rule to Show Cause”) entered on January 9, 2024, against and duly served on Barry Ray Taylor, Esquire (“Respondent”) why Respondent’s license to practice law should not be suspended or revoked for failing to comply with Part 6, Section IV, Paragraph 13-29 (“Paragraph 13-29”) of the *Rules of the Supreme Court of Virginia* (the “Rules”).

The hearing was held before the duly convened panel of the Board consisting of David A. Gogal, presiding Chair; Donita M. King; Alan Anderson; Alexander N. Simon; and Elisabeth Martingayle, Lay Member. The Virginia State Bar (the “Bar”) was represented at the hearing by Assistant Bar Counsel Seth T. Shelley (“Assistant Bar Counsel”). The Respondent failed to answer and did not make any appearance in this matter. The proceedings were recorded and reported by Beverly S. Horne, a registered professional reporter with Chandler & Halasz, PO Box 9349, Richmond, Virginia 23227, telephone (804) 730-1222, after she was duly sworn by the Chair.

The Chair polled the members of the panel as to whether any of them was aware of any personal or financial interest or bias which would preclude any of them from fairly hearing this matter and serving on the panel, to which inquiry each member responded in the negative.

All legal notices of the date and place were timely sent by the Clerk of the Disciplinary System (“Clerk”) in the manner prescribed by Part Six, Section IV, Paragraph 13-18 of the *Rules*.

In accordance with Paragraph 13-29 of the *Rules*, the purpose of the hearing was to provide the Respondent with an opportunity to show cause, if any, by clear and convincing evidence, as to why his license to practice law should not be suspended or revoked for failing to comply with Paragraph 13-29. Respondent’s license to practice law within the Commonwealth of Virginia was suspended for three years on August 22, 2019, and again for five years on May 18, 2022, both by agreed to dispositions. The Respondent is obligated by each suspension Order to comply with the requirements of Paragraph 13-29.

A prehearing conference call was held on March 13, 2024. The Bar was present at the prehearing conference call and represented by Assistant Bar Counsel. The Respondent was not present, and did not participate in the hearing. The Bar’s Exhibits 1 through 9 were admitted into evidence.

### **THE BOARD’S FINDINGS**

By order entered on August 22, 2019 in VSB Docket Nos. 16-022-104365, 16-022-104887 and 18-022-111398, the Board suspended Respondent’s license to practice law for three years. The August 22, 2019 order required Respondent to comply with the requirements of Paragraph 13-29 by providing notice of his suspension by certified mail to his clients, opposing counsel and presiding judges no later than 14 days of August 22, 2019 and to furnish proof to the Virginia State Bar within 60 days that he had given such notices.

Lena Slim (“Slim”), one of Respondent’s clients, filed a bar complaint in November, 2022 that alleged Respondent failed to notify her of his suspension in 2019 or anytime thereafter

and failed to make appropriate arrangements for the dispositions of several personal injury matters he was handling for her, including two complaints in Chesapeake Circuit Court, one against Sam's Club, in which counsel for Sam's Club, Allison Rienecker, filed an Answer and one against Wylie H. Zhu, M.D. and Sentara Hospitals. Respondent did not inform Slim that his license was suspended, she found out by reading a new article online in February 2021. Respondent did not notify Allison Rienecker of his suspension. Respondent did not make arrangements for representation of Slim in the two pending Chesapeake Circuit Court cases, both were "stricken from the docket and discontinued" due to inactivity for more than three years, by orders dated August 2, 2021 and March 31, 2023. At the time of his suspension Respondent was also assisting Slim in other personal injury matters. Slim appeared at the hearing and testified as to the facts of Respondent's failure to provide notice and failure to make arrangements regarding her cases. Respondent's filings with the Clerk of the Board, and those of his former law partner, did not include any notice to Slim or Reinecker of his suspension.

By order entered on May 18, 2022 in VSB Docket Nos. 19-022-115655, 19-022-116041, 20-022-118980 and 21-022-120790, the Board suspended Respondent's license to practice law for five years. Respondent provided the Board a July 6, 2022 letter that falsely asserted that he had not practiced law since August 19, 2019, that he had previously notified all clients, opposing counsel and judges and that he had no clients to notify of the suspension effective May 18, 2022.

The Respondent neither appeared nor put on any evidence. After receiving the evidence and hearing the argument of Assistant Bar Counsel, the Board adjourned to deliberate and consider the evidence. The Board concluded from the evidence that Respondent failed to show any cause why his license should not be suspended or revoked for failing to comply with the requirements of Paragraph 13-29 each time his license was suspended by agreed to disposition.

Having found that the Respondent failed to comply with the requirements of Paragraph 13-29, the Board then heard evidence regarding the appropriate sanction that should be imposed. The Board received and reviewed the prior disciplinary record of the Respondent, admitted as VSB Exhibit #10, and additionally heard argument of Bar counsel. As aggravating factors, the Board took into account the Respondent's multiple offenses, a recent five year suspension following directly on the heels of a three year suspension, the harm to the client, Respondent's bad faith and his failure to discharge his duty to the Bar in this proceeding. There was no evidence of any mitigating factors. Under these circumstances, the Board concluded that revocation is the only appropriate sanction.

Accordingly, it is ORDERED that Respondent, Barry Ray Taylor's license to practice law in the Commonwealth of Virginia is hereby REVOKED, effective immediately.

It is further ORDERED that Respondent must comply with the requirements of Part 6, § IV, ¶ 13-29 of the *Rules*. The Respondent shall forthwith give notice by certified mail, return receipt requested, of the revocation 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 and conformity with the wishes of his clients. The Respondent shall give such notice within fourteen (14) days of the effective date of this order, and he shall make such arrangements as are required herein within forty-five (45) days of the effective date of the revocation. The Respondent shall also furnish proof to the Bar within sixty (60) days of the effective date of the revocation that such notices have been timely given and such arrangements made for the disposition of matters.

It is further ORDERED that pursuant to Part Six, Section IV, Paragraph 13-29.E of the *Rules of the Supreme Court of Virginia*, the Clerk of the Disciplinary System shall assess costs against the Respondent.

It is further ORDERED that the Clerk of the Disciplinary System shall mail an attested copy of this Order to the Respondent, Barry Ray Taylor, at his address of record with the Virginia State Bar, 577 Sterling Road, Virginia Beach, Virginia 23464 and also to 1695 Guthrie Street, Virginia Beach, Virginia 23454, both by certified mail, return receipt requested and as a courtesy to Respondent electronically to [brtlaw@gmail.com](mailto:brtlaw@gmail.com), and hand deliver a copy of this Order to Seth T. Shelley, Assistant Bar Counsel, at the Virginia State Bar, 1111 East Main Street, Suite 700, Richmond, Virginia 23219.

Entered this 4th day of April, 2024.

VIRGINIA STATE BAR DISCIPLINARY BOARD

A handwritten signature in black ink, appearing to read 'David J. Gogal', is written over a horizontal line.

David J. Gogal, Presiding Chair