

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF

JEANNE LYNN DOVE-TAYLOR

VSB DOCKET NO. 12-060-091009

OPINION AND ORDER

THIS MATTER came to be heard on June 28, 2013, before a panel of the Disciplinary Board (“the Board”) consisting of Whitney G. Saunders, Chair (presiding), Rev. Dr. Theodore Smith, Lay member, Melissa Walker Robinson, Thomas R. Scott, Jr., and Michael S. Mulkey. The Virginia State Bar (“the Bar”) was represented by Kathryn R. Montgomery, Deputy Bar Counsel (“Bar Counsel”). The “Respondent”, Jeanne Lynn Dove-Taylor was not present and did not respond when her name was called three times in the hall by the Clerk.

The Chair polled the members of the Board Panel as to whether any of them was conscious of any personal or financial interest which would preclude them from fairly hearing this matter and serving on the panel, to which inquiry each member responded in the negative. Tracy Stroh, Chandler & Halasz, P.O. Box 9349, Richmond, Virginia 23227, telephone number (804) 730-1222 fax number (866) 882-5809, after being duly sworn, reported the hearing and transcribed the proceedings.

NATURE OF THE MISCONDUCT

This matter came before the Board on the Subcommittee Determination (Certification) by the Sixth District Committee. The Bar bears the burden of proof by clear and convincing evidence.

The Board makes the following findings of fact on the basis of clear and convincing evidence:

1. Respondent was licensed to practice law in the Commonwealth of Virginia on October 1, 1992.

2. Complainant is the director of Project Faith, Inc., a non-profit corporation with a mission to facilitate access to independent housing for persons with disabilities and elder individuals with low incomes.
3. In or about June 2008, Project Faith engaged Respondent to close a complex transaction involving a construction loan for a development called "Angelwood II."
4. The closing occurred on or about December 15, 2008.
5. Respondent was the settlement agent for the closing. As settlement agent, Respondent received and handled funds essential for the closing.
6. As part of the closing, Respondent was to disburse \$8250 to the Virginia Housing Development Authority ("VHDA") for payment of a permanent loan fee.
7. In or about May 2009, Complainant was notified by the VHDA that the payment of the loan guarantee of \$8250 had not been received by VHDA.
8. In or about May 2009, Project Faith sent VHDA a check for \$8600 for this payment plus other fees owed for another matter.
9. In or about May 2009, VHDA notified Respondent's office about the missing check for \$8250. Respondent did not provide a cancelled check for \$8250, a new check for \$8250, or any explanation for the missing funds.
10. On or about December 21, 2009, the Virginia Community Development Corporation (VCDC) sent Respondent's office an email asking for a copy of the cancelled check providing \$8250 in loan fees to VHDA for the Angelwood II closing in December 2008.
11. After receiving the email from VCDC, Respondent did not provide a cancelled check for \$8250, a new check for \$8250, or any explanation for the missing funds.

12. In September 2011, on behalf of Project Faith, Complainant talked with Respondent's office about the missing \$8250 and asked for an explanation.
13. From October 2011 through February 2012, Complainant had numerous discussions with Respondent about the missing \$8250. Respondent produced a December 2008 cover letter to VHDA purporting to enclose a check for \$8250, but did not produce a cancelled check.
14. From October 2011 through February 2012, Respondent did not provide a cancelled check for \$8250, a new check for \$8250, or any explanation for the missing funds.
15. On or about February 1, 2012, Respondent sent Complainant an email stating, "The bank cannot confirm that VHDA cashed their check. I have pulled everything back out to see if we have refunded back to the client or what happed[sic.] This is going to take a little time. I will contact you as soon as I have done my due diligence."
16. Following this email, Respondent did not provide a cancelled check for \$8250, a new check for \$8250, or any explanation for the missing funds.
17. On or about February 20, 2012, Complainant filed a bar complaint against Respondent based on the missing \$8250.
18. On or about March 19, 2012, Respondent answered the bar complaint. In her answer, she requested until April 16, 2012 to review the file and provide an explanation.
19. On or about May 21, 2012, Respondent wrote a letter to the bar admitting that she could not find a copy of the cancelled check for \$8250 and stating that she knew she had reissued the check for \$8250 to VHDA, but had no documentary proof.
20. On or about July 9, 2012, Respondent told the bar's investigator that she had proof of delivery of the reissued check for \$8250 and would provide it to the bar. Despite this

statement, Respondent did not provide the bar with proof of delivery of a reissued check for \$8250 to VHDA.

21. At no time has Respondent provided the bar, Complainant, or Project Faith a cancelled check for \$8250, a new check for \$8250, or any explanation for the missing funds.
22. Project Faith has not received a payment of \$8250 from Respondent.
23. Complainant has not received a payment of \$8250 from Respondent.
24. VHDA has not received a payment of \$8250 from Respondent.
25. As part of its investigation of this bar complaint, the bar issued Respondent a subpoena *duces tecum* dated August 8, 2012. Respondent did not respond to the subpoena and the bar filed a notice of noncompliance with the Virginia State Bar Disciplinary Board. On or about October 15, 2012, the Board suspended Respondent's license to practice law for failure to comply with a bar subpoena. As of December 11, 2012, the date of the subcommittee's meeting, Respondent's license to practice law remains suspended.

MISCONDUCT

The Certification charges violations of the following provisions of the Virginia Rules of Professional Conduct:

RULE 1.15 Safekeeping Property

(b) Specific Duties. A lawyer shall:

- (3) maintain complete records of all funds, securities, and other properties of a client coming into the possession of the lawyer and render appropriate accountings to the client regarding them;

(4) promptly pay or deliver to the client or another as requested by such person the funds, securities, or other properties in the possession of the lawyer that such person is entitled to receive; and

(5) not disburse funds or use property of a client or third party without their consent or convert funds or property of a client or third party, except as directed by a tribunal.

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

(3) In the case of funds or property held by a lawyer as a fiduciary, the required books and records shall include an annual summary of all receipts and disbursements and changes in assets comparable in detail to an accounting that would be required of a court supervised fiduciary in the same or similar capacity; including all source documents sufficient to substantiate the annual summary.

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

(d) Required Trust Accounting Procedures. In addition to the requirements set forth in Rule 1.15 (a) through (c), the following minimum trust accounting procedures are applicable to all trust accounts.

(3) Reconciliations.

(i) At least quarterly a reconciliation shall be made that reflects the trust account balance for each client, person or other entity.

(ii) A monthly reconciliation shall be made of the cash balance that is derived from the cash receipts journal, cash disbursements journal, the trust account checkbook balance and the trust account bank statement balance.

(iii) At least quarterly, a reconciliation shall be made that reconciles the cash balance from (d)(3)(ii) above and the subsidiary ledger balance from (d)(3)(i).

(iv) Reconciliations must be approved by a lawyer in the law firm.

(4) The purpose of all receipts and disbursements of trust funds reported in the trust journals and ledgers shall be fully explained and supported by adequate records.

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

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

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;

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

DISPOSITION

Upon t review of the findings of fact, upon review of exhibits presented by Bar Counsel, at the conclusion of the evidence regarding misconduct, the Board recessed to consider the Disposition of this case. The Board undertook extensive deliberation. The Board considered comments of Bar Counsel.

The Bar withdrew the charges of violating Rules 1.15(c)(3) and 1.15(c)(4):

After deliberation, the Board reconvened and stated that it had found by clear and convincing evidence that the Respondent was in violation of Rules 1.15(b)(3); 1.15(b)(4); 1.15(b)(5); 1.15(d)(3)(i); 1.15(d)(3)(ii); 1.15(d)(3)(iii); 1.15(d)(3)(iv); 1.15(d)(4); 8.1(c); 8.1(d); 8.4(b); and 8.4(c).

Thereafter, the Board received further evidence of aggravation and mitigation from the Bar, including Respondent's prior disciplinary record. The Board recessed to deliberate what sanction to impose upon the Respondent. After due deliberation, the Board reconvened to announce the sanction imposed. The Chair announced the sanction as Revocation.

It is ORDERED that the Respondent's license to practice law in the Commonwealth of Virginia is revoked effective June 28, 2013.

It is further ORDERED that Respondent must comply with the requirements of Part Six, § IV, ¶ 13-29 of the Rules of the Supreme Court of Virginia. The Respondent shall forthwith give notice by certified mail, return receipt requested, 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. Respondent shall give such notice within 14 days of the effective date of the revocation. The Respondent shall also furnish proof to the Bar within 60 days of the effective day of the revocation that such notices have been timely given and such arrangements made for the disposition of matters.

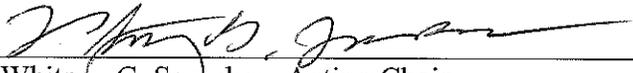
It is further ORDERED that if the Respondent is not handling any client matters on the effective date of June 28, 2013, the Respondent shall submit an affidavit to that effect to the Clerk of the Disciplinary System at the Virginia State Bar.

It is further ORDERED that Part Six, § IV, ¶13-9(E) of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess all costs against the Respondent.

It is further ORDERED that the Clerk of the Disciplinary System shall send an attested copy of this Opinion and Order by certified mail to Respondent, Jeanne Lynn Dove-Taylor, at her

address of record, Law Office of Jeanne Dove-Taylor, 15521 Real Estate Avenue, King George, VA 22485, and a copy hand-delivered to Kathryn R. Montgomery, Deputy Bar Counsel, Virginia State Bar, Eighth and Main Building, 707 East Main Street, Suite 1500, Richmond, Virginia 23219.

ENTERED this 24 day of July, 2013.
VIRGINIA STATE BAR DISCIPLINARY BOARD


Whitney G. Saunders, Acting Chair