

VIRGINIA:

Before the Virginia State Bar Disciplinary Board

In the Matter of

JAMES EDWARD MOYLER, JR.

VSB Docket No. 09-010-076281

Attorney at Law

On April 10, 2009, came James Edward Moyler, Jr., and presented to the Board an Affidavit Declaring Consent to Revocation of his license to practice law in the courts of this Commonwealth. By tendering his Consent to Revocation at a time when disciplinary charges are pending, he admits that the charges in the attached Affidavit Declaring Consent to Revocation document are true.

The Board having considered the said Affidavit Declaring Consent to Revocation, and Bar Counsel having no objection, the Board accepts his Consent to Revocation. Accordingly, it is ordered that the license to practice law in the courts of this Commonwealth heretofore issued to the said James Edward Moyler, Jr., be and the same hereby is revoked, and that the name of the said James Edward Moyler, Jr., be stricken from the Roll of Attorneys of this Commonwealth.

Enter this Order this 13th day of April, 2009

For the Virginia State Bar Disciplinary Board

By Barbara S. Lanier
Barbara Sayers Lanier, Clerk of the Disciplinary System

VIRGINIA: BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

**IN THE MATTER OF
JAMES EDWARD MOYLER, JR.**

VSB DOCKET NO. 09-010-076281

PETITION FOR EXPEDITED HEARING

The Bar, by counsel, petitions the Virginia State Bar Disciplinary Board (the Board) for an order requiring the Respondent, James Edward Moyler, Jr., Esq. (Moyler), to appear before the Board for an expedited hearing in this matter in accord with Part 6, Section IV, Paragraph 13 (I)(1)(b) of the Rules of the Supreme Court of Virginia, and as grounds for its petition states as follows:

1. At all times relevant to this Petition, Moyler was an attorney licensed to practice law in the Commonwealth of Virginia.
2. Moyler was admitted to the practice of law in the Commonwealth of Virginia on June 6, 1955, and as of the date of the filing of the Petition is currently licensed to practice law in the Commonwealth of Virginia.
3. The Bar has become aware of proceedings in Southampton County Circuit Court (the Court) in which Moyler, as an executor and fiduciary, was ordered by the Court to account for funds and property coming into his possession in at least two estates: the estate of Lucille K. Steinhardt (Court file No. CWF000000156) (the Steinhardt Estate), and the estate of Mallory Kenneth Brown (Court File No. CWF20000019) (the Brown Estate).

4. On information and belief, in the Steinhardt Estate Moyler filed the Account attached hereto as Exhibit A (the Steinhardt Accounting). The Steinhardt Accounting indicates that, almost immediately after his qualification in October of 2000, Moyler began to pay himself commissions without Court or Commissioner approval. The Steinhardt Accounting also indicates that, beginning in June of 2001 and continuing until April of 2005, Moyler, without Court or Commissioner authority or approval, loaned himself the bulk of the Steinhardt Estate, in excess of \$4,000,000. Upon information and belief, Moyler used those funds for his own purposes, has no ability to repay the Steinhardt Estate and judgment will soon be entered against Moyler by the Court.

5. On information and belief, in the Brown Estate Moyler filed the Account attached hereto as Exhibit B (the Brown Accounting). The Brown Accounting indicates that, almost immediately after his qualification in May of 2003, Moyler began to pay himself commissions without Court or Commissioner approval. The Brown Accounting also indicates that, beginning in June of 2003 and continuing until July of 2005, Moyler, without Court or Commissioner authority or approval, loaned himself the bulk of the Brown Estate, in excess of \$80,000. Upon information and belief, Moyler used those funds for his own purposes, has no ability to repay the Brown Estate and judgment will soon be entered against Moyler by the Court.

6. A hearing was held before the Court on February 27, 2009 involving the above-referenced matters during which the Bar understands Moyler admitted the basic facts recited above. A transcript is being prepared and will be filed with the Board as soon as it is received. The anticipated judgments, referenced above, will also be filed with the Board upon receipt.

7. Additionally, the Bar's investigator, Eugene Reagan (Reagan), recently was told that judgments are also to be entered by the Court against Moyler in two other estates, Pretlow and Teachy, although at this time the details are unknown.

8. Reagan was also recently told that at least one title insurance company, possibly Suffolk Title Ltd., continues to refer real estate closings to Moyler.

9. In October of 2008, Moyler filed for bankruptcy (Petition No. 08-51172-FJS, U.s. Bankruptcy Court, Eastern District of Virginia, Newport News Division). Upon information and belief, he has no ability to make good any losses caused by his conduct.

10. The nature and circumstances of Moyler's conduct constitutes serious misconduct in the form of violations of Rules 1.15 and 8.4, constitutes theft, embezzlement and/or conversion and casts considerable doubt on his ability and willingness to appropriately discharge fiduciary duties or otherwise comport himself in a trustworthy fashion.

10. Moyler's conduct has caused significant losses to his clients and other persons and his continued practice of law poses an imminent danger to the public and persons trusting him with their funds by reason of his law license and practice.

WHEREFORE, the Virginia State Bar respectfully petitions the Board, following a hearing on this petition, to:

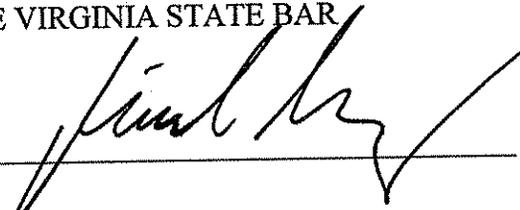
- a. enter an Order revoking the license of James Edward Moyler, Jr., Esq. to practice law in the Commonwealth of Virginia for violations of the Rules of Professional Conduct; and

b. award such other relief to the Virginia State Bar that is in the public interest and that is available under the applicable Rules of the Supreme Court of Virginia.

Respectfully Submitted,

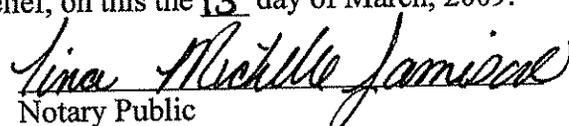
THE VIRGINIA STATE BAR

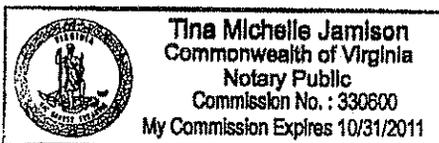
By


Richard E. Slaney, Bar No. 29315
Assistant Bar Counsel, Virginia State Bar
Suite 1500
707 East Main Street
Richmond, VA 23219
(804) 775-0553 (phone)
(804) 775-0597 (fax)

COMMONWEALTH OF VIRGINIA
City of Richmond; to-wit:

The foregoing was subscribed and sworn to before me as being true to the best of the affiant's knowledge, information and belief, on this the 13th day of March, 2009.


Notary Public



My commission expires: 10.31.2011

CERTIFICATE OF SERVICE

I certify that on the 13th day of March, 2009, I caused to be mailed by Certified Mail, Return Receipt Requested, and by Regular Mail, a true and correct copy of the foregoing Petition for Expedited Hearing to James Edward Moyler, Jr., Respondent, at J. Edward Moyler, Jr., P.C., P.O. Box 246, Franklin, VA 23851-0246, the Respondent's last address of record with the Virginia State Bar.

COPY

VIRGINIA: IN THE CIRCUIT COURT OF SOUTHAMPTON COUNTY

EX PARTE: Estate of Lucille K. Steinhardt.
Estate No. CWF00-156

ORDER

This cause came to be heard on the 27th day of February, 2009, having been continued from the hearing of January 14, 2009; J. Edward Moyler, Jr., and E. Beale Carter, Jr., Assistant Commissioner of Accounts of this Court, appearing in person (they having also appeared in person on October 29, 2008 and January 14, 2009); upon an *ore tenus* hearing; and the matters were argued by counsel.

IT APPEARING to the Court that on February 25, 2009, J. Edward Moyler, Jr., filed an account for this estate covering the period of October 31, 2000, to January 20, 2009, with E. Beale Carter, Jr., Assistant Commissioner of Accounts; that E. Beale Carter, Jr., Assistant Commissioner of Accounts, did not have sufficient time to fully review said account prior to the hearing on February 27, 2009; that E. Beale Carter, Jr., Assistant Commissioner of Accounts, reported to the court at the hearing that said account contained an excessive number of entries showing payments to J. Edward Moyler, Jr., for "commissions," "commissions and attorney fees," and "loans", all of which were acknowledged by J. Edward Moyler, Jr. in open Court; that E. Beale Carter, Jr., Assistant Commissioner of Accounts, cannot approve said account as it appears that J. Edward Moyler, Jr., has breached his fiduciary duties by taking excessive commissions, attorney fees and loans; that said account reports assets on hand as of January 20, 2009, to be \$193,830.96; now, therefore, it is

ADJUDGED, ORDERED AND DECREED that the Estate of Lucille K. Steinhardt shall recover of, and have judgment against, J. Edward Moyler, Jr., in the amount of \$4,072,363.76, with interest thereon to be computed at the judgment rate of interest, per annum, from February 27, 2009; and it is further

ORDERED that the Clerk of this Court shall spread said judgment upon the records of this Court; and it is further

ORDERED that Jack T. Randall shall qualify as Administrator, CTA, DNB, of the Estate of Lucille K. Steinhardt, deceased, using the "assets on hand" listed on the account filed by J.

Edward Moyler, Jr., reported to have a market value of \$193,830.96, and he shall post a bond, with surety, in the amount 1-1/2 times the value of the assets, which bond shall be increased by 1-1/2 times the value of any additional assets that come under the control of said administrator; and it is further

ORDERED that the Order of this Court dated February 14, 2009, as set forth in the hearing of January 14, 2009 is hereby AMENDED to require that surety on the bond of Jack T. Randall, Administrator, CTA, DBN, is suspended as to the amount of the judgment entered herein until such judgment becomes liquid, at which time the bond, with surety, shall be increased by 1-1/2 times the amount recovered by the said administrator; and it further

APPEARING that at the time of qualification on the estate, J. Edward Moyler, Jr., reported assets valued at \$286,775.00 on the probate tax return filed on October 31, 2000; that J. Edward Moyler, Jr., filed an inventory on June 20, 2001, which lists estates assets as being valued at \$4,072,363.76; that no additional probate tax was paid by the estate on the additional assets; and that the additional probate tax owed by the estate is \$3,785.60; now, therefore, it is further

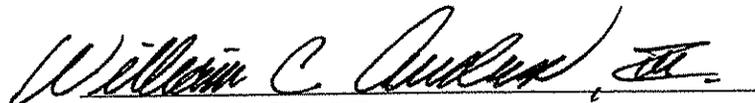
ORDERED that Jack T. Randall, Administrator, CTA, DBN, shall pay to the Southampton County Circuit Court the sum of \$3,785.60 as additional probate tax as soon as he opens an estate checking account; and it further

APPEARING that on March 11, 2009, J. Edward Moyler, Jr., delivered to E. Beale Carter, Jr., Assistant Commissioner of Account, all of the estate files and records in his possession or under his control as ordered by the court on January 14, 2009, and that Jack T. Randall has not yet had an opportunity to review the files and records produced; now, therefore, it is further

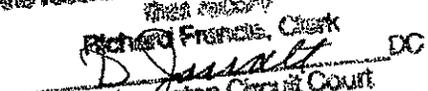
ORDERED that the matter of compliance by J. Edward Moyler, Jr., with the court's order of January 14, 2009, is reserved for further review by the court on May 26, 2009.

And this matter is continued to May 26, 2009, for further review by the Court.

ENTER this 12 day of MARCH, 2009.


JUDGE DESIGNATE

I certify that the document so which
this authentication is affixed is a true
copy of a record in Southampton
Circuit Court. That I have custody of
the record and that I am custodian of
that record

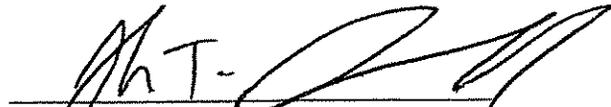
Richard Francis, Clerk

Southampton Circuit Court DC

3-12-09

WE ASK FOR THIS:



E. Beale Carter, Jr.
Assistant Commissioner of Accounts



John T. Randall
Administrator, CTA, DBN

COPY

VIRGINIA: IN THE CIRCUIT COURT OF SOUTHAMPTON COUNTY

EX PARTE: Estate of Mallory Kenneth Brown.
Estate No. CWF02-19

ORDER

This cause came to be heard again on the 27th day of February, 2009, having been continued from the hearing of January 14, 2009; upon J. Edward Moyler, Jr., and E. Beale Carter, Jr., Assistant Commissioner of Accounts of this Court, appearing in person (they having also appeared in person on October 29, 2008 and January 14, 2009); upon an *ore tenus* hearing; and the matters were argued by counsel.

IT APPEARING to the Court that J. Edward Moyler, Jr., filed an account of this estate with E. Beale Carter, Jr., Assistant Commissioner of Accounts of this Court, listing improper and wrongful payments and distributions to himself from the estate for fees and loans, and acknowledged the same in open Court, and based upon the findings of the Court, it is

ADJUDGED, ORDERED AND DECREED that the estate of Mallory Kenneth Brown shall recover of, and have judgment against, J. Edward Moyler, Jr., in the amount of \$103,000.00, with interest thereon to be computed at the judgment rate of interest, per annum, from February 27, 2009, until paid in full, which judgment shall be an asset of the estate; and it is further

ORDERED that the Clerk of this Court shall spread said judgment upon the records of this Court; and it is further

ORDERED that the Order of the Court in this matter dated February 14, 2009, requiring John T. Randall, after qualifying as Administrator CTA DBN of this Estate, to give bond with surety in the amount of 1-1/2 times the corpus, is hereby AMENDED to require that surety is suspended until additional liquid and/or tangible assets come under the control of said administrator, at which time surety shall then be required in an amount not less than 1-1/2 times the value of said additional liquid and/or tangible assets.

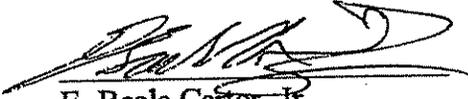
And this matter is continued until May 26, 2009 for further review by the Court.

ENTER this 10² day of MARCH, 2009.

William C. Audum
JUDGE DESIGNATE

RECEIVED
MAR 16 2009
VIRGINIA STATE BAR

WE ASK FOR THIS:



E. Beale Carter, Jr.
Assistant Commissioner of Accounts



John T. Randall
Administrator CTA DBN

I certify that the document to which
this authentication is affixed is a true
copy of a record in the Southamptton
Circuit Court. That I have custody of
the record and that I am qualified to
certify to its contents.


Richard Francis, Clerk
Southampton Circuit Court
3-12-09 DC

COPY

VIRGINIA: IN THE CIRCUIT COURT OF SOUTHAMPTON COUNTY

EX PARTE: Estate of Issac Buster Rudolph Teachy.
Estate No. CWF06-79

ORDER

This cause came to be heard upon the summons of E. Beale Carter, Jr., Assistant Commissioner of Accounts of this Court, requiring J. Edward Moyler, Jr., Administrator CTA of this estate, to appear before the Court to show why judgment should not be entered against him and his bond forfeited to pay such judgment for breach of his fiduciary duties and why he should not be removed as Administrator CTA of said estate; J. Edward Moyler, Jr., and E. Beale Carter, Jr., appearing in person; upon an *ore tenus* hearing; and the matters were argued by counsel.

IT APPEARING to the Court that J. Edward Moyler, Jr., as Administrator CTA, submitted a final account for this Estate covering the period May 5, 2006 to May 30, 2008 to E. Beale Carter, Jr., Assistant Commissioner of Accounts; that the said Assistant Commissioner of Accounts has reviewed the final account; that the said Assistant Commissioner of Accounts reported to the Court that he cannot approve said final account as it appears that J. Edward Moyler, Jr., has breached his fiduciary duties by taking improper commissions and attorney fees totaling \$25,000.00 for his services; that the commissions should have been an amount not exceeding \$6,527.67, and that reasonable attorney fees should not have exceeded \$1,125.00, for a total of \$7,652.67 for commissions and attorney fees; now, therefore, it is

ADJUGED, ORDERED AND DECREED that the Estate of Issac Buster Rudolph Teachy shall recover of, and have judgment against J. Edward Moyler, Jr., in the amount of \$17,347.33, with interest thereon to be computed at the judgment rate of interest, per annum, from February 27, 2009 and his bond forfeited as to same; and it is further

ORDERED that the Clerk of this Court shall spread said judgment upon the records of this Court; and it is further

ORDERED that J. Edward Moyler, Jr., is removed as Administrator CTA of this estate as of February 27, 2009; and it is further

ORDERED that John T. Randall is hereby appointed Administrator CTA DBN of this estate, succeeding to all the duties and responsibilities required of said office after first qualifying

before the Clerk of this Court with a bond, with surety, in the amount of 1-1/2 times the corpus of the estate; however, surety for same is suspended until additional liquid and/or tangible assets come under the control of said administrator, at which time surety shall then be required in an amount not less than 1-1/2 times the value of said additional liquid and/or tangible assets; and it is further

ORDERED that J. Edward Moyler, Jr. shall immediately deliver to John T. Randall all estate assets, files and records of any nature whatsoever in his possession or under his control, and shall account to John T. Randall for all the assets of this estate that came under his control, and the use, distribution and disbursements of said assets, from the date of his qualification (May 5, 2006) to the date that the assets, files and records are delivered to John T. Randall, so that John T. Randall can properly account to the Assistant Commissioner of Accounts.

And this matter is continued until May 26, 2009 for further review by the Court.

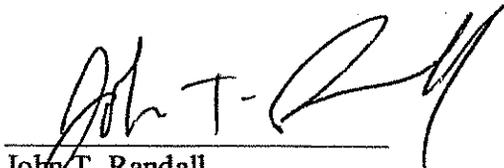
ENTER this 12 day of MARCH, 2009.


WILLIAM C. ANDREWS, JR.
JUDGE DESIGNATE

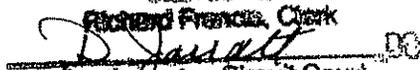
WE ASK FOR THIS:



E. Beale Carter, Jr.
Assistant Commissioner of Accounts


John T. Randall
Administrator CTA DBN

I certify that the document to which this authentication is affixed is a true copy of a record in Southampton Circuit Court. That I have custody of the record and that I am qualified to keep record

Richard Francis, Clerk

Southampton Circuit Court
3-12-09

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MAR 16 2009
VIRGINIA STATE BAR

VIRGINIA: IN THE CIRCUIT COURT OF SOUTHAMPTON COUNTY

EX PARTE: Estate of Robert A. Pretlow, Jr.
Estate No. CWF99-64

ORDER

This cause came to be heard again on the 27th day of February, 2009, having been continued from the hearing of January 14, 2009; upon J. Edward Moyler, Jr. and E. Beale Carter, Jr., Assistant Commissioner of Accounts of this Court, appearing in person (they having also appeared in person on October 29, 2008 and January 14, 2009); upon an *ore tenus* hearing; and the matters were argued by counsel.

IT APPEARING to the Court that J. Edward Moyler, Jr., filed a final account of this estate with E. Beale Carter, Jr., Assistant Commissioner of Accounts of this Court, listing improper and wrongful payments and distributions to himself from the estate for fees, and acknowledged the same in open Court, and based upon the findings of the Court, it is

ADJUDGED, ORDERED AND DECREED that the estate of Robert E. Pretlow, Jr., shall recover of, and have judgment against, J. Edward Moyler, Jr., in the amount of \$55,559.87, with interest thereon to be computed at the judgment rate of interest, per annum, from February 27, 2009, until paid in full; which judgment shall be an asset of the estate; and it is further

ORDERED that the Clerk of this Court shall spread said judgment upon the records of this Court; and it is further

ORDERED that J. Edward Moyler, Jr., is removed as Executor of this Estate as of February 27, 2009; and it is further

ORDERED that John T. Randall is hereby appointed Administrator CTA DBN of this estate, succeeding to all the duties and responsibilities required of said office after first qualifying before the Clerk of this Court with a bond, with surety, in the amount of 1-1/2 times the corpus of the estate; however, surety for same is suspended until additional liquid and/or tangible assets come into this Estate, at which time surety shall then be required in an amount not less than 1-1/2 times the value of said additional liquid and/or tangible assets; and it is further

ORDERED that J. Edward Moyler, Jr., shall immediately deliver to John T. Randall all estate assets, files and records of any nature whatsoever in his possession or under his control,

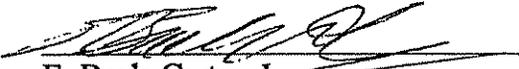
and shall account to John T. Randall for all the assets of this estate that came under his control, and the use, distribution and disbursements of said assets, from the date of his qualification (June 4, 1999) to the date that the assets, files and records are delivered to John T. Randall, so that John T. Randall can properly account to the Assistant Commissioner of Accounts.

And that this matter is continued until May 26, 2009 for further review by the Court.

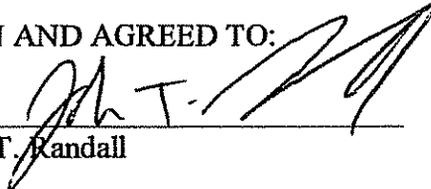
ENTER this 12 day of MARCH, 2009.

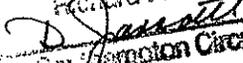

JUDGE DESIGNATE

I ASK FOR THIS:


E. Beale Carter, Jr.
Assistant Commissioner of Accounts

SEEN AND AGREED TO:


John T. Randall

I certify that the document to which
this authentication is affixed is a true
copy of a record in Southampton
Circuit Court. That I have custody of
the original and I am custodian of
the record.
Richard Frenais, Clerk

Southampton Circuit Court DC
3.12-09

RECEIVED

VIRGINIA: BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF
JAMES EDWARD MOYLER, JR.

APR 13 2009

VSB Docket No. 09-010-076281

VSB CLERK'S OFFICE

AFFIDAVIT DECLARING CONSENT TO REVOCATION

James Edward Moyler, Jr., after being duly sworn, states as follows:

1. I was licensed to practice law in the Commonwealth of Virginia on June 6, 1955;
2. I submit this Affidavit Declaring Consent to Revocation pursuant to Rule of Court, Part 6, Section IV, Paragraph 13.L.
3. My consent to revocation is freely and voluntarily rendered, that I am not being subjected to coercion or duress, and that 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 complaint, an investigation into, or a proceeding involving, allegations of misconduct, the docket number(s) for which is set forth above, and the specific nature of which is here set forth:

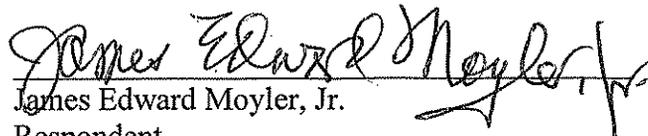
I acknowledged in court proceedings that, as executor of an estate, I loaned myself over 3.5 million dollars, without court approval or authority, and have little to no hope of making any substantial repayment.

5. I acknowledge that the material facts upon which the allegations of misconduct are predicated are true; and

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 said alleged misconduct were brought or prosecuted to a conclusion, I could not successfully

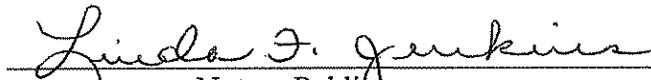
defend them.

Executed and dated on April 10, 2009.


James Edward Moyler, Jr.
Respondent

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

The foregoing Affidavit Declaring Consent to Revocation was subscribed and sworn to before me by James Edward Moyler, Jr. on April 10, 2009.


Notary Public

My Commission expires: 12/31/2010.

Notary ~~Reg.~~ # 170310.

