

VIRGINIA:

**BEFORE THE DISCIPLINARY BOARD
OF THE VIRGINIA STATE BAR**

**IN THE MATTERS OF
GEORGE E. TALBOT, JR.**

VSB Docket Nos. 05-010-1360 and 05-010-1361

MEMORANDUM ORDER

These matters came to be heard on November 8, 2005, by the Disciplinary Board of the Virginia State Bar (the Board) by teleconference upon an Agreed Disposition between the parties, which was presented to a panel of the Board consisting of V. Max Beard, lay member, Sandra Lea Havrilak, Esq., Glenn W. Hodge, Esq., Robert E. Eicher, Esq., and Robert L. Freed, Esq., Chair presiding (the Panel). The Virginia State Bar appeared through its Assistant Bar Counsel, Richard E. Slaney (the Bar). The Respondent, George E. Talbot, Jr., Esq. (Mr. Talbot), was not able to be contacted in time to be present during the conference call but did sign and return the Agreed Disposition to the Bar.

Pursuant to the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13(B)(5)(c), the Bar and Mr. Talbot entered into a written proposed Agreed Disposition and the Bar presented same to the Panel.

The Chair swore the Court Reporter and polled the members of the Panel to determine whether any member had a personal or financial interest that might affect or reasonably be perceived to affect his ability to be impartial in these matters. Each member, including the Chair, verified they

had no such interests.

The Panel heard argument from the Bar, was advised of Mr. Talbot's prior disciplinary record with the Bar and thereafter retired to deliberate on the Agreed Disposition. The Panel then accepted the Agreed Disposition by a majority decision. One panel member, V. Max Beard, voiced his dissent and indicated he felt the facts set forth in the Agreed Disposition combined with Mr. Talbot's prior disciplinary record merited a longer suspension. The Agreed Disposition having been accepted and approved by a majority of the panel; accordingly, the Board FINDS as follows:

I. FINDINGS OF FACT

1. At all times material to this Certification, the Respondent, George E. Talbot, Jr. (Talbot) was an attorney licensed to practice law in the Commonwealth of Virginia.

The Patrick Hill Appeal – 05-010-1360

2. Talbot was appointed to represent one Patrick Hill (Hill) in an appeal of his criminal conviction of possession of cocaine with intent to distribute in Portsmouth Circuit Court.

3. Talbot filed a motion seeking additional time in which to file the Petition for Appeal; however, the motion was filed after the time for filing the Petition for Appeal had expired. Accordingly, on July 27, 2004, the Court of Appeals of Virginia (the Court of Appeals) entered an order dismissing Hill's appeal.

4. The Bar opened a complaint file and on October 12, 2004, wrote Talbot enclosing the Notice of Appeal and the dismissal order and asking for a written answer. Although the Bar's letter referenced Talbot's duty under Rule 8.1(c), Talbot failed to respond to the Bar's inquiry. Thereafter, the matter was referred to Bar Investigator Eugene Reagan (Reagan).

5. Talbot acknowledged to Reagan that he did not advise Hill of the dismissal of the appeal or how to seek a delayed appeal, although he believes he advised a relative of Hill's of the dismissal of the appeal. Hill advised Reagan that he did learn of the dismissal of the appeal, although he says he learned that through another attorney.

6. During the summer of 2004, Talbot's brother, Fred Talbot, was in the hospital dying of cancer. Talbot was at the hospital on a daily basis and was also assisting his brother and his brother's family. This information was related to the Court of Appeals in the motion to extend the time for filing the Petition for Appeal.

[Rules applicable: 1.3(a), 1.4(a) and 8.1(c)]

The Larry Samuels Appeal – 05-010-1361

7. Talbot was appointed to represent one Larry Samuels (Samuels) in an appeal of his criminal conviction of possession of heroin with intent to distribute in Portsmouth Circuit Court.

8. Talbot failed to timely file the Petition for Appeal with the Court of Appeals. Accordingly, on August 8, 2002, the Court of Appeals entered an order dismissing Samuels' appeal.

9. The Bar opened a complaint file and on October 12, 2004, wrote Talbot enclosing the Notice of Appeal and the dismissal order and asking for a written answer. Although the Bar's letter referenced Talbot's duty under Rule 8.1(c), Talbot failed to respond to the Bar's inquiry. Thereafter, the matter was referred to Bar Investigator Eugene Reagan (Reagan).

10. In discussing the matter with Reagan, Talbot said he mailed the Petition for Appeal several days before the due date but believes that the Clerk's Office of the Court of Appeals

subsequently called to request an omitted certificate, and Talbot's secretary instead sent a second copy of the full Petition for Appeal which may have been marked as late. In any event, Talbot acknowledged to Reagan that at that time he did not advise Samuels of the dismissal of the appeal or how to seek a delayed appeal.

11. Samuels served his time and was released in November of 2003. Talbot would testify Samuels came by the law office to pick up a jacket and Talbot advised him of the problem and the dismissal, but Samuels was not interested in pursuing the matter further.

[Rules applicable: 1.3(a), 1.4(a), 8.1(c)]

12. In addition to mitigating facts as set forth above, Talbot is semi-retired, has taken himself off of criminal defense court appointment lists and limits his practice. He spends a fair portion of time now caring for his wife, who is suffering from a long-term illness.

II. NATURE OF MISCONDUCT

The Board finds that such conduct of Mr. Talbot constitutes a violation of the following Disciplinary Rules:

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 8.1 Bar Admission And Disciplinary Matters

An applicant for admission to the bar, or a lawyer in connection with a bar admission application, in connection with any certification required to be filed as a condition of maintaining

or renewing a license to practice law, 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;....

III. IMPOSITION OF SANCTION

A majority of the Board, having considered all the evidence before it, accepted and approved the Agreed Disposition. Having made that decision, the Board **ORDERS** that

Pursuant to Part 6, Section IV, Paragraph 13(I)(2)(f)(2)(c) of the Rules of the Supreme Court of Virginia, the license of the Respondent, George E. Talbot, Jr., to practice law in the Commonwealth of Virginia be, and the same is, hereby **SUSPENDED** for a period of sixty (60) days, effective December 1, 2005.

It is further **ORDERED** that costs shall be assessed by the Clerk of the Disciplinary System pursuant to the Rules of the Supreme Court of Virginia, Part Six, Section IV, Paragraph 13(B)(8)(c).

It is further **ORDERED** that the Clerk of the Disciplinary System shall deliver a copy of this order to the Bar and send a certified copy of this order by certified mail, return receipt requested, to the Respondent, George E. Talbot, Jr., Esq., at Suite 408, High & Crawford Streets, P.O. Box 1203, Portsmouth, Virginia 23705-1203, his last address of record with the Virginia State Bar, and to Richard E. Slaney, Assistant Bar Counsel, Virginia State Bar, 707 East Main Street, Suite 1500, Richmond, Virginia 23219.

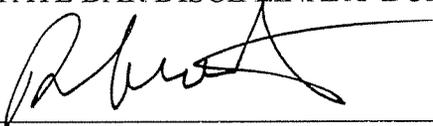
It is further **ORDERED** that the Respondent shall comply with the requirements of Part 6, Section IV, Paragraph 13 (M) of the Rules of the Supreme Court of Virginia. The time for

compliance with said requirements runs from December 1, 2005, the effective date of the suspension in these matters. Issues concerning the adequacy of the notice and arrangements required shall be determined by the Board, which may impose a sanction of revocation or further suspension for failure to comply with the requirements of this paragraph.

Donna Chandler, Chandler and Halasz, Inc. Court Reporters, P.O. Box 9349, Richmond, Virginia 23227, (804) 730-1222, was the reporter for the hearing and transcribed the proceedings.

Entered this the 10 day of November, 2005.

VIRGINIA STATE BAR DISCIPLINARY BOARD

By: 
Robert L Freed, Chair Presiding