

**VIRGINIA:
BEFORE THE THIRD DISTRICT COMMITTEE, SECTION III,
OF THE VIRGINIA STATE BAR**

**IN THE MATTER OF
KENNETH HAMMOND TAYLOR
VSB Docket No. 02-033-2910**

**DISTRICT COMMITTEE DETERMINATION
(PUBLIC REPRIMAND WITH TERMS)**

On June 8, 2004, a hearing in this matter was held before a duly convened Third District Committee, Section III, panel consisting of Joyce Rene Hicks, attorney member; Cullen D. Seltzer, attorney member; John D. Sharer, attorney member; Dr. Frederick Rahal, lay member and Charlotte Peoples Hodges, Esquire, chair designate.

Kenneth Hammond Taylor appeared in person pro se and Linda Mallory Berry, appeared as counsel for the Virginia State Bar.

Pursuant to Part 6, Section IV, Paragraph 13.H.2.n. of the Rules of the Virginia Supreme Court, the Third District Committee, Section III, of the Virginia State Bar hereby serves upon the Respondent the following Public Reprimand with Terms:

I. FINDINGS OF FACT

1. Kenneth Hammond Taylor (Mr. Taylor) was licensed to practice law in the Commonwealth of Virginia on September 27, 1974, and at all times relevant to these proceedings, Mr. Taylor was an attorney in good standing to practice law in the Commonwealth of Virginia.
2. On May 10, 2001, M. Hunt was arrested by the Virginia State Police. M. Hunt was charged with 14 felony counts including four counts of attempted capital murder of a police officer and multiple counts of use of a firearm in the commission of a felony.
3. On May 13, 2001, at the urging of his (Taylor's) wife, Mr. Taylor met on his own initiative with M. Hunt. After a discussion of the gravity and quantity of the criminal charges as well as Mr. Taylor's criminal defense experience and expertise, M. Hunt agreed with Mr. Taylor that he should have legal

- representation for the pending temporary detention order (TDO) hearing and the criminal charges in Goochland.
4. On May 14, 2001, a TDO hearing took place and the Special Justice ruled that Mr. Hunt was suffering from mental illness (depression) and that he was imminently dangerous to himself. M. Hunt was committed by the Prince George General District Court for psychiatric treatment at Liberty Forensic Unit of Riverside Hospital by the Special Justice for a period not to exceed 30 days. No ruling was made at the TDO hearing as to M. Hunt's competency to stand trial or sanity at the time of the offenses of May 10, 2001.
 5. Mr. Taylor appeared at the Goochland General District Court on M. Hunt's behalf on May 16, 2001. Mr. Taylor made a motion to continue the arraignment and a motion for an evaluation of M. Hunt's competency and sanity at the time of the offense. The Court, "upon hearing evidence or representations of counsel for M. Hunt, that there is probable cause to believe that the defendant's sanity may be a significant factor in his defense," appointed an evaluator to evaluate the defendant's sanity at the time of the offense and, if appropriate, to assist in the development of an insanity defense.
 6. M. Hunt was returned to the Henrico County Jail and was held there without bail after he was discharged from the Liberty Forensic Unit in May 2001, because it was determined that he was not mentally ill and not an imminent danger to himself.
 7. On June 2, 2001, at the Henrico County Jail, M. Hunt signed a formal Engagement Letter with Mr. Taylor for legal representation. M. Hunt did not have access to his resources to pay legal fees or other personal expenses. An appeal by Mr. Taylor, on M. Hunt's behalf, was made to M. Hunt's brother for financial assistance. M. Hunt's brother referred the appeal for funds for legal fees or other personal expenses to his own attorney.
 8. On June 4, 2001, M. Hunt signed a General Durable Power of Attorney (POA) drafted by Mr. Taylor giving Mr. Taylor power to act as his attorney-in-fact. The POA authorized Mr. Taylor to have access to all of M. Hunt's assets by means of the POA and to use M. Hunt's available resources for his defense.
 9. Under the terms of the POA, Mr. Taylor sold M. Hunt's Mustang Saleen automobile, withdrew substantial amounts of cash from M. Hunt's bank accounts and cashed in an IRA account.
 10. On June 12, 2001, a true bill was returned on a 14-count indictment of M. Hunt, and on June 22, 2001, Mr. Taylor appeared for the arraignment of M. Hunt and for discovery motions. On July 9, 2001, Mr. Taylor submitted a Motion for Competency in the Goochland Circuit Court.

11. On August 7, 2001, Mr. Taylor withdrew the Motion for M. Hunt's Competency Evaluation.
12. M. Hunt executed a separate POA to his brother on August 9, 2001. M. Hunt's brother had his attorney send Mr. Taylor a letter, dated August 13, 2001, advising Mr. Taylor that his POA had been revoked and that a full accounting for any monies he spent or paid out on behalf of M. Hunt was due.
13. On August 20, 2001, Mr. Taylor traveled to Goochland Circuit Court to argue defense motions he had researched and drafted. He was unable to argue the Motion to Compel Discovery, Motion in Limine, and Motion to Dismiss as the Court entered an order substituting Todd Stone, Esquire for Mr. Taylor in all of M. Hunt's matters. On August 23, 2001, the documents in Mr. Taylor's file were hand-delivered to Attorney Stone.
14. On or about September 4, 2001, Mr. Taylor acknowledged the August 13, 2001 letter from the attorney for M. Hunt's brother, and Mr. Taylor made his accounting on October 4, 2001.
15. On March 27, 2002, the attorney for M. Hunt's brother sent to the Virginia State Bar a bar complaint on behalf of his client.
16. Mr. Taylor also admitted that, despite the fact that he provided to the attorney for M. Hunt's brother what appeared to be monthly billing statement addressed to M. Hunt at his home address, Mr. Taylor actually did not provide his client with monthly billing statements as called for in the Engagement Agreement.

II. NATURE OF MISCONDUCT

RULE 8.4 Misconduct

It is professional misconduct for a lawyer to:

- (c) engage in professional conduct involving dishonesty, fraud, deceit or misrepresentation;

III. PUBLIC REPRIMAND WITH TERMS

Accordingly, it is the decision of the Third District Committee, Section III, to offer Mr. Taylor an opportunity to comply with certain terms and conditions, compliance

which will be a predicate for the disposition of a Public Reprimand with Terms of this complaint. **The terms and conditions are as follows:**

- 1.** Mr. Taylor shall continue with the Lawyers Helping Lawyers Program until such time as his contract with the program is successfully completed.
- 2.** Within five days of employment, Mr. Taylor shall certify to the Virginia State Bar, Office of Bar Counsel, the place and nature of his employment .
- 3.** During the five year period beginning upon the date of entry of the final order in the instant case, Mr. Taylor shall not practice law as a solo practitioner.
- 4.** During the five year period beginning upon the date of entry of the final order in the instant case, Mr. Taylor shall not practice law unless he is under the direct supervisory authority of a Virginia licensed attorney. Reference is made to Rule 5.1 of the Rules of Professional Conduct with respect to supervision.
- 5.** If Mr. Taylor ever suffers the imposition of public discipline for violation(s) of the Virginia Rules of Professional Conduct, or any disciplinary code or disciplinary rules of any jurisdiction, for misconduct occurring on or after the date of the final order in the instant case, such violation shall constitute a breach of these terms.

Upon satisfactory proof that such terms and conditions have been met, this matter shall be closed. If the terms and conditions are not met, a Show Cause will be issued and, upon a finding that Mr. Taylor failed to comply with any of these terms, the Third District Committee, Section III, shall direct a Certification for Sanction Determination to the Disciplinary Board.

Pursuant to Part Six, Section IV, Paragraph 13.b.8.c.(1) of the Rules of the Virginia Supreme Court, the Clerk of the Disciplinary System shall assess costs.

**THIRD DISTRICT COMMITTEE, SECTION III,
OF THE VIRGINIA STATE BAR**

By _____
Charlotte Peoples Hodges, Chair Designate

CERTIFICATE OF SERVICE

I certify that on this the ____ day of _____, 2004, I mailed by Certified Mail, Return Receipt Requested, No. 7000 0600 0022 8269 2310, a true copy of the District Committee Determination (Public Reprimand with Terms) to Kenneth Hammond Taylor, Respondent, at #51, 300 North Ridge Road, Richmond, VA 23229, his last address of record with the Virginia State Bar.

Linda Mallory Berry
Assistant Bar Counsel