

**VIRGINIA:**

**BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD**

**IN THE MATTER OF  
Paul Granville Watson IV**

**VS B DOCKET NOS.:      18-022-109297  
   18-022-109873  
   18-022-111481  
   18-022-111852**

**MEMORANDUM ORDER OF SUSPENSION**

The matters referenced above came to be heard by the Virginia State Bar Disciplinary Board (the “Board”) on September 27, 2019, pursuant to Notice served upon the Respondent Paul Granville Watson IV (the “Respondent”), in the manner provided by the Rules of the Supreme Court of Virginia (the “Rules”), Part Six, § IV, ¶ 13-18.

A duly convened panel of the Board, consisting of Yvonne S. Gibney, Second Vice Chair; Brendan K. Feeley; Donita M. King; Kamala H. Lannetti; and Nancy L. Bloom, Lay Member, heard the matter. The Virginia State Bar (the “Bar”) was represented by M. Brent Saunders, Senior Assistant Bar Counsel. Respondent appeared *pro se*. The court reporter for the proceeding, Tracy J. Stroh of Chandler & Halasz, P.O. Box 9349, Richmond, Virginia 23227, telephone: (804) 730-1222, after being duly sworn, reported the hearing and transcribed the proceedings. The Chair polled the members of the Board as to whether any of them were aware of any personal or financial interest or bias that would preclude any of them from fairly hearing this matter and serving on the panel, to which each member, including the Chair, responded that there were no such conflicts.

These matters came before the Board on the Subcommittee Determination (Certification) by the Second District Committee, Section II Subcommittee of the Bar, pursuant to Part Six, § IV, ¶ 13-18 of the *Rules*. The Certification was sent to the Respondent on March 25, 2019.

At a Prehearing Conference on September 17, 2019, Bar Exhibits 1-16 were admitted into evidence by the Chair, without objection from the Respondent. *See* Prehearing Conference Call

Order, September 17, 2019. The Respondent filed no exhibits, exhibit lists, or witness list. The Board admitted Bar Exhibit 17 during the sanction phase of the proceeding, without objection from the Respondent.

The Board heard testimony from the following individuals on behalf of the Bar during the misconduct phase of the hearing: Elaine M. Baseman, Kathy L. Joynes, Robert A. Joynes, Ron Pohrivchak, and Aaron McNeil Taylor.<sup>1</sup> The Respondent testified in his own behalf during the misconduct phase of the hearing. During the sanction phase of the hearing the Board heard testimony from the following individuals on behalf of Respondent: Elaine M. Baseman and Kathy L. Joynes.

The Board considered the witnesses' testimony and the exhibits; heard argument of counsel for the Bar and argument of Respondent; and met in private to consider its decision. All of the factual findings made by the Board were found to have been proven by clear and convincing evidence.

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

Respondent has been licensed to practice law in the Commonwealth of Virginia for nearly 24 years and has maintained a law practice as a sole practitioner. *VSB Ex. 1.*

#### **VSB Docket Number 18-022-109297 (Complainant: Aaron McNeil Taylor)**

In 2014 Aaron Taylor was found guilty of two cocaine distribution offenses in Northampton County and was sentenced to 15 years imprisonment. *Bar Ex. 4.* Respondent was appointed to represent Mr. Taylor on the appeal of one of his convictions for which he had received a 10-year active prison sentence. *Bar Ex. 5.* Respondent timely noted and petitioned for an appeal to the Court of Appeals of Virginia ("CAV"), which denied the appeal on December 2, 2016. *Bar*

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<sup>1</sup> Aaron McNeil Taylor appeared by telephone due to his incarceration and his oath was administered by Melanie Darlene Miller Trent, Notary No. 7819393, who was the notary in attendance at the prison with Mr. Taylor.

*Ex. 8*, at 000059-000061. Respondent then attempted to appeal to the Supreme Court of Virginia (“SCV”) but failed to file a notice of appeal with the CAV, which resulted in the SCV dismissing the appeal on May 19, 2017. *Bar Ex. 9*, at 000097. Mr. Taylor testified that Respondent did not notify him of the May 19, 2017 dismissal of his appeal by the SCV.

In July 2017, Mr. Taylor filed a bar complaint alleging Respondent had not sent him copies of the court orders from his appeal or his file, as he had requested, so that he could pursue other post-conviction remedies. *Bar Ex. 6*, at 000019. In response to the bar complaint Respondent acknowledged to the Bar on July 25, 2017 that the SCV had dismissed Mr. Taylor’s appeal in May 2017 as a result of Respondent’s failure to file a notice of appeal with the CAV. Respondent explained that he had filed a motion for a delayed appeal with the SCV and attached to his response to the Bar a copy of a letter dated July 18, 2017, addressed to Mr. Taylor, notifying him that Respondent was “refiling” Mr. Taylor’s appeal because the notice of appeal had been “filed in the incorrect court.” *Bar Ex. 6*, at 000021-000022. His response to the Bar did not address Mr. Taylor’s file request, nor provide a copy of the motion for a delayed appeal.

By letter dated October 5, 2017, the Bar requested the Respondent to provide proof he had filed the motion for a delayed appeal. *Bar Ex. 7*. Respondent responded on October 27, 2017 that he had not, in fact, filed a motion for a delayed appeal in July, as he had earlier represented, but instead had done so in October and had sent Mr. Taylor a copy of it. *Bar Ex. 7*, VSB 000028. He provided copies of two different motions for delayed appeal with his response. *Id.*, at 000029-32. One motion was dated July 25, 2017, and it correctly stated that the premise for the motion for a delayed appeal was the failure to file a notice of appeal in the CAV. *Id.* The second motion was dated October 13, 2017 and erroneously stated that it was premised on his “failure to file the transcripts.” *Id.* The Bar’s investigation confirmed that Respondent had not filed a motion for delayed appeal in July 2017, but ultimately did so in October 2017. The investigation further

confirmed that the SCV granted a delayed appeal on November 29, 2017, and that Respondent subsequently timely filed a notice of appeal in the CAV and a petition for appeal in the SCV. The appeal was refused on its merits on August 28, 2018.

Respondent did not notify Mr. Taylor of the August 28, 2018 dismissal of his appeal by the SCV, nor did he comply with Mr. Taylor's multiple requests for his file. Mr. Taylor testified that he was not notified of the status of his appeal until the Bar informed him, and that another attorney, Brent Jackson, informed him that his appeal had been dismissed. Mr. Taylor stated that he requested his file from Respondent so he could be prepared for further appeals, even if he had to handle them *pro se*. Mr. Taylor testified that he wrote to Respondent, spoke to him, and requested his file. Mr. Taylor stated that Respondent did not return his file, however. In Mr. Taylor's September 24, 2018 letter to the Bar, a month after the SCV had dismissed his appeal and Respondent's representation had concluded, Mr. Taylor stated that he had requested from Respondent –

All the documents from my file, the rulings from the court of appeals and still over a year later I haven't received nothing. I never knew it was denied until I consulted with another lawyer.

*Bar Ex. 10*, at 000099-000100. Mr. Taylor testified that Respondent “never met my requests.”

Bar Investigator, Ron Pohrivchak, testified that when he questioned Respondent about the incorrect basis stated in the October 13, 2017 motion for a delayed appeal, Respondent told Mr. Pohrivchak that the error was a “typo.” In a second interview Respondent told Mr. Pohrivchak that he “thought” his assistant had filed the motion for a delayed appeal in July of 2017. He also confirmed he had not mailed or notified Mr. Taylor of the dismissal of his appeal more than two and a half months after the appeal had been dismissed by the SCV.

## NATURE OF MISCONDUCT

Respondent's failure to verify whether the motion for a delayed appeal had been filed in July 2017, his failure to state correctly the basis for the motion for a delayed appeal in the version dated October 13, 2017, and his failure to promptly respond to Mr. Taylor's requests for records from his file, violated the following provision of the *Rules*:

### **RULE 1.3    Diligence**

(a)    A lawyer shall act with reasonable diligence and promptness in representing a client.

Respondent's failure to provide Mr. Taylor with information about the activity in and status of his appeal when the SCV dismissed it on May 19, 2017, when he filed a motion for a delayed appeal on October 13, 2017, when the SCV granted a delayed appeal on November 29, 2017, and when the SCV dismissed the appeal on its merits on August 28, 2018, violated the following provision of the *Rules*:

### **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.

Respondent's failure to provide Mr. Taylor with the pleadings filed in his appeal and other documents contained in Respondent's file related to the representation of Mr. Taylor after the representation concluded, violated the following provision of the *Rules*:

### **RULE 1.16   Declining or Terminating Representation**

...

(e)    All original, client-furnished documents and any originals of legal instruments or official documents which are in the lawyer's possession (wills, corporate minutes, etc.) are the property of the client and, therefore, upon termination of the representation, those items shall be returned within a reasonable time to the client or the client's new counsel upon request, whether or not the client has paid the fees and costs owed the lawyer. If the lawyer wants to keep a copy of such original documents, the lawyer must incur the cost of duplication. Also, upon termination, the client, upon request, must

also be provided within a reasonable time copies of the following documents from the lawyer's file, whether or not the client has paid the fees and costs owed the lawyer: lawyer/client and lawyer/third-party communications; the lawyer's copies of client furnished documents (unless the originals have been returned to the client pursuant to this paragraph); transcripts, pleadings and discovery responses; working and final drafts of legal instruments, official documents, investigative reports, legal memoranda, and other attorney work product documents prepared or collected for the client in the course of the representation; research materials; and bills previously submitted to the client. ... The lawyer has not met his or her obligation under this paragraph by the mere provision of copies of documents on an item-by-item basis during the course of the representation.

**VSB Docket Number 18-022-109873 (Complainant: Robert A. Joynes)**

Robert A. Joynes hired Respondent in August 2016 to represent him and his wife before the Accomack Board of Zoning Appeals ("BZA") to appeal a determination by the Accomack Zoning Administrator concerning a Special Use Permit that had been issued to the operator of a hang-gliding company, Shore Aviation. *Bar Ex. 11*, at 000157-000161. The Joyneses owned the property adjacent to the property for which the Special Use Permit had been issued and in their appeal they provided considerable information to the BZA regarding the use of the property as it related to potential zoning violations. The Joyneses retained Respondent to assist them in advising them on how to obtain relief before the BZA to enable them to enjoy the use of their property. Respondent met with Mr. and Mrs. Joynes and represented their interests before the BZA via correspondence and at BZA meetings held on July 19, August 16, September 6 and October 18, 2017. He also engaged in discussions with the Joyneses and counsel for Shore Aviation to attempt a resolution, and he engaged in discussions with the BZA on the Joyneses' behalf.

Because of a scheduling conflict,<sup>2</sup> however, Respondent did not appear at the final meeting the BZA held on November 1, 2017, at which the BZA rendered a final decision regarding the

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<sup>2</sup> Respondent testified that he informed the Joyneses that he would not be able to attend the BZA meeting because an emergency hearing had been scheduled in a custody matter in Gloucester County Juvenile and Domestic Relations District Court for which Respondent had been unable to obtain a continuance. The Joyneses acknowledged that Respondent notified them he would not attend the BZA meeting, but that they only learned of the scheduling conflict shortly before the BZA meeting.

zoning matter affecting the Joyneses and Shore Aviation. Respondent testified that once he realized he would not be able to attend the November 1 meeting, he sent a letter to the BZA outlining and presenting the Joyneses' position, and memorializing his understanding that at the November 1 meeting the BZA would simply be announcing its decision on the appeal of the Zoning Administrator's decision. *Bar Ex. 11*, at 000176-177. At the November 1 meeting the BZA issued a decision denying the relief the Joyneses had requested.

Mr. Joynes acknowledged that Respondent had met with he and his wife before each BZA meeting and had prepared letters on their behalf in advance of each meeting. *Bar Ex. 11*, at 000126, 000157-000159, 000176-000177, and 000205-000208. Nevertheless, Mr. Joynes felt he was greatly disadvantaged participating in the November 1 BZA meeting without Respondent because the attorney for Shore Aviation was better prepared and able to articulate arguments better than the Joyneses could.

Throughout the representation Respondent failed to respond to numerous telephone calls, emails and texts from Mr. and Mrs. Joynes, which frustrated their ability to obtain advice, guidance and information about their case. *Bar Exhibit 13*. Mr. Joynes testified that although Respondent told him to communicate with Respondent by email, and did so, he did not receive responses to his emails. Mr. Joynes testified it was not until after he filed his bar complaint that Respondent contacted him.

In addition, there were no responses to the Joyneses' calls to Respondent's cell or office phone. Mr. and Mrs. Joynes testified that on one occasion when they called the Respondent's office when Mrs. Joynes was about a half-mile from the office, no one answered the phone. Mrs. Joynes arrived at the Respondent's office moments later to find both the Respondent and his assistant present. The Respondent offered no explanation at that time for not answering the phone.

Mr. Joynes testified that it was very stressful dealing with Respondent as a result of his unresponsiveness. In her testimony Mrs. Joynes summarized, “We weren’t a priority.”

#### NATURE OF MISCONDUCT

Respondent’s repeated failure to respond to email requests, telephone calls, and text messages from Mr. and Mrs. Joynes with respect to the status of their representation violated the following provision of the *Rules*:

#### **Rules 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.

The Board further finds that the Bar has not proven by clear and convincing evidence that the Respondent violated *Rule* 1.3(a).

#### **VSB Docket Number 18-022-111481 (Complainant: Elaine M. Baseman)**

Respondent represented Elaine M. Baseman in a civil matter in the Accomack County General District Court that resulted in the entry of a judgment for Ms. Baseman in the amount of \$25,000.00 in March 2017. Ms. Baseman subsequently retained Respondent to collect the judgment. He advised Ms. Baseman to pursue the partition and sale of real estate she owned jointly with one of the judgment debtors and agreed to pursue that on her behalf for a fixed fee of \$1,500.00, which Ms. Baseman had fully paid in advance by July 2017. *Bar Ex. 15D*, at 000294.

In early August 2017, Respondent informed Ms. Baseman that a hearing had been scheduled for October 2, 2017. She subsequently attempted to contact Respondent to discuss the nature and purpose of the hearing and to obtain his assistance in preparing for it but was never able to reach him. She traveled from her home in Maryland to the Accomack County Courthouse on October 2, 2017, to attend a hearing she believed would take place, but discovered when she arrived that there was no hearing. Respondent did meet her at the courthouse, but he advised her that he had a new theory on how to handle the matter as an abandonment, which would not require

her to have a court hearing. Ms. Baseman later learned that Respondent had never scheduled a court hearing for October 2, 2017.

Over the next three months, Respondent made no effort to contact Ms. Baseman or return the numerous calls she made to him seeking advice and information about the partitioning of the real estate. Ms. Baseman testified that completing the partition and obtaining the funds in a timely manner was very important because they were needed for a medical procedure and she advised Respondent of this. She further testified that the medical procedure ultimately had to be postponed because Respondent did not timely complete the necessary legal work. Frustrated by both the apparent lack of any progress in the partition process and her inability to reach Respondent,<sup>3</sup> Ms. Baseman contacted the Accomack County courts in early 2018 to see if Respondent had initiated a partition action. After she obtained confirmation that he had not done so, she filed a bar complaint in mid-January 2018. *Bar Ex. 14*, at 000239-000243.

The circumstances that led to Ms. Baseman's need to pursue the partition suit subsequently changed when she gained full control of the property. As a result, she no longer desired to pursue the partition. Ms. Baseman attempted to communicate with Respondent about this, but he did not respond to her. Instead, in March 2018, more than seven months after Ms. Baseman had paid Respondent's \$1,500 fixed fee in full, Respondent filed a partition suit in the Accomack County Circuit Court. *Bar Ex. 15B*. Respondent did not inform Ms. Baseman that he intended to file it or that he had done so; nor did he send her a copy of the filing. Ms. Baseman testified that she learned of it from the Bar's investigator. Had Respondent communicated with Ms. Baseman, he would have learned that she did not wish to pursue the partition. Ms. Baseman requested a refund of her

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<sup>3</sup> Ms. Baseman's cell phone records for the period from September 12, 2017 through January 8, 2018 reflect a number of outgoing calls to Respondent's office and cell phone numbers, but no incoming calls from either of those numbers. *Bar Ex. 14*, at 000247-000263.

\$1,500.00 fee. By check dated June 8, 2018 and issued from his operating account, Respondent refunded the \$1,500.00 advance fee.

In an email to the Bar dated September 24, 2018, Respondent claimed that he had returned Ms. Baseman's advance fee monies by transferring them from his trust account to his operating account before issuing the refund check the same day. He also provided a bank statement showing the transfer of funds in excess of \$1,500.00 from his trust account on the date he issued the refund check as proof that he had kept Ms. Baseman's advance fee monies in trust until he refunded them. Those bank statements reflected, however, that by early February 2018, before he had performed the work for which the fee had been advanced, Respondent had disbursed at least \$1,431.69 of Ms. Baseman's \$1,500.00 out of trust to himself and/or his law firm for his personal use and benefit. Thus, Respondent's representations to the Bar that: i) Ms. Baseman's advance fee monies remained in trust until the date he issued the refund to her; and ii) the transfer of funds from trust on June 8, 2018 included the \$1,500.00 advance fee monies Ms. Baseman had paid, were false.

Respondent was unable to provide documents reflecting his compliance with the record-keeping requirements of *Rule* 1.15(c) to maintain cash receipts and disbursements journals or subsidiary ledgers, or that he performed reconciliations of his trust account, as required by *Rule* 1.15(d)(3) and (4), with regard to Ms. Baseman's advance fee monies. Respondent acknowledged that he did not handle his trust account records properly.

A copy of Ms. Baseman's bar complaint was mailed to Respondent at his address of record with the Bar by letter dated January 23, 2018 demanding that he file an answer within 21 days. *Bar Ex. 14*. Respondent never filed an answer. Respondent testified that he did not answer the bar complaint because "he let time get away from him," and admitted, "that was a mistake."

The Bar issued a subpoena *duces tecum* to Respondent on February 27, 2018,

demanding he produce a copy of his entire file for his representation of Ms. Baseman by March 20, 2018. Although he produced documents by that date, it was not a complete response in that he did not provide any documents responsive to the demand for “trust account and operating account records, including all paper and electronically stored records, including cancelled checks, cash receipts journals, cash disbursements journals, individual client subsidiary ledgers, bank statements, deposit tickets and evidence of reconciliations; that are in your possession, custody or control...” relating to the fee monies he received from Ms. Baseman.

The Bar’s investigator asked Respondent, during his initial interview conducted on August 2, 2018, to provide those missing documents. Despite agreeing to do so, Respondent did not provide those documents or respond to the investigator's follow-up telephone calls and emails. The Bar sent Respondent a letter dated September 14, 2018, demanding that he produce the documents by September 24, 2018. On that date, Respondent provided documentation showing he had deposited Ms. Baseman’s \$1,500.00 advance fee monies into trust, and the email and bank documents related to the refund of the \$1,500.00 as described above.

But because Respondent had still not produced all of the requested documents, specifically, bank account statements, journals, ledgers or reconciliations showing his handling of Ms. Baseman's \$1,500.00, the Bar’s investigator sent him another follow-up email on September 25, 2018, asking that those documents be produced by October 5, 2018. On that date, Respondent provided a print-out showing deposits into and withdrawals from his trust account between May 1, 2017 and June 15, 2018. Respondent again failed to provide any journals, ledgers or reconciliations, which necessitated the investigator to send him yet another email, dated October 12, 2018, again asking for those documents. When the documents were still not provided, the Bar issued a Notice of Noncompliance and Request for Interim Suspension on October 18, 2018. By email dated October 25, 2018, Respondent finally admitted in writing that he did not have any

further trust account documents to produce. Respondent's claim that he had prepared handwritten reconciliations was false.

### NATURE OF MISCONDUCT

Respondent's failure to take any action to collect a judgment on Ms. Baseman's behalf for more than seven months after Ms. Baseman retained him and advised him of the time sensitive nature of the work he was to perform constitutes misconduct in violation of the following provisions of the *Rules*:

#### **RULE 1.3 Diligence**

(a) A lawyer shall act with reasonable diligence and promptness in representing a client.

Respondent's failure to communicate with Ms. Baseman over many months, resulting in the filing of a partition suit on her behalf about which she had not been notified and which she had not authorized violated the following *Rules*:

#### **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.

Respondent's disbursement of Ms. Baseman's advance fee before the representation had been completed and the advance fee earned constituted the misappropriation and conversion of those monies in violation of the following provisions of the *Rules*. Respondent's failure to maintain cash receipts and disbursements journals or subsidiary ledgers, and his failure to perform reconciliations of his trust account with respect to Ms. Baseman's advance fee monies also violated the following provisions of the *Rules*:

#### **RULE 1.15 Safekeeping Property**

...  
(b) *Specific Duties*. A lawyer shall:

...  
(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:

(1) Cash receipts and disbursements journals for each trust account, including entries for receipts, disbursements, and transfers, and also including, at a minimum: an identification of the client matter; the date of the transaction; the name of the payor or payee; and the manner in which trust funds were received, disbursed, or transferred from an account.

(2) A subsidiary ledger containing a separate entry for each client, other person, or entity from whom money has been received in trust.

The ledger should clearly identify:

(i) the client or matter, including the date of the transaction and the payor or payee and the means or methods by which trust funds were received, disbursed or transferred; and

(ii) any unexpended balance.

...  
(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.

Respondent's failure to file an answer to Ms. Baseman's bar complaint or to produce a copy of Ms. Baseman's file, the trust account and operating account records, cash receipts journals, client subsidiary ledgers, bank statements, and reconciliations related to the fees Respondent received from Ms. Baseman, as demanded in the Bar's subpoena *duces tecum*, until the Bar issued a Notice of Noncompliance and Request for Interim Suspension, violated the following provisions of the *Rules*. Respondent's misrepresentations to the Bar that he prepared handwritten reconciliations of his trust account and that he had returned Ms. Baseman's advance fee monies

by transferring them from his trust account to his operating account before issuing the refund check the same day, also violated the following provisions of the *Rules*:

**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:

- (a) knowingly make a false statement of material fact;
- ...
- (c) fail to respond to a lawful demand for information from an admission 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.

and

**RULE 8.4 Misconduct**

It is professional misconduct for a lawyer to:

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

**VSF Docket Number 18-022-111852 (Complainant: Jamar Smith)**

Respondent represented Jamar Smith in criminal and child support matters in 2017. In the Bar complaint he filed in February 2018, Mr. Smith alleged that Respondent had failed to: i) return documents belonging to him; ii) file a request for work release as promised; or iii) respond to Mr. Smith's several telephone messages and letter. The Bar mailed a copy of the bar complaint to Respondent at his address of record with the Bar by letter dated March 2, 2018 demanding that he file an answer within 21 days. *Bar Ex. 16*. Despite receiving that mailing, Respondent never filed an answer. Respondent testified, "I let that one get away from me."

NATURE OF MISCONDUCT

Respondent's failure to file a written answer in response to Mr. Smith's bar complaint constitutes misconduct in violation of the following provision of the *Rules*:

## **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; ...

### SANCTION PHASE OF HEARING

After the Board announced its findings by clear and convincing evidence that the Respondent had committed the *Rule* violations as set forth herein, it received further evidence and testimony of aggravation and mitigation applicable to the appropriate sanction to be imposed. During the sanction phase of the hearing, the Board admitted, without objection, Bar Exhibit 17, a Certification of Respondent's disciplinary record as of June 14, 2019. The Board also heard testimony from Elaine M. Baseman and Kathy L. Joynes, who testified on behalf of Respondent, and heard argument from counsel for the Bar and from the Respondent.

Ms. Baseman acknowledged in her testimony that since she filed her bar complaint, Respondent has refunded her \$1,500 advance fee, has worked on her behalf to accomplish her goals, and has done so *pro bono*. Respondent acknowledged in his closing statement that he has "tried to make things right" with Ms. Baseman.

Ms. Joynes testified that she would volunteer her time to assist Respondent in his office and generally expressed compassion for and good will toward him, despite the circumstances that gave rise to the Bar complaint.

Respondent's disciplinary record (*Bar Ex. 17*) reflects seven disciplinary actions taken against him between January 15, 2008 and May 21, 2010, that range in seriousness from private dismissals *de minimis* to a sixty-day suspension. The nature of the violations reflected in the

disciplinary record include *Rule 1.3(a) Diligence*, *Rule 1.4(a) Communication*, and *Rule 8.1(c) Bar Admission and Disciplinary Matters*, three of the *Rules* Respondent has been found to have violated here. In the Order of Suspension issued to Respondent on June 1, 2010, the Board noted the following:

In mitigation, the Respondent offered that he had changed his practice and would not have any more problems in the filing and handling of appeals. The Board found this statement not credible, given that he was afforded a *dismissal de minimis* in April 2008 for failing to file a petition for appeal, and explanation was that he had changed his practices.

In his closing argument in the present proceeding, Respondent also claimed to have made some changes to his law office management practices, but he could not point to any change of significance. Respondent expressed remorse for the periods of time when he failed to communicate with these clients. He noted that it had been a number of years since the most recent disciplinary action had been imposed. Respondent expressed his desire to be able to continue practicing law and not have his license revoked.

#### DISPOSITION

At the conclusion of the evidence in the sanction phase of the proceeding, the Board recessed to deliberate and, following deliberation, the Board reconvened and announced its finding that, when considered together, Respondent's pattern of misconduct demonstrates a serious failure to uphold his duties to his clients and to the profession.

The Board looked to the American Bar Association's Annotated Standards for Imposing Lawyer Sanctions (2015) for guidance on the appropriate sanction to impose and the factors to be considered in imposing sanctions. According to the ABA Standards, "[s]uspension is generally appropriate when ... a lawyer engages in a pattern of neglect [that] causes injury or potential injury to a client." Likewise, "[s]uspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury

to a client, the public, or the legal system.” In considering these standards the Board was concerned with the pattern of neglect reflected in the facts of the bar complaints at issue here, as well as in the Respondent’s disciplinary record. His neglect caused his clients to expend time, engage in unnecessary travel, take upon responsibilities for which Respondent had been engaged, risk the dismissal of an appeal and compromise the ability to pursue other appeal rights. The Board was likewise concerned with Respondent’s persistent abdication of his responsibilities as a lawyer to cooperate with the Bar in its investigation of these bar complaints.

The Board also considered as aggravating factors Respondent’s pattern of misconduct, his multiple offenses, his having intentionally failed to comply with the rules or orders of the Bar, his submission of false statements during the disciplinary process, and his substantial experience in the practice of law.

Finally, the Board considered as mitigating factors Respondent’s good faith efforts to rectify the consequences of his misconduct with Ms. Baseman’s representation, as well as his remorse and the evident support that both Ms. Baseman and Ms. Joynes expressed for him.

Therefore, upon consideration of the evidence and the nature of the misconduct committed by Respondent, it is ORDERED, by unanimous vote of the Board that the Respondent’s license to practice law in the Commonwealth of Virginia be SUSPENDED for a period of two years, effective September 27, 2019.

It is further ORDERED that Respondent must comply with the requirements of *Rules of the Supreme Court of Virginia*, Part Six, Section § IV, ¶ 13-29. The Respondent shall forthwith give notice by certified mail, return receipt requested, of the suspension 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 in conformity with

the wishes of his clients. Respondent shall give such notice within fourteen (14) days of the effective date of the suspension and make such arrangements as are required herein within forty-five (45) days of the effective date of the suspension. Respondent shall also furnish proof to the Bar within sixty (60) days of the effective day of the suspension that such notices have been timely given and such arrangements made for the disposition of matters.

It is further ORDERED that if Respondent is not handling any client matters on the effective date of suspension, he shall submit an affidavit to that effect to the Clerk of the Disciplinary System at the Virginia State Bar within sixty (60) days of the effective day of the suspension. All issues concerning the adequacy of the notice and arrangements required by Paragraph 13-29 shall be determined by the Virginia State Bar Disciplinary Board, which may impose a sanction of additional Suspension for failure to comply with the requirements of this subparagraph.

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

It is further ORDERED that the Clerk of the Disciplinary System shall mail an attested copy of this Order to Respondent Paul Granville Watson IV, at his address of record with the Virginia State Bar, P.O. Box 600; Eastville, Virginia 23347, by certified mail, return receipt requested, and a copy hand-delivered to M. Brent Saunders, Senior Assistant Bar Counsel, Virginia State Bar, 1111 East Main Street, Suite 700, Richmond, VA 23219-0026.

ENTERED this 15th day of October 2019

VIRGINIA STATE BAR DISCIPLINARY BOARD

By: \_\_\_\_\_  
Yvonne S. Gibney, Second Vice Chair