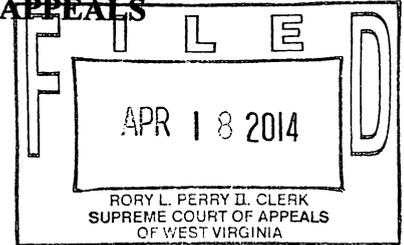


ARGUMENT
DOCKET

IN THE WEST VIRGINIA SUPREME COURT OF APPEALS

LAWYER DISCIPLINARY BOARD,
Complainant,



vs.

Case No. 13-0138

GEORGE P. STANTON, III
Respondent.

BRIEF OF RESPONDENT

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INTRODUCTION

I am George Stanton. I have been a member of the West Virginia Bar for thirty (30) years.

I graduated from the McDonogh School for Boys in Owings Mills, Maryland in 1976, Johns Hopkins University in 1980, and the West Virginia College of Law in 1983. I worked in the Attorney General's Office under Chauncey Browning, Charlie Brown, Mario Palumbo, and Darrell McGraw. I appeared before this Honorable Court on numerous occasions in the 1980's. I have also worked as an Assistant Prosecutor and a Special Prosecutor. I successfully completed fourteen weeks of City and County Police Officer's training at the Ohio State Police Academy, and have served Marion County as an Emergency Medical Technician and Ambulance Driver. I have never been brought up on charges by the Office of Disciplinary Counsel, until now, and I have never been disciplined by this Court. I was married for twenty years to a North Marion High School physics teacher and I have three grown children. I have been in private practice since 1993 In it's Report and Recommendation to this Court the

Hearing Panel recommends that my license to practice law be suspended for a period of three (3) years, for Rule 8.4(d) violations generally relating to gaining telephone access to Lakin Correctional Center inmates Jessica Lee and Kimberly Anderson for bad purposes, i.e. utilizing my status as an attorney to gain unmonitored phone access to Lee and Anderson. It is specifically NOT found that I gained physical access to these individuals or that I violated any prison rule or ethics rule while on prison grounds. Simultaneously it is recommended I be disciplined for violating Rule 1.7(b)– for not accepting attorney phone calls from Ms. Anderson.

The Hearing Panel also found that I initiated or attempted to initiate a sexual relationship with Kimberly Anderson while she was a client, a violation of Rule 8.4(g), and that I made a false statement of fact to the Hearing Panel and to the Office of Disciplinary Counsel (hereinafter “ODC”) in maintaining, allegedly, that I was not a lawyer for Anderson.

JESSICA LEE. Jessica Lee is the daughter of Morgantown attorney Pete Dinardi. I dated Ms. Lee in 2004-2005. Ms. Lee was incarcerated at Lakin Correctional Center, for two property crimes, I think from 2007-2011, and again briefly in 2012-2013. Ms. Lee is currently free. She resides in Fairmont. She has worked at Colasessano’s Restaurant and a local Subway Franchise as an assistant manager, and is currently a full time college student at Fairmont State University. Ms. Lee is thirty three (33) years old. I see Ms. Lee on weekly basis, approximately a dozen times a month. I have never represented her in any case or court of law

JESSICA ODOM. I dated Jessica Odom between June and December of 2009 I didn’t know she

was on parole for a property crime. In January of 2010 Ms. Odom's parole was revoked and she "maxed out" her one to five (1-5) year sentence in October or November of 2010.

Since then Ms. Odom has had no further dealings with the Department of Corrections, other than successfully prosecuting two law suits for sexual assault at the hands of correctional officers. Her attorney was Mike Woelfel. Ms. Odom is employed full time as a desk clerk at Days Inn of Bridgeport and is raising three beautiful children. She is thirty (30) years old. I see Ms. Odom on a weekly basis, approximately a dozen times a month.

KIMBERLY ANDERSON. I dated Ms. Anderson for about two months in the autumn of 2008, after finishing my training at the police academy. I did not see Ms. Anderson again until I made an attorney visit with her at Lakin Correctional Center in early 2011. Like Ms. Odom, Ms. Anderson had been sexually assaulted by a correctional officer. I referred her to attorney Mike Woelfel and she has since received a settlement from the State.

Ms. Anderson has been incarcerated for almost five years now for failing a drug screen in 2009. Her probation was revoked while she was recovering in a halfway house in her home state of Pennsylvania.



ODOM



LEE

ANDERSON



SUMMARY OF ARGUMENT

I have visited Lakin Correctional Center approximately eight (8) times in my thirty year legal career. Three or four of those visits were of a legal nature and I signed in as an attorney, for a young woman named Annie Claypool , and for Kimberly Anderson. I also visited my friend Kimberly Anderson three times as a pre-approved social visitor from June-December of 2011. So, I have been to Lakin Correctional Center around eight (8) times in my life.

I had dated Ms. Anderson briefly back in 2008, and her mother had requested I make a visit with her because she was having some legal issues. This was in 2011. More about that below. I also visited a former girlfriend, Jessica Lee, I think one time as a pre-approved social visitor, in 2008 or 2009, and I appeared with other members of her family at a parole hearing in 2010. I never sent either Anderson or Lee attorney mail and I never made an attorney visit with Lee. I had not represented either of these women in the cases that led up to their incarceration. I had previously represented Annie Claypool. There is no charge against me involving Annie, but I wanted the Court to know of all the visits, and with whom I visited, at Lakin. I have visited correctional facilities for men over a hundred times.

Throughout the above time period, in the course of these eight visits to Lakin, I was never censured or reprimanded by Corrections Officials for doing anything wrong. I was never cited with prison rule violations.

In January of 2012 the Warden at Lakin revoked my pre-approved social visitation status at Lakin. No explanation was offered. I had visited my friend Kim Anderson three times as an approved social visitor, because after I had helped her with her legal matters I felt it would be wrong to continue to visit as an “attorney”. Lakin approved this visitation status and I never again

visited Anderson as an “attorney”.

The Warden simultaneously wrote the Office of Disciplinary Counsel (hereinafter “ODC”) a letter suggesting that I was listed as an “attorney” by Lakin Correctional Center for a large number of women, and this seemed to the Warden to be “unusual”. The Warden did not suggest I had violated any prison rules (contraband, stealing, sex, etc....) and did not suggest I had violated any attorney ethics rules. She states this quite clearly in the letter to ODC.

ODC therefore launched an investigation which included deposing me at its office in Charleston. In the course of the investigation I learned the Department of Corrections had listed me as an “attorney” for approximately 20 women at Lakin. I was completely unaware of this. I only knew two or three of the women on the list.

What I want this Court to realize is that officials at Lakin Correctional Center put me down as an attorney for a couple dozen inmates I didn’t represent and didn’t even know, and then got me in trouble for it.

What I secondly want this Court to notice is that after investigating this matter for over a year the ODC clearly did not feel I had violated any prison rules and chose to charge me only with sending money to clients in connection with litigation, and of taking advantage in some vague way of Kimberly Anderson.

Or put another way, after an internal investigation at Corrections Warden Nohe, presumably an expert on prison operations, never cited me with a prison rule violation and reported no such violations to ODC, and then after investigating the matter for a year Ms. Cipoletti at ODC, an expert on legal ethics, charged me with none of the violations for which the Hearing Panel wants

you to find me guilty.

That's right. The Statement of Charges against me sets forth a charge of advancing money to clients Lee and Anderson in connection with litigation, a violation of Rule 1.8(e). The Hearing Panel in its Report and Recommendation is "unconvinced" of this charge. The way I read it, the charge originally contained in the Statement of Charges is unconvincing, yet the Panel recommends my license be suspended for three years for conduct **not set forth** in the Statement of Charges.

The State cites the case of Lawyer Disciplinary Board vs. Barber 211 W.Va. 358, 566 S.E. 2nd 245 (2002) for the proposition that a lawyer may be disciplined for ethics infractions not charged in the Statement of Charges. In this Brief I will ask this Court to overrule Barber, or at least to clarify or modify the holding therein.

Why? I contend that LDB vs. Barber cannot really mean that a lawyer's license can be annulled or suspended for a long period of time for violations never cited in the Statement of Charges. Can a prosecutor charge someone with one thing and request he be found guilty of another— after commencement and completion of proceedings? Should Barber be limited to its facts— such that a lawyer can be subject to minor or trivial punishment for ancillary issues that come up unexpectedly before the Hearing Panel, but not for major issues that could and should

have been charged at the beginning?

On another subject– If the Court wishes to review the proposed Rule 1.8(e) violation this Court will have occasion to define “litigation” in the context of a Rule 1.8(e) violation.

I hope the Court will conclude, as did the Hearing Panel, that evidence that I represented Lee and Anderson in “litigation” as contemplated by Rule 1.8 was unconvincing. As the American Bar Association clearly states, the purpose of Rule 1.8(e) is to prevent lawyers from subsidizing “frivolous litigation”. By giving my friends Anderson and Lee a small amount of commissary money over the years, for shampoo and laundry detergent, is it being contended that I was sponsoring frivolous litigation?

Since the beginning of these proceedings in early 2012 the ODC has been invested in the idea that I acted as counsel, as an “attorney”, for inmates Lee, Odom, and Anderson, because this is a required element of a Rule 1.8(e) violation. The ODC has gone to lengths to convince me, and the Hearing Panel, and now this Court, that I acted, presumably legitimately, as an attorney for these individuals. So my question is this... Why is it recommended I be disciplined for accepting attorney phone calls from these clients? Is it not a Rule 1.7(b) violation to refuse to accept such calls?

Further, what evidence was presented that impermissible conversation occurred in the course of these “attorney phone calls”– discussions of an extra-legal nature? What evidence was presented that I knew the calls I accepted were “attorney calls” in the first place?

ARGUMENT

I will deal with the appropriate proposed rule violations within the framework of each alleged victim.

JESSICA ODOM Actually, unless this Court is inclined to resurrect the Rule 1.8 violation, there is currently no recommended sanction involving this young woman. I sent my friend Jessica a small amount of money for commissary in 2010. It was not in connection with litigation, or legal representation of any kind. Her attorney was Mike Woelfel of Huntington.

The American Bar Association states that the purpose of this rule is prevent an attorney from subsidizing frivolous litigation. I feel the Hearing Panel must have felt that in buying Jessica a bit of shampoo and laundry detergent I had not violated the spirit or purpose of this rule.

JESSICA LEE.

I have never represented Jessica Lee in any court of law. Her lawyer on her criminal charge was Dana Shay. Dana is currently an assistant prosecutor here in Marion County. Dana did a good job for Jessica but her continued drug use eventually landed her at Lakin. Frankly now, with the graduated penalties recently enacted for probation violations, and with the advent of drug courts, I doubt Jessica would ever have gone to prison.

It is contended by ODC that I was Jessica Lee's lawyer. This contention is based upon the fact that a) she listed me as her "attorney", or rather requested that authorities at Lakin do so, which allowed her to make "attorney phone calls" to me; b) I testified in my deposition that I might have sent a letter on Jessica's behalf once several years earlier to prison

officials, but wasn't sure, and c) I went to her parole hearing with her family in 2010.

I never sent or received "attorney mail" to or from Lee, and I never made an "attorney visit" with her. I made two social visits with her in a four year period, having been approved as a social visitor by the institution. These went off without incident.

THE PAROLE HEARING. There was a time when I felt appearing at an inmate's parole hearing could be construed as legal representation. At this point I'm not sure of that. Of course, obviously, appearing on behalf of an accused at a probation or parole revocation hearing is representation. Due process and other constitutional requirements apply, and the accused is entitled to court appointed counsel. It is forbidden for an accused to be convicted of something not contained in the Statement of Charges in a parole revocation hearing.

But a parole hearing is different. It is not an adversarial situation. A friend or family member may speak on the inmate's behalf without fear of being prosecuted for practicing law without a license. I do not have a transcript of the August 29, 2013 hearing before the Hearing Panel, but I remember Ms. Lee testifying that she remembered me stating to the Board that I was appearing on behalf of the family. Jessica's mom, grandma, and sister appeared at the hearing as well.

In 2013 Morgantown attorney Peter Dinardi, Jessica's father, appeared at her parole hearing. He spoke on her behalf. Has he been brought up on charges? I hope not. I realize that the sanctions proposed in my case are largely to reassure the public that lawyers and the legal profession have integrity. I just can't believe the public would be offended at a lawyer making a small pro-bono gesture on behalf of a family member or friend.

ATTORNEY PHONE CALLS. I am in complete agreement with the idea that an attorney should not misrepresent himself or herself to prison officials. But this Court should be aware of the following:

1. Attorneys have no control over if or how their names appear on an inmate's "list". The inmate makes a request and, routinely, the institution grants the request. Ms. Cipoletti's name might easily appear on an inmate's "attorney list". And she would never know. As stated above, my name appeared on dozens of inmates' "lists"—inmates I didn't even know. This fact was not brought up at the August 29 hearing before the Hearing Panel because I wasn't charged with anything related to this fact.
2. There is no person, or recording, that comes on prior to an inmate phone call, distinguishing a personal call from an attorney call. When an individual, lawyer or otherwise, accepts an inmate call, he has no idea regarding the nature of the call. No one says "This is an attorney call—do you wish to accept?" In fact, the recording that precedes acceptance of the call simply states "This is Global Tel-Link— you have a pre-paid call from (Inmate). If you wish to accept the call, press 0 now". Nothing about the nature of the call.

Of course I accepted calls from Anderson and Lee because they were personal friends. Lee testified, according to the ODC's Brief, that she had lied about me being her attorney and put my name on her attorney call list because she wished to speak with me frequently. Nothing about complicity or conspiracy with me. And Anderson testified she didn't know if I knew I

was listed as her “attorney” for phone call purposes, although she thought I didn’t know. I didn’t explore this further because I wasn’t charged with anything relating to this fact.

There was no evidence adduced at the August 29 hearing on this matter to suggest any of the “attorney phone calls” made to me were solicited by me, or for that matter, there was no evidence adduced to suggest inappropriate conversation took place. Again, I remind the Court that ODC and the Hearing Panel strongly takes the position that I was counsel for Lee and Anderson, and had I refused these calls I would have done so at my peril. I would have done so at the peril of contravening Rule 1.7(b).

There is some futile talk about a “dirty letter” Ms. Lee sent me. This letter and its interception is proof that no one was sneaking around, or that I was hiding behind my status as an attorney. This letter was not marked “attorney mail” or it would not have been intercepted. Secondly, I never received such letter. I never solicited such letter. I did not address this letter much at the August 29 hearing because I was not charged with any violation regarding inappropriate reading material. Ms. Lee might just as well have sent an inappropriate letter to the Governor.

In conclusion, let me repeat I did not regard myself as a lawyer for Ms. Lee. However, since the Hearing Panel found that I was, I will concede the point. I would ask this Court to dismiss any Rule 8.4(d) charges regarding Ms. Lee in relation to attorney phone calls, because even though I didn’t know she was making them, I was within my rights, unwittingly, to accept them. In fact, I was obligated to do so.

KIMBERLY ANDERSON I had dated Kimberly Anderson back in 2008. Her mother approached me in late 2010 and requested I speak with Kimberly about some legal issues. I scheduled an attorney appointment at Lakin with Ms. Anderson I think in January of 2011. I discovered her issues were as follows: a) lack of parole home plan, b) insufficient credit for time served, c) sexual assault by a correctional officer. I attempted to assist her with these problems, and scheduled two more attorney visits, the last one being in late April, 2011. As stated in the Summary of Argument, I referred Anderson to attorney Mike Woelfel in regards to the sexual assault. I don't know if this Court is aware, but rape of female inmates at correctional facilities is epidemic in West Virginia. Attorneys who specialize in this kind of work have settled literally hundreds of cases with the State.

I have never denied that I acted in an attorney capacity in scheduling these attorney visits.

After concluding, so I thought, legal representation of Anderson, I applied for social visitor status at Lakin. I was approved for such status. The reason I did this was I didn't wish to be masquerading as an attorney when appearing at Lakin to see Anderson. I guess what I want this Court to see is that I went out of my way to not end up in the situation in which I now find myself.

ATTORNEY PHONE CALLS: The Rule 8.4(d) violations relate to my accepting attorney phone calls from Ms. Anderson.

I am not accused of any wrongdoing associated with the three social visits I scheduled with Anderson in 2011. These visits occurred without incident, and correctional staff were nice to me, as they were with all visitors of inmates. These visits are not private— they take place in a

sort of “great room” filled with visitors, inmates, and correctional officers.

Again, officials at Lakin Correctional Center placed me on Anderson’s “list” as an attorney. I didn’t request this be done, but I imagine she did. She then simply failed to have my name removed as an attorney once I went on social visitor status. I am guessing this is what happened. As I stated in my treatment of this subject in regards to Jessica Lee, a recipient of phone calls from a prisoner is not warned as to what kind of call he or she is receiving. A recording comes on prior to connection, and states “This is Global-Tel-Link- You have a prepaid call from (Inmate). If you wish to accept dial 0...” So what I want to emphasize is that I didn’t know I was receiving attorney phone calls and always assumed these phone calls were monitored.

How can you tell the above is true? ODC has chosen to include a good bit of private correspondence in its Brief between Anderson and myself. These writings are private and embarrassing to say the least. But neither one of us marked such correspondence “attorney mail” because it would have been wrong to do so – the mail was personal. Since we clearly didn’t care that officials were reading our mail, why would one infer we cared if our phone calls were monitored? Again, I thought by not pretending to be Anderson’s lawyer I would avoid the trouble I’m now in. You can clearly see that if I had meant to deceive prison officials I would have easily gotten away with it.

None of the above was explored at the August 29 trial before the Hearing Panel because I wasn’t charged with anything relating to these facts.

Therefore, as in the case of Ms. Lee, I am asking this Court to dismiss Rule 8.4(d) violations in relation to attorney phone calls from Anderson for the following reasons:

1. I had no role in being placed as an “attorney” on anyone’s call list. Not Anderson or Lee, or the dozens of strangers. In fact, by applying for social visitation status with Anderson and Lee, I was volunteering for phone call and visitation monitoring by the institution.
2. Similarly, no evidence was presented to suggest I had any role in soliciting attorney phone calls from anyone. Anderson and Lee testified that listing me as their attorney was all their doing, and the institution merely complied with their request(s).
3. According to ODC I was in reality attorney for Anderson and Lee throughout their entire incarceration at Lakin, so the ineffable conclusion is that I had both a right and obligation to accept attorney calls from the both of them.
4. No evidence was presented to suggest inappropriate conversation took place during these attorney phone calls.

I REFUSED TO ACCEPT ATTORNEY PHONE CALLS. I have already treated this thoroughly above. However, keep in mind I was not charged with such violation until after the August 29 hearing in this matter. This in spite of the fact that ODC had intercepted Ms. Anderson’s personal mail , not addressed to me, wherein she complains to her mother that “George is mad at me and won’t accept my phone calls”. This occurred right after Anderson was

returned from Work Release to Lakin for testing positive for drugs. This letter was intercepted in April 2013, four months before the August 29 hearing.

Had I been charged with a Rule 1.7 violation prior to my hearing I would have cross examined Anderson to establish:

1. What she told her mother was a lie motivated by self pity associated with her drug relapse.
2. Anderson was in segregation during this short time period and never attempted to call me.
3. The last act of “representation” I had performed for Anderson prior to this alleged violation was a letter written to the institutional parole officer, discussing matters any layperson could have discussed regarding parole, written some thirteen (13) months prior to this transpiring.

A MISREPRESENTATION OF FACT REGARDING LEGAL REPRESENTATION.

It is said I misrepresented to the Hearing Panel and to ODC the true nature of my relationship with Lee and Anderson. Not only is that not the case– I in fact documented with prison officials that I acted for a time, as Anderson’s attorney.

I am terribly embarrassed to be in the position I’m in. I hope this Honorable Court can see that I did everything I thought possible to not conceal the nature of my relationship with these individuals. No “attorney mail”. No “attorney visits” subsequent to Anderson’s parole hearing. However, I have experienced some confusion, and have vacillated, regarding whether certain acts were actions only a lawyer could perform, such as writing letters or making calls to institutional parole officers– things like that. It was not meant as “misrepresentation”.

But I have always regarded the three women named in the Statement of Charges to be primarily friends and not clients. And I think this issue is of great weight to all lawyers,

particularly those in small town and solo practices. Because most of us represent friends- and friends of friends- almost exclusively. Can a lawyer perform small pro-bono acts, such as writing letters or giving informal legal advice, to family and friends, without dramatically and permanently altering the nature of the relationship? Once the advice is given, the Will prepared, the letter written, does the relationship forever fall under the purview and review of this Court and the Office of Disciplinary Counsel? Is it a violation of legal ethics to represent a friend in a legal matter and after the matter is concluded to go back to being friends? Or are we forever thereafter in an attorney-client relationship, subject to the review and regulation of ODC? Does this apply to friends, parents, spouses? What I'm driving at is that I've admitted to performing small free acts for Ms. Anderson, and did not mean to misrepresent same when I have stated, repeatedly, I view her more as a friend than as a client.

ATTEMPTING TO INITIATE A SEXUAL RELATIONSHIP

I've not thoroughly explained my motives for seeking personal visitor status at Lakin with Ms. Anderson. I've said I did so because I didn't wish to masquerade as her lawyer after the parole hearing in April, 2011. And that is true. But the bigger reason, of course, is that I was attached to Ms. Anderson and certain romantic feelings seemed to be rekindling in both of us.

I want to stress something else, however. Ms. Anderson is from Pennsylvania. Her family lives 300 miles from Lakin. They are not rich, and cannot accept many phone calls, and certainly can't often visit at a southern West Virginia facility. Ms. Anderson spent two years at Lakin and the Regional Jail with no visitation. She was raped and punished for telling about it, until the perpetrator did it to someone else and was fired. At this point she has spent five years

incarcerated for failing a drug screen.

I became Ms. Anderson's lifeline to the outside world. I was happy to do so. I certainly haven't meant to take advantage of Ms. Anderson in any way. Her communications with this Court and the Hearing Panel, as well as her testimony, indicate her appreciation for me.

The Court can see I'm requesting this case be remanded, so that a hearing can be held on the various charges discussed above. I was not charged, at the time of the August 29 hearing, with a Rule 8.4(g) violation in regards to Kim Anderson. In my deposition testimony I stated that my relationship with Ms. Anderson in 2008 had been a romantic one, involving spending time together and hugging and kissing. It was a relationship that included a physical dynamic. I had engaged in the past in sexual intercourse with Ms. Lee and Ms. Odom, however never with Ms. Anderson. On page 16 of ODC's Brief sexual relations is defined not only as intercourse but as touching of intimate parts. I never "cross examined" Ms. Anderson on this point because I was not charged with violating the rule. Ms. Anderson and I have more testimony to relate pertaining to the nature of our relationship in 2008, but such was completely irrelevant to a Rule 1.8 violation so it was never explored. At the August 29 hearing Ms. Cipoletti's frequent questions about sex, to both Lee and Anderson, was extremely upsetting—perplexing—to me. I thought the purpose of the hearing was to explore whether I had given money in connection with litigation. I objected repeatedly to the sexual nature of the ODC's questions to these girls and was overruled. At one point, while overruling one of my objections, the Chairman of the Panel observed I was correct in asserting that I was not accused of sexual misconduct. However now I am. Clearly it was the intention of ODC to have me found guilty of sex oriented offenses. I was totally

clueless. I respectfully request a hearing on this and the other matters set forth in the preceding pages.

This concludes my treatment of the accusations pertaining to Kim Anderson. I would like to briefly address contentions relating to Lawyer Disciplinary Board vs. Barber, supra, and Lawyer Disciplinary Board vs. Stanton 225 W.Va. 671, 695 S.E.2nd 901 (2010).

THE BARBER CASE. ODC cites Barber for the proposition that it's not a violation of due process to discipline a lawyer for infractions not set forth in the Statement of Charges. In principle I concede the point. If minor issues no one saw coming arise in a hearing, and the lawyer confesses, and receives a trivial punishment, I see no harm done.

The lawyer in Barber attempted to steal One Hundred Thousand Dollars (\$100,000.00) from a vulnerable divorce client. He gave the money back when Disciplinary Counsel made him. For this offense his license was suspended for two (2) months.

In this case I was accused of giving away money. I had no complaining victims. My victims remain friends and can't understand why this is happening. After the hearing I was found guilty of horrible, embarrassing, salacious, perverted violations, while being absolved by the Hearing Panel of the original charge. The ODC had all the "evidence" pertaining to these violations months before the August 29 hearing— had most of the "evidence" (love letters and other information from Lakin) prior to even composing the Statement of Charges. ODC contends in its Brief, essentially, that I "should have seen it coming". I completely disagree. When ODC failed to charge me with any of the rule violations it now wants me suspended for perpetrating, I

felt entitled to prepare a defense on only the issues contained in the Statement of Charges.

This Court can reasonably expect the smallest municipal court in the remotest hamlet in West Virginia to prevent a town constable from “changing up” charges in the middle of a trial, and can reasonable expect even a non-attorney municipal judge to know better than to find the town drunk guilty of anything uncharged in a warrant. I think this Court and lawyers throughout West Virginia should expect the same of Disciplinary Counsel. I respect ODC’s sensitivity to how lawyers and the legal profession are perceived by the public– this is why it seeks to have me removed from the profession. Please consider how the handling of due process in this case might be perceived by the average West Virginian. And I frankly think if ODC is allowed to succeed with the tactic employed in this case, this Court can expect to see a lot more of it.

THE STANTON CASE. I suspect the manner in which this case was handled may relate to the fact I’m a “name’s the same” of the lawyer disbarred in Stanton.

For instance, Warden Nohe in the August 29 hearing, opined that I was a “predator”, presumably for being listed as “attorney”, by her staff, for Anderson and Lee. I have never met the Warden and wouldn’t know her if I saw her. The only thing more disturbing than this unqualified woman rendering vile opinions about people she doesn’t know is that Disciplinary Counsel would solicit such opinions. Although given the quality of her correctional staff, and the lawsuits swirling around Lakin, I will concede the Warden ought to know a predator when she sees one.

The lawyer in Stanton committed, according to the Opinion, numerous intentional

and purposeful acts to gain access to a female inmate. He drove to Pruntytown Correctional Center. He signed in, falsely, as an “attorney” for the person. He engaged in sexual relations. Intentional. Purposeful. Overt.

I am specifically not accused of any overt or wrongful acts on prison grounds. I am specifically not accused of engaging in sex. It’s uncontroverted I applied for and was granted “social visitor” status with Lee and Anderson, and visited the prison five (5) times as a social visitor from 2007-2011 (which is characterized by ODC as “repeated”) and committed no ethical or prison infractions while in these visits. It’s undisputed I didn’t write “legal mail” to these girls and that such letters as we did write were subject to inspection. Really, the only dispute we’re having in this case involves what role I might have had in getting placed on an attorney call list, and whether bad things were discussed in the course of “attorney phone calls”. I’ve tried to set the record straight above, but really I wish I could have had a hearing on these matters.

CONCLUSION

I pray the Court will not adopt the findings and conclusions of the Hearing Panel and will not subject me to discipline. If the Court feels, as I do, that due process violations occurred, I would at least ask the Court to remand the case for further proceedings, so that a record can be made pertaining to issues revolving around phone calls, and sexual relations between myself and Ms. Anderson.

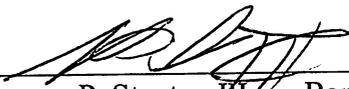


George P. Stanton III Bar ID 3565

CERTIFICATE OF SERVICE

I do hereby certify that on this 17th day of April, 2014 I did cause the attached
“Brief of Respondent” to be served upon Disciplinary Counsel by placing same in first class
mail, as below.

Office of Disciplinary Counsel
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4700 MacCorkle Ave SE
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George P. Stanton III Bar ID 3563