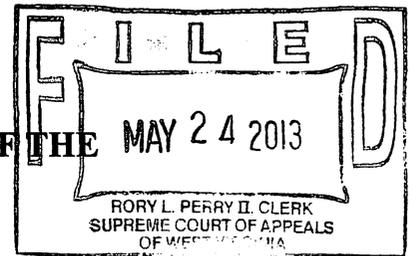


IN THE SUPREME COURT OF APPEALS OF THE  
STATE OF WEST VIRGINIA



OFFICE OF DISCIPLINARY COUNSEL,  
Petitioner,

v.

Supreme Court No. 13-0545

KAREN E. ACORD, a member of  
The West Virginia State Bar

Respondent.

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PETITION FOR RULE TO SHOW CAUSE

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Now comes the petitioner, the Office of Disciplinary Counsel, by Renée N. Frymyer, Lawyer Disciplinary Counsel, and petitions this Court to issue a "Rule to Show Cause" as to why Respondent Karen E. Acord should not be held in contempt of this Court's Order entered June 19, 2012. The Office of Disciplinary Counsel requests that Respondent's license to practice law be immediately suspended until such time that Respondent is in full compliance with this Honorable Court's Order.

In support of said petition, the Office of Disciplinary Counsel states the following:

1. On or about June 19, 2012, this Honorable Court entered an Order wherein the Court ordered provisions that included the following:

...(2) respondent be required to make restitution to the Estate of Anna Diem in the amount of \$800.00;...(4) respondent be ordered to pay the costs of these proceedings pursuant to Rule

3.15 of the Rules of Lawyer Disciplinary Procedure.  
[Attachment A].

2. On or about October 10, 2012, the undersigned sent a letter to Respondent reminding her of her financial obligations pursuant to the Order. [Attachment B].
3. After receiving no response, on or about January 15, 2013, the undersigned sent a second letter to Respondent. [Attachment C].
4. After receiving no response, ODC Legal Assistant, Kathleen "Luci" McKinney, telephoned Respondent on April 18, 2013, to discuss the matter with her. Respondent advised Ms. McKinney that she did not intend to make restitution to the Estate because the same had been closed and that she did not intend to pay the costs of her disciplinary proceedings.

**WHEREFORE**, the Office of Disciplinary Counsel requests that this Court issue a Rule to Show Cause why Respondent should not be found in contempt and why the Office of Disciplinary Counsel should not be afforded the relief requested.



Renée N. Frymyer [Bar No. 9253]  
Lawyer Disciplinary Counsel  
Office of Disciplinary Counsel  
City Center East, Suite 1200 C  
4700 MacCorkle Avenue, S.E.  
Charleston, West Virginia 25304  
304-558-7999  
304-558-4015 - Facsimile

THE OFFICE OF DISCIPLINARY COUNSEL  
By Counsel

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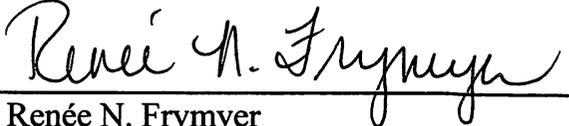
**CERTIFICATE OF SERVICE**

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This is to certify that I, **Renée N. Frymyer**, Lawyer Disciplinary Counsel for the Office of Disciplinary Counsel, have this day, the 23<sup>rd</sup> of May, served a true copy of the foregoing "**PETITION FOR RULE TO SHOW CAUSE**" upon Karen E. Acord, Esquire, by mailing the same via United States Mail, with sufficient postage, to the following address:

Karen E. Acord, Esquire  
Post Office Box 377  
Beckley, West Virginia 25802

  
\_\_\_\_\_  
Renée N. Frymyer

# Attachment A

2009/05/29/12  
JUN 25 2012

OFFICE OF  
DISCIPLINARY COUNSEL

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 19<sup>th</sup> of June 2012, the following order was made and entered:

Lawyer Disciplinary Board, Petitioner

vs.) No. 11-1356

Karen E. Acord, a member of The West Virginia  
State Bar, Respondent

On a former day, to-wit, May 11, 2012, came the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, by Debra Kilgore, its chairperson, pursuant to Rule 3.10 of the Rules of Lawyer Disciplinary Procedure, and presented to the Court its written recommended disposition in this matter, recommending that: (1) respondent be reprimanded for her conduct in this matter; (2) respondent be required to make restitution to the Estate of Anna Diem in the amount of \$800.00; (3) respondent be ordered to complete an additional three hours of continuing legal education during the 2012-2014 reporting period, specifically in ethics and/or office management, over and above that already required; and (4) respondent be ordered to pay the costs of these proceedings pursuant to Rule 3.15 of the Rules of Lawyer Disciplinary Procedure.

Thereafter, on May 16, 2012, came the Office of Disciplinary Counsel, by Renée N. Frymyer, Lawyer Disciplinary Counsel, and stated no objection to the recommendation.

Upon consideration whereof, the Court does concur with the recommendation and doth hereby approve the recommendation of the Hearing Panel Subcommittee.

It is therefore ordered that: 1) the respondent be, and she hereby is, reprimanded for her conduct in this matter; (2) respondent shall make restitution to the Estate of Anna Diem in the amount of \$800.00; (3) respondent shall complete an additional three hours of continuing legal education in ethics and/or office management during the 2012-2014 reporting period, in addition to the hours already required; and (4) respondent shall pay the costs of these proceedings pursuant to Rule 3.15 of the Rules of Lawyer Disciplinary Procedure.

Service of a copy of this order upon all parties herein shall constitute sufficient notice of the contents herein.

A True Copy

Attest: /s/ Rory L. Perry II, Clerk of Court



# Attachment B

STATE OF WEST VIRGINIA  
OFFICE OF DISCIPLINARY COUNSEL  
CITY CENTER EAST, SUITE 1200-C  
4700 MacCORKLE AVENUE, S.E.  
CHARLESTON, WEST VIRGINIA 25304

Office: (304) 558-7999

Fax: (304) 558-4015

[www.wvdc.org](http://www.wvdc.org)

Chief Lawyer Disciplinary Counsel  
Rachael L. Fletcher Cipoletti  
Senior Lawyer Disciplinary Counsel  
Andrea J. Hinerman  
Lawyer Disciplinary Counsel  
Renée N. Frymyer  
Jessica H. Donahue Rhodes

October 10, 2012

Karen E. Acord, Esquire  
Post Office Box 377  
Beckley, West Virginia 25802

*Re: Supreme Court Order compliance*

Dear Ms. Acord:

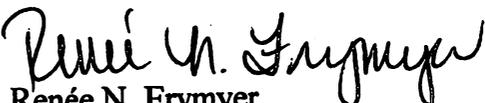
As you are aware, the Supreme Court of Appeals of West Virginia Ordered you to make restitution to the Estate of Anna Diem in the amount of Eight Hundred Dollars (\$800.00). You were also Ordered to complete an additional three hours of Continuing Legal Education in the area of ethics and/or office management during the 2012-2014 reporting period, as well as pay costs for the disciplinary proceedings, which totaled One Thousand Nine Hundred Seventy-Five Dollars and Ninety-Two cents (\$1,975.92).

Please be advised that Ms. Perry has advised this Office that you have not made the Ordered restitution to the Estate of Anna Diem. Also, you have not paid the costs of the proceedings and have not provided verification to this Office regarding the additional CLE. Please provide this Office with the status of your compliance with the Supreme Court Order immediately. Please be advised that if these issues are not resolved, I will be forced to file a Petition for Rule to Show Cause with the Supreme Court of Appeals of West Virginia.

Karen E. Acord, Esquire  
October 10, 2012  
Page Two

Thank you for your cooperation on this matter.

Sincerely,

  
Renée N. Frymyer  
Lawyer Disciplinary Counsel

RNF\bc

Enclosures: Copy of Supreme Court Order

cc: Melissa Perry (w/out enc.)

# Attachment C

STATE OF WEST VIRGINIA  
OFFICE OF DISCIPLINARY COUNSEL  
CITY CENTER EAST  
4700 MacCORKLE AVENUE SE  
CHARLESTON, WEST VIRGINIA 25304

Office: (304) 558-7999

Fax: (304) 558-4015

Website: [www.wvodc.org](http://www.wvodc.org)

Chief Lawyer Disciplinary Counsel  
Rachael L. Fletcher Cipoletti  
Senior Lawyer Disciplinary Counsel  
Andrea J. Hinerman

Lawyer Disciplinary Counsel  
Renée N. Frymyer  
Jessica H. Donahue Rhodes  
Joanne M. Vella Kirby

January 15, 2013

Karen E. Acord, Esquire  
Post Office Box 377  
Beckley, West Virginia 25802

***Re: Supreme Court Order compliance***

Dear Ms. Acord:

As you are aware, the Supreme Court of Appeals of West Virginia Ordered you to make restitution to make restitution to the Estate of Anna Diem in the amount of Eight Hundred Dollars (\$800.00). You were also Ordered to complete an additional three hours of Continuing Legal Education in the area of ethics and/or office management during the 2012-2014 reporting period, as well as pay costs for the disciplinary proceedings, which totaled One Thousand Nine Hundred Seventy-Five Dollars and Ninety-Two cents (\$1,975.92). I sent you a letter to this effect on or about October 10, 2012. However, to date, I have gotten no response from you.

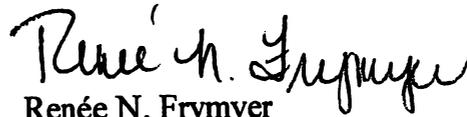
Please provide this Office with the status of your compliance with the Supreme Court Order immediately. Please be advised that if these issues are not resolved, I will be forced to file a Petition for Rule to Show Cause with the Supreme Court of Appeals of West Virginia.

Please be advised that Disciplinary Counsel considers this request a lawful demand for information within the meaning of Rule 8.1(b) of the Rules of Professional Conduct. Failure to respond may subject you to disciplinary action. Failure to respond may also be regarded as an admission of the allegations and may form the basis for a Statement of Charges.

Karen E. Acord, Esquire  
January 15, 2013  
Page Two

Thank you for your cooperation on this matter.

Sincerely,



Renée N. Frymyer  
Lawyer Disciplinary Counsel

RNF\bc

cc: Melissa Perry