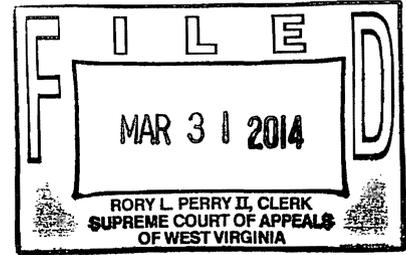


**BEFORE THE SUPREME COURT OF APPEALS OF THE
STATE OF WEST VIRGINIA**



LAWYER DISCIPLINARY BOARD,

Complainant,

v.

No. 13-0138

GEORGE P. STANTON, III,

Respondent.

BRIEF OF THE LAWYER DISCIPLINARY BOARD

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I. STATEMENT OF THE CASE

A. NATURE OF PROCEEDINGS

This is a disciplinary proceeding against Respondent George P. Stanton, III, (hereinafter "Respondent") arising as the result of a Statement of Charges issued against him and filed with the Supreme Court of Appeals of West Virginia on or about February 14, 2013. Respondent was served with the Statement of Charges on February 16, 2013, and filed a timely response thereto on or about March 14, 2013.

Disciplinary Counsel filed its mandatory discovery on or about March 8, 2013, with supplements filed April 11, 2013; May 29, 2013; August 6, 2013; and August 19, 2013. Respondent did not provide mandatory discovery and a Motion to Exclude Testimony of Witnesses and Documentary Evidence or Testimony of Mitigating Factors was filed on or about May 24, 2013.

On or about April 15, 2013, Respondent filed Motion to Dismiss. On or about May 24, 2013, the Office of Disciplinary Counsel filed its response to the same. On or about June 3, 2013, the Office of Disciplinary Counsel filed a Motion to Continue June 11, 2013 Hearing.

On or about June 4, 2013, a telephonic hearing was conducted regarding the Motions filed by the parties. Respondent's Motion to Dismiss was denied. ODC's Motion to Exclude was denied as moot subject to renewal and the Motion to Continue was granted.

On or about June 24, 2013, Respondent filed an Identification of Witnesses. On or about August 12, 2013, Respondent filed a Renewed Motion for Dismissal and a Motion for

Appointment of Special Counsel and Continuance of Hearing Currently set for August 29, 2013 with the Supreme Court of Appeals of West Virginia. ODC filed its responses to the Motions on or about August 19, 2013. A telephonic hearing was conducted on August 23, 2013. The Chairperson of the Hearing Panel Subcommittee, Mr. Camilletti, stated that since the Motions were filed with the Court rather than before the Hearing Panel Subcommittee he would determine the status of Respondent's Motions with the Court and that the hearing would still be held on August 29, 2013, unless otherwise directed. On or about August 27, 2013, the Supreme Court of Appeals of West Virginia refused Respondent's motions.

Thereafter, this matter proceeded to hearing in Charleston, Kanawha County, West Virginia, on August 29, 2013. The Hearing Panel Subcommittee was comprised of Paul T. Camilletti, Esquire, Chairperson; John W. Cooper, Esquire; and Cynthia L. Pyles, Layperson. Rachael L. Fletcher Cipoletti, Chief Lawyer Disciplinary Counsel, appeared on behalf of the Office of Disciplinary Counsel. Respondent appeared *pro se*.

The Hearing Panel Subcommittee heard testimony from Kimberly Anderson via video conference; the testimony of Jessica Lee via telephone; and the in person testimony Tammy Eagle Larch, Institutional Parole Officer; Robin Ramey, Investigator; and Lori Ann Nohe, Warden of Lakin Correctional Center. Respondent did not testify on his behalf and absented himself from the hearing after the testimony of Ms. Lee. Additionally, ODC Exhibits 1-23 were admitted into evidence.

On or about February 6, 2014, the Hearing Panel Subcommittee issued its decision in this matter and filed with the Supreme Court of Appeals of West Virginia its “Report of the Hearing Panel Subcommittee” (hereinafter “Report”). The Hearing Panel Subcommittee properly found that the evidence established that Respondent violated Rules 8.1(a) - Bar admission and disciplinary matters; 1.7(b) - Conflict of interest: General rules; 8.4(a); 8.4(c) and 8.4(d) - Misconduct, of the Rules of Professional Conduct.

On or about February 28, 2014, Respondent filed an “Objection made pursuant to Rule 3.11 of the Rules of Lawyer Disciplinary Procedure.” By order entered March 10, 2014, this Honorable Court ordered the parties to submit written briefs of their positions and set the same for oral argument on the Rule 19 argument docket.

B. FINDINGS OF FACTS

George P. Stanton, III, Esquire (hereinafter “Respondent”) is a lawyer practicing in Fairmont, which is located in Marion County, West Virginia. Respondent was admitted to The West Virginia State Bar on May 17, 1983, by diploma privilege. As such, Respondent is subject to the disciplinary jurisdiction of the Supreme Court of Appeals of West Virginia and its properly constituted Lawyer Disciplinary Board.

Respondent has served as an attorney for Jessica Lee; Jessica Odum and Kimberly Anderson, all of whom have been or are currently incarcerated at Lakin Correctional Center, located in West Columbia, West Virginia.

1. Jessica Lee

Prior to her incarceration, from 2003-2004, Respondent stated that he was involved in a sexual relationship with Jessica Lee. Exhibit 13 at 000193. Respondent stated that Ms. Lee developed an addiction to prescription pain killers which lead to her legal troubles. Exhibit 10 at 000105. On or about August 8, 2006, Ms. Lee was convicted of one count of conspiracy to commit forgery or uttering or other writing; one count of forgery or uttering other writing; and one count of grand larceny. She commenced her incarceration at Lakin Correctional Center on or about February 13, 2007. Respondent stated he sought and received approval as her social visitor at Lakin Correctional Center and visited her approximately (2) two times while she was incarcerated. Exhibit 10 at 000106.

At her request, Respondent appeared at her parole hearing which was conducted in or about February 18, 2010. Exhibit 10 at 000105; Exhibit 13 at 000183. Ms. Lee was not successful in securing parole at that time. Exhibit 13 at 000184. Respondent stated that he does not believe he has had a “significant attorney client relationship” with Ms. Lee. Exhibit 14 at 000215. He admits, however, that he has written letters on her behalf on his law office letterhead, Id., and attended her parole hearing. Exhibit 13 at 000183-000184.

The records from Lakin Correctional Center indicate that Respondent deposited approximately One Thousand One Hundred and Seventy Dollars (\$1,170.00) into Jessica Lee’s trust account throughout the year of 2010. Exhibit 17 at 000078-000081, 000751 and 000756.

The records from Lakin Correctional Center indicate that Respondent caused

approximately Eighty Dollars (\$80.00) to be deposited into Jessica Lee's trust account throughout the year of 2013. Exhibit 17 at 000078-000080 and 000751 and 000756.

Officials at Lakin Correctional Center stated that when Ms. Lee was discharged from the facility in or about November 2010, Respondent picked her up in a recreational vehicle. Exhibit 2 at 000005; see also, Transcript at 53. Respondent stated that after Ms. Lee was released from Lakin Correctional Center that Ms. Lee and he resumed their sexual relationship for a short period of time. Exhibit 13 at 000196. Ms. Lee readily acknowledged that Respondent was her "boyfriend." Transcript at 51, 64.

Ms. Lee returned to Lakin Correctional Center and after she exhausted her personal funds, she contacted Respondent and requested that he begin depositing money into her account again. Transcript at 54. Ms. Lee agreed that she spoke to Respondent quite frequently on the telephone while she was incarcerated at Lakin Correctional Center. Transcript at 56. During her 2007-2010 incarceration, Ms. Lee "had lied" and identified Respondent as her attorney so she could speak with him frequently on the telephone. Transcript at 55.

Ms. Lee authenticated the June 10, 2013 sexual fantasy letter and confirmed that she sent the same to Respondent. ODC Exhibit 18. Ms. Lee further testified that she sent several "freaky" letters to Respondent at his law office (including the June 10, 2013 letter, that was introduced at the hearing) while she was incarcerated at Lakin Correctional Center. Transcript at 59; ODC Exhibit 18.

The correctional facility records indicate that Respondent was noted as the attorney for Ms. Lee. ODC Exhibit 20 at 000083. The prison investigator determined that Respondent “was utilizing the title as an attorney to conceal a relationship that he was having with” [inmate Lee]. Transcript at 124-125. In order to maintain the sanctity of the attorney client relationship, inmate telephone calls and written communications with the inmate’s attorney are not monitored by the correctional facility and the inmates may contact their attorneys at any time, unless the prison is under lock-down or the officials are conducting a count of the prisoners. Transcript at 101-102.

Ms. Lee agreed that some of her phone calls from Lakin with Respondent were sexual in nature. Transcript at 60. Respondent maintained an inappropriate romantic relationship with Ms. Lee while she was an inmate at the Lakin Correctional Center, and improperly utilized his status as an attorney to perpetuate the relationship by having unmonitored and unlimited telephone access and written communication with Ms. Lee. Respondent has repeatedly presented himself as the attorney for Ms. Lee and has utilized the special privileges of communication associated with the attorney client relationship. Respondent deposited his personal funds into Ms. Lee’s prison trust account thereby confusing prison authorities regarding his status, whether professional or personal, during his prison visits in violation of the Rules of Professional Conduct.

2. Jessica Odom

Prior to her incarceration, Respondent stated that he was involved in a sexual relationship with Jessica Odom. Exhibit 13 at 000187. In or about March 2008, Ms. Odom

was convicted of conspiracy to commit grand larceny. She was incarcerated at Lakin Correctional Center on March 29, 2008.

The records from Lakin Correctional Center indicate that Respondent caused approximately Two Hundred and Forty Dollars (\$240.00) to be deposited into Ms. Odom's prison trust account during her incarceration in or about 2010 and 2011. Exhibit 16 at 000082.

3. Kimberly Anderson

Respondent stated that he met Ms. Anderson in the fall of 2008. Exhibit 13 at 000154. On or about December 7, 2009, Ms. Anderson was convicted of four (4) counts of manufacturing and delivering Schedule I narcotic controlled substances. She was incarcerated at Lakin Correctional Center on September 23, 2010. Transcript at 11-12.

The Lakin Correctional Center logs for Official Visitors indicate that Respondent visited with Ms. Anderson on January 14, 2011, March 1, 2011, and April 19, 2011. For each visit Respondent signed the visitor log as an "attorney" for Ms. Anderson. Exhibit 20 at 000092-000094. Respondent represented Ms. Anderson in her parole hearing on or about April 20, 2011. Exhibit 20 at 000097. Respondent was unsuccessful in securing Ms. Anderson's parole. Exhibit 13 at 000148-000149.

Respondent then made three (3) additional visits on July 9, 2011; July 31, 2011; and December 17, 2011. These visits were on weekends, a time wherein only personal visits are permitted and attorney/client meetings are not permitted. Exhibit 20 at 000098-000100.

On or about November 12, 2011, Respondent sent Ms. Anderson an unsigned letter along with a money order for Forty Dollars (\$40.00). The note stated:

Just a brief note to send along the \$40 [sic] money order and to let you know how much I enjoyed seeing you again this Saturday, and how I feel closer to you every time we get together. How it just seems more natural. Although it makes being separated that much harder too. I love you and will see you again soon! Just think, we only have two more months...
Exhibit 4 at 000013.

The Lakin Correctional Center records indicate that Respondent sent money to Ms. Anderson on at least thirteen (13) occasions between February 2011 and October 2011 totaling approximately One Thousand One Hundred and Twenty Dollars (\$1,120.00).
Exhibit 19 at 000054-000058.

On or about November 2, 2011, Ms. Anderson was “written up” by prison officials for failing to appear at a class she was scheduled to attend. Ms. Anderson appealed the disciplinary matter, stating that during the time of the class, she was on a telephone call with her counsel, Respondent. Exhibit 6 at 000026-000027.

On or about November 17, 2011, Respondent sent Warden Nohe a letter on his law office letterhead substantiating the claim that Ms. Anderson was talking to him regarding her proposed home plan following her parole. Respondent stated that Ms. Anderson indicated that “she had to hurry and get off the phone because she had a class to attend.” Respondent asked Warden Nohe to consider the information as it related to Ms. Anderson’s disciplinary action. Exhibit 4 at 000009.

The December 13, 2011, incident report regarding this matter stated that Ms. Anderson was cited for making fraudulent representations about her attendance to the Helping Women Recover (hereinafter referred to HWR) class. Ms. Anderson represented to one correctional officer she was leaving the unit to attend HWR. However, the HWR instructor advised that Ms. Anderson did not attend HWR on that date. HWR is conducted from 9:15a.m. until 10:45 a.m. The Lakin Correctional Center telephone records indicate that calls were made by Ms. Anderson to Respondent's phone number on November 2, 2011, at 0923 hours, no duration; 0925 hours, fifteen minute duration; 1017 hours, two minutes, fifty-seven second duration. Contrary to Ms. Anderson and Respondent's statements to the Warden, the investigative report reflects that the telephone calls were not attempted until *after* the HWR class began. The report indicates that the statements made by Ms. Anderson were misleading. Exhibit 6 at 000026-000027.

On or about November 30, 2011, Ms. Anderson sent a letter to her sister discussing her parole. In the letter, Ms. Anderson stated that "George is giving up my apt. since my parole got pushed back to March." She further stated that "George wants to fly down here after x-mas to get me a place close to you." Exhibit 4 at 000019-000021.

On or about December 6, 2011, an unsigned letter sent from Respondent's address was intercepted at the prison. The letter stated:

Well one thing people can say about us is that we're not boring.
Or predictable.

I suppose this home plan is going to work out. Like I told you,
from looking into it almost a year ago now, when we were trying

to get you Pennsylvania, I don't believe the receiving state (Florida) has a right to refuse you under the Uniform Act. West Virginia can deny letting you go, but as you pointed out that didn't happen last time, and you have no ties to West Virginia anyway - you've not really been a resident here in the first place. Coupled with the fact that the home plan seems very stable - I just have no worries.

However you now really have to do your part and complete all these classes you've tried to finish before. If you successfully complete them I think everything looks good.

And speaking of looking good, I'll bet you look really good naked. Stop obsessing on getting dark as a negro and having big boobs. If that's what I wanted I would have gone for a big boobed negro. I really like you just the way you are.

Just think of the long, long trip down to Florida in March. The nice hotel rooms, the champagne, the hot tubs, the sex....not to mention the cigarettes and real food. You will be in heaven.

And so will I. Because I have waited my whole life for you, and the day will soon arrive. I will never leave you, and I will never let you go. I'm excited about starting life, I love you!!!!
Exhibit 4 at 000011.

On or about January 11, 2012,¹ Warden Nohe sent Respondent a letter stating that his approval as a personal visitor at the prison had been revoked. The letter further stated that Respondent was permitted to enter the facility in his capacity as an attorney, but that his conduct would be expected to be within the scope of an "attorney performing official duties." Warden Nohe further advised Respondent that the same expectation would apply concerning written correspondence with inmates. Exhibit 1 at 000001.

On or about January 14, 2012, Respondent sent a letter to Warden Nohe stating,

¹The letter is dated January 9, 2011, but the date was actually January 9, 2012.

among other things:

“...I have been extremely careful to not pretend to be any inmate’s lawyer, in this case Ms. Anderson’s lawyer, when my visitation or communication with her have been of a personal nature. I was a friend of Kim Anderson’s on the “outside” and although I was disappointed in her behavior which got her sent back to incarceration, I did agree to represent her in her parole hearing last year. After that, I decided to renew a personal relationship with her if for no other reason than her family is out of state and she has no one here in West Virginia. She and her family have been appreciative for the 3 or 4 visits I have made, and for the 3 or 4 cards and letters I have sent her in the past year.

...I do respect your decisions. However, if you cannot produce or describe incidences of wrongdoing I wish you would reconsider this decision. I look forward to hearing from you. I know you have many important tasks, so I don’t mind waiting a couple of weeks for your response. If I get no response with all due respect, I do intent [sic] to contact Woelfel and Woelfel, Ms. Anderson’s actual lawyers, and seek further guidance.* Please feel free to refer this letter to your counsel in Charleston as well.

* I referred Ms. Anderson and former inmate Jessica Odom to Woelfel and Woelfel for their cases (apparently quite legitimate cases) involving sexual assault at the regional jail. However, I want to make it clear at this point I have no reason to think your action is in retaliation for these lawsuits.

Exhibit 3 at 000002-000003

On or about March 5, 2012, Respondent sent a letter on his law office letterhead to Tammy Eagle, a Parole Officer at the prison, regarding the status of Ms. Anderson’s home plan and parole hearing. Exhibit 8 at 000025.

Despite losing his visitation rights with Ms. Anderson, Respondent has continued his efforts to secure Ms. Anderson’s release from Lakin Correctional Center. Exhibit 23 at

000770.

Respondent reports that he resumed personal visits with his client, Ms. Anderson as she has been transferred from Lakin Correctional Center to a work release program at Beckley Correctional Center. Exhibit 13 at 000176. Ms. Anderson had a parole hearing set for May 1, 2013, and her parole was denied. Transcript at 15-16.

Respondent previously stated by letter dated June 11, 2013, that after he secures her parole from the work release program upon Ms. Anderson's release, it is his intention to move to Florida with her and marry her. Exhibit 22 at 000767.

However, in or about January 2013, Ms. Anderson tested positive for drugs while on work release and was subsequently returned to Lakin Correctional Center. Exhibit 21 at 000732-000734. According to Department of Corrections records, as of the filing of the instant pleading, Ms. Anderson remains incarcerated at Lakin Correctional Center.

In a report of the prison investigator to Warden Nohe, dated February 13, 2012, it is noted that the facility records indicate that Respondent was listed as the attorney for Ms. Anderson. Exhibit 4 at 000008. Respondent held himself out to the officials in the prison's parole department as Ms. Anderson's attorney in both his telephonic communications, such as the February 28, 2012, phone message left with Ms. Tammy Eagle wherein he identified himself as a lawyer from Fairmont calling on behalf of Ms. Anderson (ODC Exhibit 7) and his follow-up March 5, 2012; and August 14, 2013 communications to Ms. Eagle on his law office stationary, where he indicates he was acting on Ms. Anderson's behalf. ODC Exhibits

8 and 23. Ms. Eagle agreed each time she dealt with Mr. Stanton he referenced himself as acting as Ms. Anderson's attorney. Transcript at 85.

C. CONCLUSIONS OF LAW

The Hearing Panel Subcommittee made several conclusions of law as to violations of the Rules of Professional Conduct. The conclusions of law were based upon the record presented and are supported by the clear and convincing standard.

As a preliminary matter as it pertained to Rule 1.8(e) of the Rules of Professional Conduct, the Hearing Panel Subcommittee stated that Respondent has repeatedly admitted that he deposited his own personal money into the prison trust accounts of his clients Ms. Lee and Ms. Anderson. *See* Respondent's Proposed Findings and Conclusions ¶ 2. Respondent contends that the same is permissible because the money was unrelated to "litigation" as he had filed nothing on their behalf in court. The record is clear that Respondent signed in as an attorney for both of these inmates at some points and held himself out to the prison officials as the inmates' attorney. Respondent intervened on behalf of Ms. Lee and Ms. Anderson in his capacity as an attorney in administrative grievances at the facility and the parole board hearings. The Hearing Panel Subcommittee noted that "[w]hile the Office of Disciplinary Counsel maintains that the pursuit of a client's objectives before an administrative tribunal is litigation as that term is understood in Rule 1.8(e), the Hearing Panel Subcommittee is unconvinced that this violation occurred." As such, the Hearing Panel Subcommittee found that Respondent did not violate this rule.

However, the Hearing Panel Subcommittee found that Respondent's persistent claim that he was not serving as attorney for Ms. Anderson was a knowing, false statement of material fact in connection with the instant disciplinary proceeding and in violation of Rule 8.1(a) of the Rules of Professional Conduct. For examples of the same, the Hearing Panel Subcommittee cited to: his April 25, 2012, letter response to the complaint, Exhibit 10 at 000106-000107; his January 14, 2012, letter responding to Warden Nohe's rescission of his visitor privileges, Exhibit 3 at 000002; and his January 25, 2013, letter to the Office of Disciplinary Counsel following his sworn statement, Exhibit 14 at 000218.

Second, the Hearing Panel Subcommittee noted that in order to maintain the sanctity of the attorney client relationship, inmate telephone calls and written communications with the inmate's attorney are not monitored by the correctional facility and the inmates may contact the attorneys at any time, unless the prison is under lock-down or the officials are conducting a count of the prisoners. Transcript 101-102. During the course of the disciplinary proceedings, the facility forwarded letters of a romantic nature written by Ms. Anderson to someone other than Respondent. ODC Sealed Exhibit 21. The letter dated April 13, 2013, indicates that after Respondent learned that Ms. Anderson had violated her work release and was returned to Lakin Correctional Center he was "so mad at [her] he wouldn't accept [her] calls." ODC Exhibit 21 at 744. The correspondence in Exhibit 21 was disclosed to Respondent prior to the evidentiary hearing. See, Respondent's Motion for Appointment of Special Counsel, dated August 12, 2013. Ms. Anderson testified that Respondent sent the letters in ODC Exhibit 21 to her at the facility and she agreed that

Respondent was very upset with her about the romantic letters. Transcript at 33. As indicated by Ms. Anderson's April 13, 2013 letter and her testimony, Respondent, despite having an attorney client relationship with Ms. Anderson which required Respondent to maintain reasonable communication with her, at some point, refused to communicate with his client because of their romantic problems. ODC Exhibit 21 at 744 and Transcript at 33-35. Respondent continued to represent Ms. Anderson despite the fact that his representation is materially limited by his own personal romantic interests in violation of Rule 1.7(b) of the Rules of Professional Conduct.

Third, the Hearing Panel Subcommittee found that Respondent repeatedly presented himself as the attorney of Ms. Anderson and utilized the special privileges of communication associated with the attorney client relationship. Respondent has deposited his personal funds into Ms. Anderson's prison trust account thereby confusing prison authorities regarding his status, whether professional or personal, during his prison visits in violation of Rule 8.4(d) of the Rules of Professional Conduct.

Fourth, the Hearing Panel Subcommittee found that the evidence was clear that Respondent initiated a personal relationship with Ms. Anderson and has pursued the same while Ms. Anderson was/is his client. Respondent's conduct in pursuing and in conducting a personal relationship with a client in a vulnerable situation reflects adversely on his character and fitness to practice law and the same is in violation of Rule 8.4(d) of the Rules of Professional Conduct.

Fifth, the Hearing Panel Subcommittee found that Respondent maintained an inappropriate personal relationship with Ms. Anderson, an inmate at the Lakin Correctional Center, and improperly utilized his status as an attorney to perpetuate the same by having unmonitored and unlimited telephone access and written communication with Ms. Anderson, and the same is in violation of Rule 8.4(c) and Rule 8.4(d) of the Rules of Professional Conduct.

Sixth, the Hearing Panel Subcommittee found that Respondent repeatedly expressed his desire for a sexual relationship with Ms. Anderson; and his actions, at a minimum, violated 8.4(a) of the Rules of Professional Conduct, which the rule that indicates it is a violation to attempt to violate the Rules of Professional Conduct.²

II. SUMMARY OF ARGUMENT

The Supreme Court has long recognized that attorney disciplinary proceedings are not designed solely to punish the attorney, but also to protect the public, to reassure the public as to the reliability and integrity of attorneys, and to safeguard its interests in the administration of justice. Lawyer Disciplinary Board v. Taylor, 192 W.Va. 139, 451 S.E.2d 440 (1994). In order to effectuate the goals of the disciplinary process, the Hearing Panel Subcommittee of the Lawyer Disciplinary Board recommended that Respondent be

²The rule to which the Hearing Panel Subcommittee is referring to an attempt to violate is Rule 8.4(g) of the Rules of Professional Conduct which states that "it is professional misconduct for a lawyer to have sexual relations with a client whom the lawyer personally represents during the legal representation unless a consensual sexual relationship existed between them at the commencement of the lawyer/client relationship. For purposes of this rule, "sexual relations" means sexual intercourse or any touching of the sexual or other intimate parts of a client or causing such client to touch the sexual or other intimate parts of the lawyer for the purpose of arousing or gratifying the sexual desire of either party or as a means of abuse."

suspended for a period of three (3) years; that he comply with Rule 3.28 of the Rules of Lawyer Disciplinary Procedure; and that Respondent pay the costs of the disciplinary proceeding.

III. STATEMENT REGARDING ORAL ARGUMENT AND DECISION

Pursuant to Rule 19 of the Revised Rules of Appellate Procedure, this Honorable Court's March 10, 2013 Order set this matter for oral argument for May 7, 2014.

IV. ARGUMENT

A. RESPONDENT'S OBJECTION

In his objection, Respondent stated that "many of the proposed findings are clearly erroneous and unsupported by the evidence, and that all the rule violations cited as grounds for suspending the undersigned's law license are violations that were never set forth in the original Statement of Charges..."

In Committee on Legal Ethics v. Battistelli, 185 W.Va. 109, 405 S.E.2D 242 (1991), this Court stated:

We have recognized that in attorney disciplinary proceedings, a lawyer is entitled to due process of law. See Committee on Legal Ethics v. Folio, 184 W.Va. 503, 401 S.E.2d 248 (1990); Committee on Legal Ethics v. Boettner, 183 W.Va. 136, 394 S.E.3d 735 (1990). Generally, due process requires that the attorney be given notice of the allegations against him and an opportunity to be heard. Rosenthal v. Justices, 910 F.2d 561 (9th Cir. 1990), *cert denied*, 498 U.S. 1087, 111 S.Ct. 963, 112 L.Ed.2d 1050 (1991); Standing Comm. on Discipline v. Ross, 735 F.2d 1168 (9th Cir.), *appeal dismissed, cert. denied*, 469 U.S. 1081, 105 S.Ct. 583, 83 L.Ed.2d 694 (1984); Louisiana State Bar Ass'n v. Keys, 567 So.2d 588 (La. 1990); State ex. rel. Nebraska State Bar Ass'n v. Dineen, *supra*. See In re Ruffalo, 390 U.S. 544, 88 S.Ct. 1222, 20

L.Ed.2d 117 (1968). *See generally* 7 Am.Jur.2d *Attorneys at Law* § 91 (1980); Annot., 98 L.Ed. 851 (1954).

Battistelli, 405 S.E.2d at 114.

The Barber Court found that there was not a due process violation when the Hearing Panel found a violation of uncharged conduct when “it was related to or was within the scope of the conduct and rule violations specifically charged.” Lawyer Disciplinary Board v. Barber, 211 W.Va. 358, 365, 566 S.E.2d 245, 252 (2002) *quoting* The Florida Bar v. Fredericks, 731 So.2d 1249 (Florida 1999). Similar to this case, in Barber, the Hearing Panel Subcommittee found that Mr. Barber violated certain charged rules, but also found that Respondent violated an additional un-charged rule. Mr. Barber argued the same was not proper and in violation of his due process rights. As the violation was not independent of the original grounds, this Court found the same was not in violation of Mr. Barber’s due process. The Barber Court noted that decisions subsequent to In re Ruffalo, 390 U.S. 544, 88 S.Ct. 1222, 20 L.E.2d 117 (1968) suggest that the concept of due process in disciplinary proceedings is more general in nature such as in civil proceedings. Barber at 365.

Due process requires the charges be sufficiently clear to inform the attorney of the misconduct charged. The nature of the allegations in the Statement of Charges against Respondent arise from his inappropriate relationship with and inappropriate conduct towards female inmates at Lakin Correctional Facility. Respondent held and continues to hold himself out as the attorney for these inmates. Respondent’s misconduct at Lakin Correctional Center continued unabated after the Statement of Charges was filed on February 14, 2013.

As such, Lakin Correctional Center continued to provide ODC with discovery throughout the course of the disciplinary matter. ODC immediately tendered the same to Respondent pursuant to Rule 3.4 of the Rules of Lawyer Disciplinary Procedure and on each occasion made clear of her intent to utilize and introduce the same at Respondent's disciplinary hearing. *See* NATURE OF PROCEEDINGS *Infra*. ODC introduced the additional evidence at the hearing and the same was properly admitted by the Hearing Panel Subcommittee.

This evidence all related to the same parties and the same circumstances as were charged in the Statement of Charges. Although not all of the specific violations were alleged in the Statement of Charges, the same were all within the general scope of the misconduct of the inappropriate relationship with the inmates at Lakin Correctional Facility. The additional violations are relevant to the assessment of appropriate discipline and were based on the evidence presented. Accordingly, Respondent was given notice of the perceived misconduct, was given an opportunity to be heard (of which he waived when he left his hearing) and was proper and not in violation of Respondent's right to due process.

B. STANDARD OF PROOF.

The charges against an attorney must be proven by clear and convincing evidence pursuant to Rule 3.7 of the Rules of Lawyer Disciplinary Procedure. *See*, Syl. Pt. 1, Lawyer Disciplinary Board v. McGraw, 194 W. Va. 788, 461 S.E.2d 850 (1995). The evidence presented in this case clearly exceeds the standard of clear and convincing.

In lawyer disciplinary matters, a *de novo* standard of review applies to questions of law, questions of application of the law to the facts, and questions of appropriate sanction

to be imposed. Roark v. Lawyer Disciplinary Board, 207 W. Va. 181, 495 S.E.2d 552 (1997); Committee on Legal Ethics v. McCorkle, 192 W. Va. 286, 452 S.E.2d 377 (1994). The Supreme Court gives respectful consideration to the Lawyer Disciplinary Board's recommendations as to questions of law and the appropriate sanction, while ultimately exercising its own independent judgment. McCorkle, 192 W. Va. at 290, 452 S.E.2d at 381. Substantial deference is to be given to the Lawyer Disciplinary Board's findings of fact unless the findings are not supported by reliable, probative, and substantial evidence on the whole record. McCorkle, Id.; Lawyer Disciplinary Board v. Cunningham, 195 W. Va. 27, 464 S.E.2d 181 (1995).

At the Supreme Court level, "[t]he burden is on the attorney at law to show that the factual findings are not supported by reliable, probative, and substantial evidence on the whole adjudicatory record made before the Board." Cunningham, 464 S.E.2d at 189; McCorkle, 192 W. Va. at 290, 452 S.E.2d at 381. The Supreme Court is the final arbiter of formal legal ethic charges and must make the ultimate decisions about public reprimands, suspensions or annulments of attorneys' licenses to practice law. Syl. Pt. 3, Committee on Legal Ethics v. Blair, 174 W. Va. 494, 327 S.E.2d 671 (1984); Syl. Pt. 7, Committee on Legal Ethics v. Karl, 192 W. Va. 23, 449 S.E.2d 277 (1994).

The evidence in this case met and exceeded the clear and convincing standard as required by the Rules of Lawyer Disciplinary Procedure. The findings of fact are well documented in the record and the conclusions of law are supported by the evidence that was presented at the disciplinary hearing in this matter. By leaving the evidentiary hearing,

against the express direction of the Hearing Panel Subcommittee, Respondent abrogated the opportunity to challenge the admissibility of evidence, cross examine witnesses or testify on his own behalf.

C. ANALYSIS OF SANCTION UNDER RULE 3.16 OF THE RULES OF LAWYER DISCIPLINARY PROCEDURE.

Syl. Point 4 of Office of Disciplinary Counsel v. Jordan, 204 W.Va. 495, 513 S.E.2d. 722 (1998) holds: Rule 3.16 of the Rules of Lawyer Disciplinary Procedure provides that when imposing a sanction after a finding of lawyer misconduct, the Court shall consider: (1) whether the lawyer has violated a duty owed to a client, to the public, to the legal system, or to the profession; (2) whether the lawyer acted intentionally, knowingly, or negligently; (3) the amount of the actual or potential injury caused by the lawyer's misconduct; and (4) the existence of any aggravating or mitigating factors. A review of the extensive record in this matter indicates that Respondent has transgressed all four factors set forth in Jordan.

1. Respondent Violated Duties to His Clients, to the Public, to the Legal System and to the Legal Profession.

Respondent violated his duties to the public, to the legal system and to the profession. The public expects lawyers to exhibit the highest standards integrity and honesty. Lawyers have a duty not to engage in conduct involving dishonesty, fraud, or interference with the administration of justice. Lawyers are officers of the court and must operate within the bounds of the law and act in a manner to maintain the integrity of the Bar. Respondent's conduct in this matter falls woefully short of all of these stated obligations that a lawyer owes to the public, his clients and the profession.

2. Respondent Acted Intentionally and Knowingly.

Respondent acted intentionally and knowingly in this case and there is no evidence to the contrary. In fact, Respondent has repeatedly admitted that he possesses special knowledge of the rules and regulations in West Virginia prison facilities as he was, at one time, general counsel for the Department of Corrections. ODC Exhibit 3 at 000002.

3. The Amount of Injury Is Great.

This misconduct clearly demonstrates an appalling lack of judgment, discretion and concern for his own personal integrity and calls into question his fitness as a member of the Bar. The Warden of Lakin Correctional Center testified that Respondent "is a predator" and "looks for a certain type of inmate. If you could sit and look at all the inmates he has and he goes after, he picks a certain stature, a certain color of hair, maybe an eye color, and that's what he goes for... I think he enjoys the hunt. I think he likes the idea of coming in and riding in on the white horse, he gets rid of them pretty quickly after." Transcript at 178. The injury to the integrity and reputation of the bar is great, however, the potential for injury for other vulnerable female inmates is immeasurable.

4. There Is Evidence of Mitigating and Aggravating Factors.

The Scott Court adopted mitigating factors in a lawyer disciplinary proceeding and stated that mitigating factors "are any considerations or factors that may justify a reduction in the degree of discipline to be imposed." Lawyer Disciplinary Board v. Scott, 213 W.Va. 216, 579 S.E.2d 550, 557 (2003). The absence of a prior disciplinary record is a mitigating factor in this case.

Aggravating factors are considerations enumerated under Rule 3.16 of the Rules of Lawyer Disciplinary Procedure for the Court to examine when considering the imposition of sanctions. Elaborating on this rule, the Scott Court also held “that aggravating factors in a lawyer disciplinary proceeding ‘are any considerations, or factors that may justify an increase in the degree of discipline to be imposed.’” Lawyer Disciplinary Board v. Scott, 213 W.Va. 216, 579 S.E. 2d 550, 557 (2003) *quoting ABA Model Standards for Imposing Lawyer Sanctions*, 9.21 (1992). The following are aggravating factors in this case: 1. Dishonest or selfish motive; 2. A pattern of misconduct; 3. Multiple offenses; 4. Obstructive behavior during disciplinary proceedings; 5. Refusal to acknowledge wrongful nature of conduct; 6. Vulnerability of victims; 7. Substantial experience in the practice of law; and 8. Continued pattern of misconduct after the filing of the disciplinary proceedings.

V. SANCTION

Rule 3.15 of the Rules of Lawyer Disciplinary Procedure provides that the following sanctions may be imposed in a disciplinary proceeding: (1) probation; (2) restitution; (3) limitation on the nature or extent of future practice; (4) supervised practice; (5) community service; (6) admonishment; (7) reprimand; (8) suspension; or (9) annulment.

Sanctions are not imposed only to punish the attorney but also are designed to reassure the public’s confidence in the integrity of the legal profession and to deter other lawyers from similar conduct. Committee on Legal Ethics v. White, 189 W.Va. 135, 428 S.E.2d 556 (1993); Committee on Legal Ethics v. Walker, 178 W.Va. 150, 358 S.E.2d 234 (1987); Committee on Legal Ethics v. Roark, 181 W.Va. 260, 382 S.E.2d 313 (1989); Lawyer

Disciplinary Board v. Friend, 200 W.Va. 368, 489 S.E.2d 750 (1997); Lawyer Disciplinary Board v. Keenan, 208 W.Va. 645, 542 S.E.2d 466 (2000). For the public to have confidence in our disciplinary and legal systems, lawyers such as Respondent must be removed from the practice of law. A severe sanction is also necessary to deter other lawyers from engaging in similar conduct.

A principle purpose of attorney disciplinary proceedings is to safeguard the public's interest in the administration of justice. Daily Gazette v. Committee on Legal Ethics, 174 W.Va. 359, 326 S.E.2d 705 (1984); Lawyer Disciplinary Board v. Hardison, 205 W.Va. 344, 518 S.E.2d 101 (1999). This type of conduct has a dramatic impact on the public's confidence in the integrity of the Bar and a severe sanction is warranted. See Lawyer Disciplinary Board v. Wade, 217 W.Va. 58, 614 S.E. 2d 705 (2005); Lawyer Disciplinary Board v. Daniel, Supreme Court Nos. 32569 and 32755; and Lawyer Disciplinary Board v. Askintowicz, Supreme Court No. 33070.

The Smoot Court reminds us that the “[p]ublic expects lawyers to exhibit the highest standards [of] integrity and honesty. Lawyers have a duty not to engage in conduct involving dishonesty, fraud, or interference with the administration of justice. Lawyers are officers of the court and must operate within the bounds of the law and act in a manner to maintain the integrity of the Bar. Smoot at 506 quoting Lawyer Disciplinary Bd. v. Stanton, 225 W.Va. 671, 678, 695 S.E.2d 901, 908 (2010). Moreover, the Smoot Court noted that “[a] lawyer's duties to the public, the legal system, and the profession are further reflected in the Rules of

Professional Conduct, which establish a duty of candor to a tribunal (Rule 3.3).” Smoot at 506.

The instant case involves violations of Rule 1.7(b) [conflict of interest created by lawyer’s own interest]; 8.1(b) [false statements in disciplinary proceedings]; 8.4(a) [attempt to violate Rule 8.4(g)]; 8.4(c) [dishonesty; fraud; deceit; or misrepresentation] and Rule 8.4(d) of the Rules of Professional Conduct. Although Respondent vacillated throughout these proceedings as to whether he was an attorney for Ms. Anderson and Ms. Lee, the evidence exceeds that of a clear and convincing nature that Respondent was Ms. Lee and Ms. Anderson’s attorney. Respondent’s self serving statements to the contrary are false statements of material fact.

The relationship between an attorney and a client is one that is fiduciary in nature and the attorney occupies a position of power, trust and confidence. Respondent has admitted that he has a personal, and at times sexual relationship with Ms. Lee and Ms. Anderson. *See* Respondent’s Proposed Findings and Conclusions ¶ 1. As noted in Musick v. Musick, 192 W.Va. 527, 453 S.E.2d 361 (1994) there are several concerns and issues that arise when lawyers have sexual relationships with clients that include, concerns of exploitation, effect of sexual relationship on the independence of a lawyer’s judgment, conflicts of interest, protection of confidential information disclosed outside the scope of the ‘normal’ attorney client relationship, and the relationship and its dynamics may impair the client’s ability to make reasoned decisions. *See* Musick at 364-366 (1994).

As it pertains to the charged violations of Rule 1.7(b) of the Rules of Professional Conduct, Respondent has repeatedly acknowledged the sexual relationship he had/has/or is having with Ms. Lee and Ms. Anderson. The conflict arising from the same is born out by the recitation of facts that resulted upon the discovery of the romantic letters written by Ms. Anderson to another paramour— when her attorney discovered the same, he refused to communicate with her and he refused to take any action on her behalf as her attorney because he was angry, hurt and upset about his client/lover’s actions toward another. Respondent’s sexual relationship with Ms. Anderson impaired his duties to her as her attorney. *See infra.*

As it pertains to a violation of Rules 8.4(c) and Rule 8.4(d) of the Rules of Professional Conduct, it is clear from the evidence produced that Respondent utilized his status as an attorney to prey upon inmates at the Lakin Correctional Center. He cultivated sexual relationships with Ms. Lee and Ms. Anderson by gaining unfettered and unmonitored access via telephone with Ms. Lee and Ms. Anderson. Warden Nohe clearly stated that Respondent was circumventing security protocols at the facility and the same is a concern for security. Transcript at 170-171. She elaborated that “if you have an inmate talking to her attorney and she’s got – and it is a personal relationship, are they talking about escape plans? Are they talking about the layout of the facility? Are they talking about how our officers are working? Where the blind spots are? Where the cameras are? he was circumventing our security system by using as personal phone calls, too, and not just legal.” Transcript at 173.

While Respondent strives to distinguish his misconduct from the Lawyer Disciplinary Board v. Stanton, the cases are strikingly similar. Lawyer Disciplinary Board v. Stanton, 225 W.Va. 671, 695 S.E.2d 901 (2010). As the Stanton Court stated,

At first glance, this case appears to relate solely to the prurient acts of an attorney with a woman with whom he had a long-standing sexual relationship. From a legal disciplinary standpoint, however, this case is of greater moment. Without undue focus on the case's salacious details, this case distills down to the deliberate misrepresentations of a member of the State Bar to correctional officers of a secure prison facility in order to gain access to an incarcerated person in the State's custody, the subsequent abuse of trust occasioned by the attorney's taking advantage of the inmate and whether that conduct is in violation of the Rules of Professional Conduct.

Stanton at 677. The misuse of the attorney status to gain physical access to inmates in Stanton (2010) was "shocking" to the Court and the Court was faced with the need to reassure affected parties that this conduct would be met with harsh consequences. Stanton at 679-680. Again, as stated by the Stanton Court, "prison officials should not have to over-analyze the motivations of an attorney who seeks to meet with an incarcerated individual whom he sates or implies is his client.". Stanton at 677. The instant case pertains to Respondent's misuse of his status as an attorney to gain secure, unfettered, unmonitored access to inmates via telephone to pursue his sexual relationships with the inmates housed in the facility. The Court has been clear that it must "assist in protecting the vulnerable, especially those in State custody, from the lusty advances of attorneys as well as maintaining the good relationship between the criminal bar and the state's jail and prison authorities". Stanton at 680. While ODC recommended disbarment, the Hearing Panel Subcommittee recommended that Respondent's license be suspended for a period of three years. The

Hearing Panel stated that it departed from the recommendation of annulment because there was one significant distinction between the instant case and the earlier reported Stanton case: in the first case the respondent lawyer was actually engaged in an act of oral sex with an inmate when a correctional officer caught him and in this case there was no showing that the current Respondent engaged in any physical sexual activity with an inmate while she was incarcerated.

VI. CONCLUSION

The Rules of Professional Conduct state the minimum level of conduct below which no lawyer can fall without being subject to disciplinary action. Syllabus Pt. 3, *in part*, Committee on Legal Ethics v. Tatterson, 173 W.Va. 613, 319 S.E.2d 381 (1984), *cited in* Committee on Legal Ethics v. Morton, 410 S.E.2d 279, 281 (1991). In addition, discipline must serve as both instruction on the standards for ethical conduct and as a deterrent against similar misconduct to other attorneys. In Syllabus Point 3 of Committee on Legal Ethics v. Walker, 178 W.Va. 150, 358 S.E.2d 234 (1987), the Court stated:

In deciding on the appropriate disciplinary action for ethical violations, this Court must consider not only what steps would appropriately punish the respondent attorney, but also whether the discipline imposed is adequate to serve as an effective deterrent to other members of the Bar and at the same time restore public confidence in the ethical standards of the legal profession.

Moreover, a principle purpose of attorney disciplinary proceedings is to safeguard the public's interest in the administration of justice. Daily Gazette v. Committee on Legal

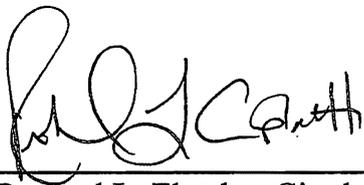
Ethics, 174 W.Va. 359, 326 S.E.2d 705 (1984); Lawyer Disciplinary Board v. Hardison, 205 W.Va. 344, 518 S.E.2d 101 (1999).

Based on the totality of Respondent's misconduct, the aggravating factors in this case, the relevant case law and the guidelines from the ABA Model Standards for Imposing Lawyer Sanctions, for the public to have confidence in our disciplinary and legal systems, lawyers who engage in the type of conduct exhibited by Respondent must be severely sanctioned. A license to practice law is a revocable privilege and when such privilege is abused, the privilege should be revoked. Such sanction is also necessary to deter other lawyers from engaging in similar conduct and to restore the faith of the victims in this case and of the general public in the integrity of the legal profession.

Accordingly, for the reasons set forth above, the Board requests that this Honorable Court adopt the following sanctions:

1. That Respondent's license to practice law be suspended for a period of 3 years;
2. That Respondent comply with Rule 3.28 of the Rules of Lawyer Disciplinary Procedure; and
3. That Respondent pay the costs of the disciplinary proceedings.

Respectfully submitted,
The Office of Disciplinary Counsel
By counsel



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Charleston, West Virginia 25304
(304) 558-7999
(304) 558-4015 *facsimile*

CERTIFICATE OF SERVICE

This is to certify that I, Rachael L. Fletcher Cipoletti, Chief Lawyer Disciplinary Counsel for the Office of Disciplinary Counsel, have this day, the 31st day of March, 2014, served a true copy of the foregoing "**Brief of the Lawyer Disciplinary Board**" upon Respondent George P. Stanton, III, by mailing the same via United States Mail, both certified and regular, with sufficient postage, to the following address:

George P. Stanton, Esquire
Post Office Box 933
Fairmont, West Virginia 26555-0933



Rachael L. Fletcher Cipoletti

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 28th of February, 2007, the following order was made and entered:

Lawyer Disciplinary Board, Petitioner

vs.) No. 33070

**John W. Askintowicz, a member of The
West Virginia State Bar, Respondent**

On a former day, to-wit, January 25, 2007, came the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, by David A. Jividen, its chairperson, pursuant to Rule 3.10 of the Rules of the Lawyer Disciplinary Procedure, and presented to the Court its written recommended disposition in this matter, recommending that: (1) the respondent's law license be annulled; (2) the respondent be ordered to legally satisfy the August 31, 2005 judgment obtained by William Gavin in its entirety; (3) the respondent be ordered to pay restitution to the following clients: Wendy Sorrell \$1,500.00; Stacy L. Hawkins \$2,500.00; Justin T. Mitchell \$800.00; Robert J. O'Connor \$1,000.00; Robert Mullenax \$1,400.00; Aretha Valaszuez-Gomez \$1,600.00; (4) the respondent be ordered to reimburse the Lawyer Disciplinary Board the costs of these proceedings pursuant to Rule 3.15 of the Rules of the Lawyer Disciplinary Procedure.

Upon consideration whereof, the Court is of opinion to and doth hereby concur with the stipulated written recommended disposition of the Hearing Panel Subcommittee of the Lawyer Disciplinary Board. It is therefore ordered that: (1) the respondent's law license be annulled; (2) the respondent be ordered to legally satisfy the August 31, 2005 judgment

obtained by William Gavin in its entirety; (3) the respondent be ordered to pay restitution to the following clients: Wendy Sorrell \$1,500.00; Stacy L. Hawkins \$2,500.00; Justin T. Mitchell \$800.00; Robert J. O'Connor \$1,000.00; Robert Mullenax \$1,400.00; Aretha Valaszuez-Gomez \$1,600.00; (4) the respondent be ordered to reimburse the Lawyer Disciplinary Board the costs of these proceedings pursuant to Rule 3.15 of the Rules of the Lawyer Disciplinary Procedure.

Service of an attested copy of this order shall constitute sufficient notice of its contents.

A True Copy

Attest:


Clerk, Supreme Court of Appeals

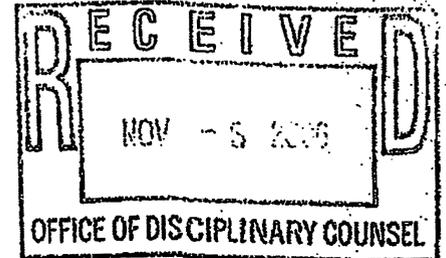
STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 2nd of November, 2006, the following order was made and entered:

Lawyer Disciplinary Board, Petitioner

vs.) No. 32569 and 32755

Carolyn Sue Daniel, Respondent



On a former day, to-wit, September 18, 2006, came the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, by David A. Jividen, its chairperson, Michael R. Whitt and Susan V. Fisher, pursuant to Rule 3.10 of the Rules of Lawyer Disciplinary Procedure, and presented to the Court its written recommended disposition in these matters, stipulated and agreed to by the parties, recommending that: (1) the respondent's law license be annulled; (2) that prior to petitioning for reinstatement of her law license, that the respondent be ordered to reimburse the following: (a) Debbie A. Benner-\$ 709.00; (b) Juanita R. Carter-\$ 209.00; (c) Arthur and Jamie Hamilton-\$ 710.00; (d) Dawn R. Pickett-\$250.00; (e) Karen A. Wright-\$759.00; (f) V. Maxine McIntire-\$209.00; (g) Deana A. Reeder-\$709.00; (h) Mary M. Jacobs-\$325.00; and (3) the respondent be ordered to reimburse the Lawyer Disciplinary Board the costs of these proceedings pursuant to Rule 3.15 of the Rules of Lawyer Disciplinary Procedure.

Thereafter, on the 17th day of October, 2006, came the petitioner, the Lawyer Disciplinary Board, by Rachael L. Fletcher, its attorney, and stated no objection thereto.

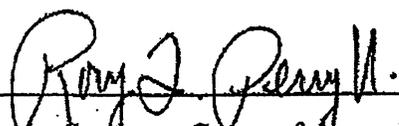
Upon consideration whereof, the Court is of opinion to and doth hereby adopt the stipulated written recommended disposition of the Hearing Panel Subcommittee of the

Lawyer Disciplinary Board. It is therefore ordered that: (1) the respondent's law license be annulled; (2) that prior to petitioning for reinstatement of her law license, that the respondent be ordered to reimburse the following: (a) Debbie A. Benner-\$ 709.00; (b) Juanita R. Carter-\$ 209.00; (c) Arthur and Jamie Hamilton-\$ 710.00; (d) Dawn R. Pickett-\$250.00; (e) Karen A. Wright-\$759.00; (f) V. Maxine McIntire-\$209.00; (g) Deana A. Reeder-\$709.00; (h) Mary M. Jacobs-\$325.00; and (3) the respondent be ordered to reimburse the Lawyer Disciplinary Board the costs of these proceedings pursuant to Rule 3.15 of the Rules of Lawyer Disciplinary Procedure.

Service of an attested copy of this order shall constitute sufficient notice of its contents.

A True Copy

Attest:


Clerk, Supreme Court of Appeals