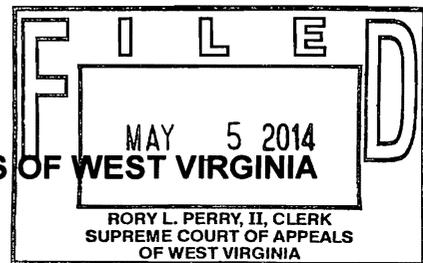


BEFORE THE SUPREME COURT OF APPEALS OF WEST VIRGINIA



**LAWYER DISCIPLINARY BOARD,**  
**Petitioner,**

v.

**BENJAMIN F. WHITE, a member of**  
**The West Virginia State Bar,**  
**Respondent.**

**No.: 12-1172**  
**I. D. No.: 09-03-334**  
**Bar No.: 10062**

**CONSENT TO RECOMMENDED DISPOSITION  
BY THE HEARING PANEL SUBCOMMITTEE**

Pursuant to Rule 3.12 of the Rules of Lawyer Disciplinary Counsel, the Respondent, Benjamin F. White, consents to the recommended disposition by the Hearing Panel Subcommittee of the Lawyer Disciplinary Board. Mr. White understands that if the Office of Disciplinary Counsel files an objection or if the Court does not concur with the recommended disposition, a briefing schedule will be issued, and Mr. White will have the opportunity to address the merits of the recommendation.

BENJAMIN F. WHITE

By Counsel

A handwritten signature in cursive script that reads "Sherri D. Goodman".

Sherri D. Goodman, State Bar No. 1090  
P. O. Box 1149  
Charleston, West Virginia 25324-1149  
(304) 395-0448; (304) 395-0427 - fax  
sgoodman@goodmanadvocacy.com

## CERTIFICATE OF SERVICE

I, Sherri D. Goodman, do hereby certify that the within document "Respondent's Consent to Recommended Disposition of the Hearing Panel Subcommittee" was served upon the Office of Disciplinary Counsel as a pdf attachment by e-mail on the 5<sup>th</sup> day of May, 2013 addressed to:

Rachael L. Fletcher Cipoletti  
Chief Lawyer Disciplinary Counsel  
[rfcipoletti@wvdc.org](mailto:rfcipoletti@wvdc.org)

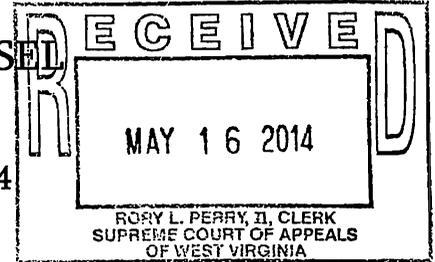
  
Sherri D. Goodman

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

Office: (304) 558-7999

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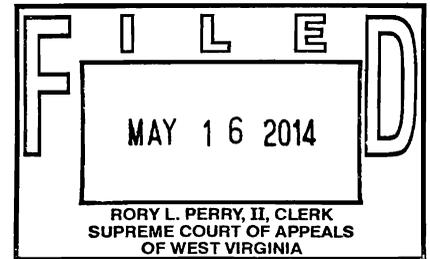


Chief Lawyer Disciplinary Counsel  
Rachael L. Fletcher Cipoletti  
Senior Lawyer Disciplinary Counsel  
Andrea J. Hinerman

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

May 15, 2014

Rory L. Perry, II, Clerk  
Supreme Court of Appeals of West Virginia  
State Capitol, Room E-317  
1900 Kanawha Boulevard East  
Charleston, West Virginia 25305



**Re: *Lawyer Disciplinary Board v. Benjamin F. White, Esquire***  
***Supreme Court No. 12-1172***  
***I.D. No. 09-03-334***

Dear Mr. Perry:

Pursuant to the provisions of Rule 3.11 of the Rules of Lawyer Disciplinary Procedure, the Office of Disciplinary Counsel files its Objection to the disposition recommended by the Hearing Panel Subcommittee of the Lawyer Disciplinary Board in the above-captioned lawyer disciplinary proceeding. By letter dated May 15, 2014, separate notice of the filing of the Objection was served upon the Hearing Panel Subcommittee Chair, Debra A. Kilgore, Esquire.

Accordingly, the Office of Disciplinary Counsel asks that this Honorable Court to establish a briefing schedule in this matter pursuant to Rule 3.13 of the Rules of Lawyer Disciplinary Procedure.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Rachael L. Fletcher Cipoletti".

Rachael L. Fletcher Cipoletti  
Chief Lawyer Disciplinary Counsel

RLFC/bc

cc: Sherri D. Goodman, Esquire  
Hearing Panel Subcommittee Members

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Chief Lawyer Disciplinary Counsel  
Rachael L. Fletcher Cipoletti  
Senior Lawyer Disciplinary Counsel  
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Joanne M. Vella Kirby

May 15, 2014

Debra A. Kilgore, Esquire  
1439 East Main Street, Suite 2  
Princeton, West Virginia 24740

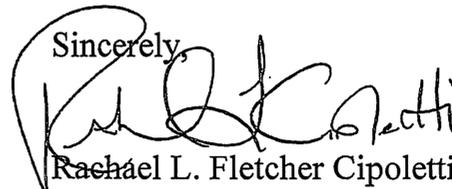
**Re: *Lawyer Disciplinary Board v. Benjamin F. White, Esquire***  
***Supreme Court No. 12-1172***  
***I.D. No. 09-03-334***

Dear Ms. Kilgore:

Pursuant to Rule 3.11-3.14 of the Rules of Lawyer Disciplinary Procedure, I must respectfully provide notice of my intention to object to the report of the Hearing Panel Subcommittee in the above-referenced case. I will be filing a notice of objection with the Clerk of the Supreme Court of Appeals on today's date.

As it has been some time since the Office of Disciplinary Counsel has filed an objection to a recommendation, I remind you that the Board may wish to consult and decide whether it wishes to retain counsel to represent its position to the Court. Consistent with the holding in Lawyer Disciplinary Board v. Vieweg, 461 S.E.2d 60, 194 W.Va. 554 (1995) this Office will be unable to represent the Board in this matter.

Sincerely,



Rachael L. Fletcher Cipoletti  
Chief Lawyer Disciplinary Counsel

RLFC/bc

cc: Sherri D. Goodman, Esquire  
Paul T. Camilletti, Esquire  
William R. Barr  
Rory L. Perry, II, Clerk