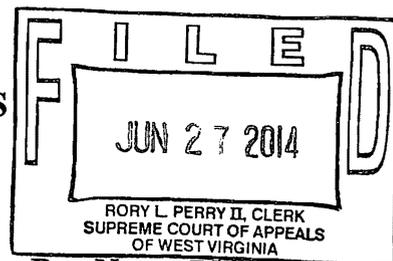


BEFORE THE SUPREME COURT OF APPEALS
OF WEST VIRGINIA



In Re: RONALD S. ROSSI, a member of
The West Virginia State Bar

Bar No.: 7544

Supreme Court No.: 13-0508

I.D. No.: 11-05-312, 11-09-390
12-05-070, 12-02-330
& 12-05-443

REPORT OF THE HEARING PANEL SUBCOMMITTEE

I. PROCEDURAL HISTORY

Formal charges were filed against Respondent Ronald S. Rossi with the Clerk of the Supreme Court of Appeals on or about May 20, 2013, and served upon Respondent via certified mail by the Clerk on May 23, 2013. Disciplinary Counsel filed her mandatory discovery on or about June 12, 2013. Respondent filed his Answer to the Statement of Charges on or about June 24, 2013, but failed to provide his mandatory discovery, which was due on or before July 12, 2013. A hearing in this matter was scheduled for August 27, 2013. However, due to scheduling issues, the matter was rescheduled for October 15, 2013. Respondent waived the 120 day deadline by which to hold the hearing.

Because Respondent still had not provided any discovery, Disciplinary Counsel filed a Motion to Exclude Testimony of Witnesses And/or Documentary Evidence or Testimony of Mitigating Factors on September 16, 2013. On September 16, 2013, Disciplinary Counsel also filed a "Motion to Take Witness Testimony by Telephone".

A telephonic prehearing was held on October 1, 2013. Respondent stated he was not aware he would be allowed to present character witnesses, and also objected to the taking of witness testimony via telephone. The Hearing Panel Subcommittee denied both motions and, in order to give Respondent time to arrange for video conferencing for the witness, rescheduled the hearing to December 3, 2013.

A second Statement of Charges was filed against Respondent on November 14, 2013. The same Hearing Panel Subcommittee was assigned to hear this matter. The Panel determined, in the interests of judicial economy, to hold the hearing on both sets of charges on the same date. A new hearing date of February 6, 2014, was set.

Thereafter, this matter proceeded to hearing in Martinsburg, West Virginia, on February 6, 2014. The Hearing Panel Subcommittee was comprised of Paul T. Camilletti, Esquire, Chairperson, John W. Cooper, Esquire, and Cynthia L. Pyles, layperson. Jessica H. Donahue Rhodes, Lawyer Disciplinary Counsel, appeared on behalf of the Office of Disciplinary Counsel. Respondent appeared *pro se*. The Hearing Panel Subcommittee heard testimony from Hayden Williams, Cynthia Williams, Cody Ashby, Jeanette Renee Ashby, Sherman L. Lambert, Sr., Jon Pike, Steven Edwards, Jennings S. Coburn, Sr., Olive Coburn, Roxanne Coburn Vogtman and Respondent. In addition, ODC Exhibits 1-100 and Respondent's Exhibit R1 were admitted into evidence.

Based upon the evidence and the record, the Hearing Panel Subcommittee of the Lawyer Disciplinary Board hereby makes the following Findings of Fact, Conclusions of

Law and Recommended Sanctions regarding the final disposition of this matter.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Ronald S. Rossi (hereinafter "Respondent") is a lawyer practicing in Martinsburg, which is located in Berkeley County, West Virginia. Hrg. Trans. p. 203. Respondent was admitted to The West Virginia State Bar on October 15, 1997, after passing the bar exam. Hrg. Trans. p. 202. 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.¹

COUNT I I.D. No. 11-05-312 Complaint of Hayden A. Williams

2. Complainant Hayden A. Williams paid Respondent \$2,000.00 on July 30, 2010, to represent him in a dispute over a "rent to own" agreement. ODC Ex. 1, bates stamp 4-5, 7. Mr. Williams said that he made numerous attempts to contact Respondent via telephone, email and in-person, with little success. ODC Ex. 1, bates stamp 1-2, 3. Based on his conversation with Respondent at the time Respondent was retained, Mr. Williams was under the impression that suit would be filed quickly. However, when Mr. Williams checked with the court some ten months later, he discovered that no suit had been filed. ODC Ex. 1, bates stamp 3.

¹ Respondent is facing another Statement of Charges (W.Va. Supreme Ct. No. 13-1148) filed on November 14, 2013, which is currently pending before the Hearing Panel Subcommittee. A hearing in that matter occurred at the same time as the hearing in this matter.

Mr. Williams wrote to Respondent on June 2, 2011, discharging him from the case and asking for a return of all documents and a refund of the \$2,000.00 retainer.

Id.

3. By letter dated July 12, 2011, Disciplinary Counsel wrote to Respondent asking for a response to the ethics complaint. ODC Ex. 2.
4. Respondent did not respond.
5. By letter dated August 10, 2011, via certified and regular mail, Disciplinary Counsel again wrote to Respondent asking for a response to the ethics complaint. ODC Ex. 3.
6. By letter dated August 31, 2011, Respondent wrote to Disciplinary Counsel and admitted that he did not communicate with Mr. Williams. ODC Ex. 5. Respondent stated that he had reached a point in his practice where he became overwhelmed and fell into a deep depression. Id. Respondent was in a solo practice at that time, and said he was seeking employment so he did not have to deal with the issues of running a business. Id.
7. By letter dated September 6, 2011, Respondent advised Disciplinary Counsel that he had refunded the retainer to Mr. Williams. ODC Ex. 7.
8. By letter dated October 4, 2011, Mr. Williams stated that he did receive the refund from Respondent, but never received the client file. ODC Ex. 9. Mr. Williams stated that he had retained new counsel and the matter was now successfully

resolved. Id. He also expressed his frustration about the rental income lost while the matter was pending. Id.

9. By letter dated October 14, 2011, Disciplinary Counsel wrote to Respondent asking him to provide the client file to Mr. Williams and provide verification that he had done so. ODC Ex. 10.
10. Respondent did not respond.
11. By letter dated November 23, 2013, sent via certified and regular mail, Disciplinary Counsel again wrote to Respondent asking that he provide the client file to Mr. Williams. ODC Ex. 11.
12. By letter dated December 5, 2011, Respondent verified that he had returned the client file to Mr. Williams. ODC Ex. 12.
13. By letter dated December 16, 2011, Mr. Williams verified that he had received his client file. ODC Ex. 14.
14. Because subsequent complaints were filed against Respondent alleging that he accepted a retainer fee but did not perform the work, by letter dated July 27, 2012, Disciplinary Counsel wrote to Respondent asking what steps he had taken to deal with his depression issues and to alleviate the issues that caused the ethics complaints to be filed. ODC Ex. 18.
15. Respondent did not respond.
16. By letter dated September 24, 2012, sent via certified and regular mail,

Disciplinary Counsel again wrote to Respondent asking what steps he had taken to deal with his depression issues and to alleviate the issues that caused the ethics complaints to be filed. ODC Ex. 21.

17. By letter dated September 30, 2012, Respondent wrote to Disciplinary Counsel advising that he treated briefly with Dr. Kradel in Martinsburg, but was unable to continue treatment because he did not have health insurance. ODC Ex. 22. Respondent stated he was also actively seeking employment.² Id.
18. On December 14, 2012, the Investigative Panel of the Lawyer Disciplinary Board issued an “Investigative Panel Closing” with an admonishment for violations of Rules 1.3, 1.4(a), 1.4(b) and 8.1(b) of the Rules of Professional Conduct. ODC Ex. 27. The Panel also directed Respondent to report his depression issues to the Lawyer Assistance Program and verify that he had done so within thirty (30) days of the closing. Id.
19. Respondent did not provide verification that he had complied with the Panel’s directive.
20. By letter dated January 31, 2013, Disciplinary Counsel wrote to Respondent asking him to contact the Lawyer Assistance Program and provide proof that he had done so by February 11, 2013. ODC Ex. 29.
21. Respondent did not respond.

²In the fall of 2012, Respondent obtained employment with the Berkeley County Prosecutor’s Office.

22. By letter dated February 15, 2013, sent via certified and regular mail, Disciplinary Counsel again wrote to Respondent concerning the report to the Lawyer Assistance Program and asking for a response by February 25, 2013. ODC Ex. 30.
23. Respondent did not respond.
24. Because Respondent failed to follow the directive of the Investigative Panel; of the Lawyer Disciplinary Board, Disciplinary Counsel prepared a Motion to Reopen this matter, which was granted on April 27, 2013. ODC Ex. 31, Ex. 32.
25. Because Respondent failed to work on Mr. Williams' case, and failed to communicate with Mr. Williams, he violated Rules 1.3, 1.4(a), and 1.4(b) of the Rules of Professional Conduct, which provide as follows:

Rule 1.3. Diligence.

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

and

Rule 1.4. Communication.

(a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

26. Because Respondent failed to timely return Mr. Williams' retainer and client file after Respondent was discharged, Respondent has violated Rule 1.16(d) of the

Rules of Professional Conduct which states:

Rule 1.16(d). Declining or terminating representation.

(d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee that has not been earned. The lawyer may retain papers relating to the client to the extent permitted by other law.

27. Because Respondent failed to follow the directive of the Investigative Panel, and also failed to respond to Disciplinary Counsel, he has violated Rule 8.1(b) of the Rules of Professional Conduct, which provides as follows:

Rule 8.1. Bar admission and disciplinary matters.

[A] lawyer in connection with . . . a disciplinary matter, shall not:

* * *

(b) . . . knowingly fail to respond to a lawful demand for information from . . . disciplinary authority, except that this rule does not require disclosure of information otherwise protected by Rule 1.6.

COUNT II

I.D. No. 11-09-390

Complaint of Jon A. Pike

28. Complainant Jon A. Pike hired Respondent to represent him in a Lemon Law case. ODC Ex. 34. He said it had taken two (2) years to get a trial date that was still a year away. Id. Mr. Pike filed a complaint on August 22, 2011, alleging that Respondent failed to respond to his emails or telephone calls. Id. He said that

- Respondent needed to communicate with him concerning the case. Id.
29. By letter dated August 26, 2011, Disciplinary Counsel closed the case with a directive to Respondent to communicate with Mr. Pike within ten (10) days. ODC Ex. 35.
 30. By letter dated September 6, 2011, Respondent advised Disciplinary Counsel that he had complied with her directive. ODC Ex. 36.
 31. On September 26, 2012, Mr. Pike filed a second complaint alleging that Respondent had not responded to telephone calls, text messages or emails for over two months. ODC Ex. 37. Mr. Pike asked for a return of his records from Respondent. Id.
 32. Disciplinary Counsel presented this matter to the Investigative Panel of the Lawyer Disciplinary Board and it reopened this complaint on December 14, 2012. ODC Ex. 39.
 33. By letter dated December 19, 2012, Disciplinary Counsel advised Respondent that the complaint was reopened and requested a response to the allegations made by Mr. Pike. ODC Ex. 40.
 34. Respondent did not respond.
 35. By letter dated December 23, 2013, Mr. Pike advised Disciplinary Counsel that he had retained new counsel and had subsequently settled His Lemon Law case and settled with Respondent and, therefore, asked to withdraw his complaint. ODC

Ex. 41.

36. On January 8, 2013, Disciplinary Counsel wrote to Mr. Pike and advised him that because the complaint had been docketed, Respondent was still required to file a response to the complaint. ODC Ex. 42. Respondent was provided with a copy of both letters. Id.
37. On January 14, 2013, Disciplinary Counsel again wrote to Respondent asking for a response to the ethics complaint. ODC Ex. 43.
38. Respondent did not respond.
39. On February 15, 2013, sent via certified and regular mail, Disciplinary Counsel again wrote to Respondent asking for a response to the complaint. ODC Ex. 44.
40. Again, Respondent did not respond.
41. Because Respondent failed to work on Mr. Pike's Lemon Law case, and failed to respond to Mr. Pike's requests for information, he violated Rules 1.3 and 1.4(a) of the Rules of Professional Conduct, which provide as follows:

Rule 1.3. Diligence.

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

and

Rule 1.4. Communication.

(a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

42. Because Respondent failed to respond to Disciplinary Counsel's letters requesting a response to the ethics complaint, he violated Rule 8.1(b) of the Rules of Professional Conduct, which provides as follows:

Rule 8.1. Bar admission and disciplinary matters.

[A] lawyer in connection with . . . a disciplinary matter, shall not:

* * *

(b) . . . knowingly fail to respond to a lawful demand for information from . . . disciplinary authority, except that this rule does not require disclosure of information otherwise protected by Rule 1.6.

COUNT III

I.D. No. 12-05-070

Complaint of Steven E. Edwards

43. Complainant Steven E. Edwards paid Respondent a \$1,500.00 retainer on April 20, 2011, for representation in a divorce matter. ODC Ex. 45, bates stamp 109. On December 9, 2011, Mr. Edwards sent Respondent an email stating that Respondent had not provided any services to date, even though the retainer had been paid in April; that he had left numerous telephone messages but Respondent refused to return his calls; and that he had left a telephone message asking for a refund of his retainer so he could hire new counsel, but did not receive any response. ODC Ex. 45, bates stamp 108. Mr. Edwards did not receive any reply from Respondent and on February 3, 2012, he filed an ethics complaint. ODC Ex. 45.
44. By letter dated February 7, 2012, Disciplinary Counsel forwarded the complaint to

- Respondent asking for a response thereto. ODC Ex. 46.
45. Respondent did not respond.
 46. By letter dated March 15, 2012, sent via certified and regular mail, Disciplinary Counsel again wrote to Respondent asking for a response to the complaint. ODC Ex. 47.
 47. Again, Respondent did not respond.
 48. Disciplinary Counsel then caused an "Investigative Subpoena Duces Tecum" to be issued for Respondent's appearance at the Office of Disciplinary Counsel on May 2, 2012, to give a sworn statement concerning this matter. ODC Ex. 48.
 49. The subpoena was served personally upon Respondent on April 6, 2012. Id.
 50. The March 15, 2012 letter to Respondent sent via certified mail was returned to sender on April 25, 2012, marked "unclaimed". ODC Ex. 49.
 51. By letter dated May 1, 2012, Respondent provided a response to the complaint. ODC Ex. 50. Respondent stated that he had performed work on Mr. Edwards' behalf. Id. Respondent said that he had forwarded divorce paperwork to Mr. Edwards, who had misplaced the same, and he forwarded another copy to Mr. Edwards. Id. Respondent said when the paperwork was returned to him, it did not contain the signed divorce petition, only the financial paperwork. Id. Respondent said that although he met with Mr. Edwards on several occasions, drafted the paperwork, and met with Mr. Edwards' wife, he had refunded the

retainer fee. Id.

52. Respondent also sent an email on May 1, 2012, asking that the sworn statement be rescheduled or avoided if at all possible. ODC Ex. 17.
53. Disciplinary Counsel agreed to postpone the sworn statement, but reserved the right to reschedule it in the future if Respondent failed to respond to requests for information. Id.
54. In a previous response to a different complaint, Respondent advised Disciplinary Counsel that he suffered from depression. ODC Ex. 5.
55. Because other complaints had been filed against Respondent alleging that he accepted a retainer fee but did not perform the work, by letter dated July 27, 2012, Disciplinary Counsel wrote to Respondent asking what steps he had taken to deal with his depression issues and to alleviate the issues that caused the ethics complaints to be filed. ODC Ex. 53.
56. Respondent did not respond.
57. By letter dated September 24, 2012, sent via certified and regular mail, Disciplinary Counsel again wrote to Respondent asking what steps he had taken to deal with his depression issues and to alleviate the issues that caused the ethics complaints to be filed. ODC Ex. 56.
58. By letter dated September 30, 2012, Respondent wrote to Disciplinary Counsel advising that he treated briefly with Dr. Kradel in Martinsburg, but was unable to

continue treatment because he did not have health insurance. ODC Ex. 57.

59. On December 14, 2012, the Investigative Panel of the Lawyer Disciplinary Board issued an "Investigative Panel Closing" with an admonishment for his violation of Rule 8.1(b) of the Rules of Professional Conduct. ODC Ex. 59. The Panel also directed Respondent to report his depression issues to the Lawyer Assistance Program and verify that he had done so within thirty (30) days of the closing. Id.
60. Respondent did not provide verification that he had complied with the Panel's directive.
61. By letter dated January 31, 2013, Disciplinary Counsel wrote to Respondent asking him to contact the Lawyer Assistance Program and provide proof that he had done so by February 11, 2013. ODC Ex. 61.
62. Respondent did not respond.
63. By letter dated February 15, 2013, sent via certified and regular mail, Disciplinary Counsel again wrote to Respondent concerning the report to the Lawyer Assistance Program and asking for a response by February 25, 2013. ODC Ex. 62.
64. Respondent did not respond.
65. Because Respondent failed to follow the directive of the Investigative Panel; of the Lawyer Disciplinary Board, Disciplinary Counsel prepared a Motion to Reopen this matter, which was granted on April 27, 2013. ODC Ex. 63, 64.
66. Because Respondent failed to follow the directive of the Investigative Panel, and

also failed to respond to Disciplinary Counsel, he has violated Rule 8.1(b) of the Rules of Professional Conduct, which provides as follows:

Rule 8.1. Bar admission and disciplinary matters.

[A] lawyer in connection with . . . a disciplinary matter, shall not:

* * *

(b) . . . knowingly fail to respond to a lawful demand for information from . . . disciplinary authority, except that this rule does not require disclosure of information otherwise protected by Rule 1.6.

COUNT IV

I.D. No. 12-02-330

Complaint of Jeanette Renee Ashby

67. Complainant Jeannette Renee Ashby retained Respondent in November of 2011 to represent her son on charges of DUI 2nd offense, possession with intent to distribute, and malicious battery and assault. ODC Ex. 66. She stated that Respondent quoted her a retainer fee of \$2,500.00, and they reached an agreement whereby she was to pay \$1,500.00 up-front and make payments on the balance. Id.
68. Ms. Ashby said she never received any agreement or contract to officially state that Respondent had accepted her money for the representation. Id. She said she had requested an itemized billing, but did not receive one. Id. Ms. Ashby said she advised Respondent that she would not make any additional payments until she

had a contract. Id.

69. Ms. Ashby said that Respondent did not show up for the hearing on the DUI 2nd offense charge, and her son had to represent himself. Id. She said he managed to get the charge reduced to DUI 1st offense and his jail time was time served. Id.
70. Ms. Ashby said her son waived his right to a preliminary hearing on the malicious assault case to obtain early discovery. Id. She said the discovery was not presented to her or her son until he was indicted, and that was also the only time Respondent visited her son at the Eastern Regional Jail. Id. Ms. Ashby said they were to receive a copy of the surveillance video, but never did. Id.
71. Ms. Ashby said Respondent did represent her son on the intent to distribute charge, which was dropped to simple possession with four (4) months jail time. Id.
72. Ms. Ashby said her son was sitting in jail awaiting a trial date, and she attempted to contact Respondent on several occasions without success. Id. She went to what she believed was his office address, only to find that he had moved his office and she could not find any information as to where he had moved to. Id. She said she searched the Internet, but it still listed the old address. Id.
73. Ms. Ashby then retained Sherman Lambert to represent her son on the malicious assault and battery charge. Id. She said Mr. Lambert obtained the client file from Respondent, and told her that the file was very disorganized and had other clients' information in her son's file. Id.

74. On June 7, 2012, Ms. Ashby filed an ethics complaint against Respondent making the allegations set forth above, and also requesting a refund of the fee she paid to Respondent. Id.
75. By letter dated June 12, 2012, Disciplinary Counsel forwarded the complaint to Respondent for a response. ODC Ex. 67.
76. Respondent stated he had agreed to represent Ms. Ashby's son at the Magistrate Court level for a flat fee of \$2,500.00. ODC Ex. 68. He said he did receive \$1,500.00 from Ms. Ashby, but said he never pressed her for the remaining \$1,000.00. Id. Respondent denied having any conversation with Ms. Ashby wherein she advised him that no additional monies would be forthcoming, nor did they ever discuss the issue of providing an itemized billing. Id.
77. Respondent stated that he never received notice for the DUI hearing despite the fact that he had filed a Notice of Appearance. Id. Respondent said the matter was resolved at a later hearing, at which he was present. Id.
78. Respondent stated that he did advise Ms. Ashby and her son that he had moved his office to Charles Town. Id.
79. Respondent stated that he had previously represented Ms. Ashby's son on a felony malicious wounding charge in the Circuit Court of Berkeley County, West Virginia. Id. While that matter was pending, the son was arrested on a charge of brandishing a knife in Martinsburg and for stabbing someone in Maryland. Id.

Respondent said that when the son was arrested on the charges for which Ms. Ashby retained his services, the son was denied bail because he violated his bond on the pending matters. Id. Respondent said the Court denied his motion to reinstate bail, and that the son's incarceration was not due to any lack of action on Respondent's part. Id.

80. In a previous response to a different complaint, Respondent advised Disciplinary Counsel that he suffered from depression. ODC Ex. 5.
81. Because other complaints had been filed against Respondent alleging that he accepted a retainer fee but did not perform the work, by letter dated July 27, 2012, Disciplinary Counsel wrote to Respondent asking what steps he had taken to deal with his depression issues and to alleviate the issues that caused the ethics complaints to be filed. ODC Ex. 69. Disciplinary Counsel also asked if Respondent could provide an itemization or accounting of the work he had performed on the son's case, as well as the fees associated with the work. Id.
82. Respondent did not respond.
83. By letter dated September 24, 2012, sent via certified and regular mail, Disciplinary Counsel again wrote to Respondent asking what steps he had taken to deal with his depression issues, what had he done to alleviate the issues that caused the ethics complaints to be filed, and for an accounting of the work performed on Ms. Ashby's behalf. ODC Ex. 72.

84. By letter dated September 30, 2012, Respondent wrote to Disciplinary Counsel advising that he treated briefly with Dr. Kradel in Martinsburg, but was unable to continue treatment because he did not have health insurance. Respondent stated he was also actively seeking employment. Respondent also provided an extensive list of work performed on the son's behalf. ODC Ex. 73.
85. By letter dated October 1, 2012, Disciplinary Counsel wrote to Respondent asking for an estimate of the time spent for each entry, the total time spent and the hourly rate. ODC Ex. 74.
86. Respondent did not respond.
87. By letter dated November 1, 2012, Disciplinary Counsel again wrote to Respondent asking for an estimate of the time spent for each entry, the total time spent and the hour rate. ODC Ex. 76.
88. By letter dated November 20, 2012, Respondent provided an estimate for 20.5 hours expended on the son's case. ODC Ex. 78. He stated that this was a conservative estimate and, based upon the retainer amount paid, the "effective" hourly rate was \$73.00 per hour. Id. Respondent said his typical hourly rate ranged from \$150.00 to \$200.00 per hour. Id.
89. By letter dated December 19, 2012, Ms. Ashby filed a reply and reiterated her original allegations. ODC Ex. 80. She also stated that she had received services for fee dispute mediation and Respondent had agreed to refund \$300.00 to her.

Id.

90. By letter dated January 4, 2013, Disciplinary Counsel wrote to Respondent asking if he agreed to refund the \$300.00 and, if so, the basis for the refund. ODC Ex. 81.
91. Respondent did not respond.
92. By letter dated February 15, 2013, sent via certified and regular mail, Disciplinary Counsel again wrote to Respondent asking if he agreed to refund \$300.00 to Ms. Ashby and, if so, the basis for doing so. ODC Ex. 82.
93. Again, Respondent did not respond.
94. Because Respondent failed to respond to requests for information from Disciplinary Counsel, he has violated Rule 8.1(b) of the Rules of Professional Conduct, which provides as follows:

Rule 8.1. Bar admission and disciplinary matters.

[A] lawyer in connection with . . . a disciplinary matter, shall not:

* * *

(b) . . . knowingly fail to respond to a lawful demand for information from . . . disciplinary authority, except that this rule does not require disclosure of information otherwise protected by Rule 1.6.

COUNT V

I.D. No. 12-05-443

Complaint of Roxanne Coburn Vogtman

95. On August 8, 2012, Complainant Roxanne Coburn Vogtman filed a complaint on

behalf of her father, Jennings B. Coburn, Sr., alleging that Respondent had neglected her father's case. ODC Ex. 85. Ms. Vogtman said her father had fallen and sustained a brain injury and retained Respondent to represent him on June 29, 2010. Id. Ms. Vogtman stated that her parents were having problems contacting Respondent and, on June 29, 2012, she called Respondent's office under the guise of being a new client. Id. She said that Respondent called her back within four (4) minutes. Id. Ms. Vogtman said she told Respondent that he had been on the case for two years and asked if he had filed the case yet and he said no. Id. Ms. Vogtman said she asked Respondent why he did not respond to her parents' calls, and he told her he had been busy and on vacation. Id. Ms. Vogtman said she prepared a letter for her father's signature discharging Respondent from the case. Id.

96. By letter dated August 10, 2012, Disciplinary Counsel forwarded the complaint to Respondent asking for a response thereto. ODC Ex. 86.
97. Respondent did not respond.
98. By letter dated September 24, 2012, sent via certified and regular mail, Disciplinary Counsel again requested a response to the complaint by October 1, 2012. ODC Ex. 89.
99. On September 30, 2012, Respondent filed his response to the complaint. ODC Ex. 92. He stated that he had spoken with Ms. Vogtman's parents on several

occasions. Id. Respondent said in his most recent conversation, he advised Ms. Vogtman's mother that he was at an impasse with the insurance companies in question because they contended that Mr. Coburn had contributed to the accident through his own negligence. Id. He said he also reminded Mrs. Coburn that if he filed suit, he would need to engage the services of a Maryland attorney because the accident occurred in Maryland. Id. He said he advised Ms. Vogtman that the statute of limitations on the case would run in February of 2013. Id. Respondent said he received the letter discharging him from the case and closed the file. Id.

100. By letter dated October 1, 2012, Disciplinary Counsel inquired if Respondent had provided the client file to Jennings B. Coburn, Sr. ODC Ex. 90.
101. Respondent did not respond.
102. By letter dated November 1, 2012, sent via certified mail, Disciplinary Counsel again asked Respondent if the client file had been provided to Mr. Coburn. ODC Ex. 93.
103. By letter dated November 20, 2012, Respondent stated that he had overnighted Mr. Coburn's file to his attention via UPS. ODC Ex. 95.
104. By letter dated December 13, 2012, Disciplinary Counsel wrote to Ms. Vogtman asking for confirmation that her father had received his file. ODC Ex. 96.
105. In a telephone conversation on December 27, 2012, Ms. Vogtman confirmed that her father had received the file, but stated that no other attorney was willing to

accept the case. ODC Ex. 97.

106. By letter dated January 4, 2013, Disciplinary Counsel wrote to Respondent asking him to explain what actions he had taken on Mr. Coburn's behalf over the course of the two years he had the case. ODC Ex. 98.
107. Respondent did not respond.
108. By letter dated February 15, 2013, sent via certified and regular mail, Disciplinary Counsel against asked Respondent what actions he had taken on Mr. Coburn's behalf over the two years. ODC Ex. 99.
109. Again, Respondent did not respond.
110. Because Respondent failed to work on Mr. Coburn's case, and failed to communicate with Mr. Coburn, he violated Rules 1.3, 1.4(a) and 1.4(b) of the Rules of Professional Conduct, which provide as follows:

Rule 1.3. Diligence.

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

and

Rule 1.4. Communication.

(a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

111. Because Respondent failed to timely return Mr. Coburn's client file after Respondent was discharged, Respondent has violated Rule 1.16(d) of the Rules of Professional Conduct which states:

Rule 1.16(d). Declining or terminating representation.

(d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee that has not been earned. The lawyer may retain papers relating to the client to the extent permitted by other law.

112. Because Respondent failed to respond to requests for information from Disciplinary Counsel, he has violated Rule 8.1(b) of the Rules of Professional Conduct, which provides as follows:

Rule 8.1. Bar admission and disciplinary matters.

[A] lawyer in connection with . . . a disciplinary matter, shall not:

* * *

(b) . . . knowingly fail to respond to a lawful demand for information from . . . disciplinary authority, except that this rule does not require disclosure of information otherwise protected by Rule 1.6.

III. DISCUSSION

The Supreme Court of Appeals of West Virginia 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).

Factors to be considered in imposing appropriate sanctions are found in Rule 3.16 of the Rules of Lawyer Disciplinary Procedure. These factors consist of: (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. *See also*, Syl. Pt. 4, Office of Disciplinary Counsel v. Jordan, 204 W.Va. 495, 513 S.E.2d 722 (1998).

A. Respondent violated duties to his clients, to the public, to the legal system and to the legal profession.

Lawyers owe duties of candor, loyalty, diligence and honesty to their clients. Members of the public should be able to rely on lawyers to protect their property, liberty, and their lives. Lawyers are officers of the court, and as such, must operate within the bounds of the law and abide by the rules of procedure which govern the administration of justice in our state. Furthermore, a lawyer's duties also include maintaining the integrity of the profession. The evidence in this case establishes by clear and convincing proof that Respondent violated his duties owed to his clients.

Respondent agreed to represent Hayden and Cynthia Williams on or about July 30, 2010 to recover their property. Hrg. Trans. p. 7, 54. Mr. and Mrs. Williams paid Respondent Two Thousand Dollars (\$2,000.00) for that representation. Hrg. Trans. p.

8,55. Respondent indicated to the Williams that he was working on the case but that was not the case. Almost ten (10) months later, the Williams sent a letter to Respondent in June of 2011 about their attempts to contact Respondent without any response. ODC Ex. 1, bates stamp 3. Those attempts included phone, fax, email, and appearing at Respondent's office. During the time that Respondent was not having reasonable communication with the Williams and when he was not pursuing their case, the Williams were still not receiving rent for their property. Hrg. Trans. p. 10, 58-59. The Williams had to retain another attorney to handle the matter, who was able to finish the case within two (2) months. Hrg. Trans. p. 17, 58, 61. This means that Respondent's failure to properly handle the case resulted in additional loss income for the Williams. Mr. Williams indicated that the amount of money was around Seven Thousand Dollars (\$7,000.00), Hrg. Trans. p. 17-18, and Ms. Williams indicated that the amount was around Four Thousand Eight Hundred Dollars (\$4,800.00). Hrg. Trans. p. 59. It was after the other attorney finished the matter that Respondent refunded the full Two Thousand Dollars (\$2,000.00) to the Williams and provided the client file. Hrg. Trans. p. 16-18, 59, 62.

Jon Pike hired Respondent to represent him in a lemon law case in 2009. Hrg. Trans. p. 136, 142. However, Mr. Pike had trouble communicating with Respondent about his case. Hrg. Trans. p. 139. Mr. Pike actually had to hire another attorney to get into contact with Respondent. Hrg. Trans. p. 140-141. During the pendency of his case, Mr. Pike worried that he might be responsible for the issues with the car if the case was

not timely dealt with. Hrg. Trans. p. 144.

Respondent was retained by Steven Edwards for a divorce on or about April 12, 2011 and was paid One Thousand Five Hundred Dollars (\$1,500.00). Hrg. Trans. p. 150. Mr. Edwards stated that he had already reached an agreement with his now ex-wife to handle all of the issues with the divorce but needed an attorney to handle the legal aspect of it. Hrg. Trans. p. 151. However, Respondent failed to reasonably communicate with Mr. Edwards after being hired and being paid. Hrg. Trans. p. 151-152. Respondent also failed to file anything in regards to Mr. Edwards' divorce. Mr. Edwards filed a complaint against Respondent and Respondent refunded the retainer after the filing of the complaint. Hrg. Trans. p. 155-156. After waiting for Respondent to handle the divorce for nine (9) months, Mr. Edwards was finally able to file and finish the divorce paperwork on his own. Hrg. Trans. p. 156-157.

Jennings B. Coburn, Sr. and Olive Coburn hired Respondent on or about June 17, 2010 after Mr. Coburn received injuries from a slip and fall. Hrg. Trans. p. 161, 163, 172-173. The fall happened several months before they sought Respondent's representation. Hrg. Trans. p. 162, 173, 186. An issue in the case was that it happened in Maryland and Respondent was not licensed in Maryland. Respondent had assured the Coburns that he had contact with a Maryland licensed attorney to handle the matter. Hrg. Trans. p. 164, 180. Respondent failed to have reasonable communication by not returning telephone calls to the Coburns regarding their case. Hrg. Trans. p. 164-165, 175. The Coburns even attempted to go to Respondent's law office but Respondent had

moved his law office without providing any updates to the Coburns. Hrg. Trans. p. 165, 176. Mr. Coburn understood that Respondent had spoken to some insurance companies about the case but that was all that Mr. Coburn knew that Respondent had done in the case. Hrg. Trans. p. 166. Mr. Coburn was upset about the lack of communication with Respondent. Hrg. Trans. p. 169. After Respondent's failure to communicate, it took the Coburns' daughter contacting Respondent from a different telephone number in order to get Respondent to answer the telephone. Hrg. Trans. p. 177, 185-186. Roxanne Coburn Vogtman, the Coburns' daughter, stated that she believed several pieces of evidence were lost due to Respondent's failure to timely seek the evidence in the case. Hrg. Trans. p. 187-190. Further, the Coburns did not receive their client file until months after their daughter sent a letter firing Respondent and after the complaint was filed against Respondent. Hrg. Trans. p. 193.

Respondent's complaint involving the Williams was closed with an admonishment by the Investigative Panel on or about December 14, 2012. ODC Ex. 27. Respondent was ordered to contact the Lawyers Assistance Program to see if he could obtain any additional help from them to deal with his depression. Id. Respondent failed to follow the directive of the Investigative Panel, even after Disciplinary Counsel reminded Respondent on several occasions about his failure to provide proof of the contact. ODC Ex. 29, 30. Respondent failed to respond to the letters from Disciplinary Counsel regarding Mr. Pike's complaint. ODC Ex. 41, 43, 44. Respondent also failed to respond to the letters from Disciplinary Counsel regarding Mr. Edwards' complaint.

ODC Ex. 46, 47, 53. Mr. Edwards case was also closed with an admonishment by the Investigative Panel on or about December 14, 2012. ODC Ex. 59. Respondent was ordered to contact the Lawyers Assistance Program to see if he could obtain any help regarding his depression. Id. Respondent failed to follow the directive of the Investigative Panel, even with reminders from Disciplinary Counsel. ODC Ex. 61, 62. It appears that Respondent had performed work for Mr. Ashby's case but Respondent failed to respond to requests from Disciplinary Counsel on several occasions. ODC Ex. 69, 74, 81, 82. Respondent also failed to respond to requested from Disciplinary Counsel on several occasions. ODC Ex. 86, 90, 98, 99. Respondent violated his duties to the profession by failing to respond to requests for information from the Office of Disciplinary Counsel in all five (5) complaints.

B. Respondent acted intentionally and knowingly.

There is no evidence to suggest that Respondent did not act intentionally or knowingly. Respondent intentionally took retainer fees and failed to perform work in matters. Respondent also failed to diligently handle his clients' cases and failed to have reasonable communication with his clients. Further, Respondent failed to respond to multiple requests from Disciplinary Counsel in these cases.

C. The amount of real injury is great.

The Williams had to suffer through additional months of not receiving rent on their property after hiring Respondent to represent them. When the Williams hired new counsel in their matter, they were able to get the matter resolved in two (2) months which

stopped the non-payment of rent. The non-payment of rent resulted in a loss between Four Thousand Dollars (\$4,000.00) and Seven Thousand Dollars (\$7,000.00). The Williams also had to suffer without their retainer of Two Thousand Dollars (\$2,000.00) which was only repaid by Respondent after the hiring of another attorney. Mr. Pike suffered an injury by his worrying as to whether he would be responsible for the issues with his car because Respondent was not having any communication with Mr. Pike. Mr. Pike also had to hire another attorney to get Respondent to communicate with him. Respondent may have properly handled the case and ultimately settled the matter, it was several years to finish the case without any contact by Respondent with Mr. Pike.

Mr. Edwards was harmed due to him having to wait for months without any action on his divorce case. Mr. Edwards had even worked out all the issues with his ex-wife and was only waiting for Respondent to handle the legal aspects of the case. Respondent failed to do anything with the case which resulted in Mr. Edwards ultimately handling the matter by himself. Respondent also was harmed by the payment of his retainer and failure to return it until months later. Respondent failed to properly investigate the case that he was hired to handle by the Coburns. By the time that the Coburns fired Respondent, some evidence was not available that was needed to properly handle the case. Further, Mr. Coburn suffered from serious injuries as a result of his fall and will likely never to be able to bring the matter to court to properly determine of the fault of the involved parties. It was also several months after the complaint was filed in the Coburns case for the Coburns to receive their client file which hindered their ability to find new

counsel. Further, Respondent's misconduct, including the multiple instances of failing to respond to requests from Disciplinary Counsel for information about these complaints, has brought the legal system and legal profession into disrepute.

D. There are several aggravating factors present.

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 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).

Rule 9.22(c) of the *ABA Model Standards for Imposing Lawyer Sanctions* indicates that a pattern of misconduct constitutes an aggravating factor. Respondent has exhibited a pattern and practice of accepting retainer fees but then failing to carry out services; failing to communicate with his clients; failing to diligently handle matters; failing to timely return retainer fees and client files; and failing to respond to requests for information from the Office of Disciplinary Counsel during the investigation of multiple disciplinary complaints.

Additionally, the Scott Court noted that the ABA Model Standards for Imposing Lawyer Sanctions has also recognized "multiple offenses" as an aggravating factor in a lawyer disciplinary proceeding. Scott, 579 S.E.2d at 558. Respondent has committed

multiple violations of the Rules. The multiple infractions committed by Respondent go to his integrity and fitness to practice law. Respondent has another pending disciplinary matter that involves almost all of the same misconduct involved in this case in Case No. 13-1148 which occurred just after the Statement of Charges was filed in this matter. Such additional misconduct just adds to the multiple offenses and pattern of Respondent in these matters. Respondent also has been practicing law for over ten (10) years which gives him substantial experience in the practice of law.

E. There are mitigating factors present.

The Scott Court also 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 following mitigating factors are present: absence of a selfish or dishonest motive and remorse. Respondent has been licensed to practice law in West Virginia since October 15, 1997, and has no prior discipline from the West Virginia Supreme Court of Appeals. The evidence does not suggest that Respondent had selfish or dishonest motive in these matters. Respondent has also expressed remorse for his misconduct.

While Respondent claimed at the hearing that he was suffering from depression during the time frame of some of these complaints, he did not present any medical testimony or evidence or call any witnesses on his behalf. Hrg. Trans. p. 252-256.

Moreover, Respondent's alleged undiagnosed depression is not sufficient to mitigate any sanction in this matter. In Lawyer Disciplinary Board v. Dues, 218 W.Va. 104, 624 S.E.2d 125 (2005), the Supreme Court of Appeals of West Virginia stated that "[i]n a lawyer disciplinary proceeding, a mental disability is considered mitigating when: (1) there is evidence that the attorney is affected by a mental disability; (2) the mental disability caused the misconduct; (3) the attorney's recovery from the mental disability is demonstrated by a meaningful and sustained period of successful rehabilitation; and (4) the recovery arrested the misconduct and recurrence of that misconduct is unlikely." In this case, there is no clear and convincing evidence to establish that Respondent suffered any mental disability or that the alleged disability caused the misconduct because it appears that Respondent never sought treatment. Likewise, Respondent's cannot show that any recovery was demonstrated by a meaningful and sustained period of successful rehabilitation and no evidence was presented that the recovery arrested the misconduct and that recurrence of similar misconduct is unlikely.

IV. SANCTION

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).

In Committee on Legal Ethics v. Mullins, the Supreme Court of Appeals of West Virginia stated that “[m]isconduct or malpractice consisting of negligence or inattention, in order to justify a suspension or annulment, must be such as to show the attorney to be unworthy of public confidence and an unfit or unsafe person to be entrusted with the duties of a member of the legal profession or to exercise its privileges.” Mullins, 159 W.Va. 647, 652, 226 S.E.2d 427, 430 (1976) (indefinite suspension for failure to act with reasonable diligence, failure to communicate effectively with clients, and failure to respond to the disciplinary authorities repeated requests for information, including failure to appear at the disciplinary hearing), *quoting* Syllabus No. 1, In Re Damron, 131 W.Va. 66, 45 S.E.2d 741 (1947). *See also*, Lawyer Disciplinary Board v. Keenan, 189 W.Va. 37, 427 S.E.2d 471 (1993) (indefinite suspension for failure to provide competent

representation, failure to act with reasonable diligence, failure to communicate effectively with his clients, and failure to return unearned fees); Committee on Legal Ethics v. Karl, 192 W.Va. 23, 449 S.E.2d 277 (1994) (three month suspension for failure to act with reasonable diligence, failure to communicate effectively with clients, and failure to respond to the disciplinary authorities repeated requests for information); Lawyer Disciplinary Board v. Burgess, No. 23030 (WV 4/25/96) (unreported) (two year suspension with one year suspension deferred while respondent undergoes a one-year period of supervision following reinstatement for violations of Rules of Professional Conduct 1.1, 1.3, 1.4 (a) and (b), 1.16(a)(3), 1.16(d); 8.1(b); and 8.4 (c) and (d)); Lawyer Disciplinary Board v. Holmstrand, No. 22523 (WV 5/30/96) (unreported) (one year suspension and psychiatric evaluation ordered for multiple violations of Rules of Professional Conduct 1.3, 1.4(a), 3.3(a)(1)(4) and 8.4(c) and (d)); Lawyer Disciplinary Board v. Farber, No. 32598 (WV 1/26/06) (unreported) (indefinite suspension and a psychological counseling ordered to determine fitness to practice law for violating Rules of Professional Conduct 1.1, 1.3, 1.4, and 8.1(b), including failure to appear at the disciplinary hearing); Lawyer Disciplinary Board v. Simmons, 219 W.Va. 223, 632 S.E.2d. 909 (2006) (the Supreme Court of Appeals of West Virginia Court, while expressing concern about the effectiveness of short suspensions, nonetheless, suspended an attorney for twenty (20) days for failure to act with reasonable diligence, failure to appear for court hearings on numerous occasions, and failure to communicate effectively with his clients); Lawyer Disciplinary Board v. Morgan, 228 W.Va. 114, 717 S.E.2d 898

(2011) (one year suspension for pattern of failing to communicate with clients and failing to respond to Office of Disciplinary Counsel along with failure to handle client matters with diligence in multiple matters); Lawyer Disciplinary Board v. Phalen, No. 11-1746 (WV 11/14/12) (unreported) (one year suspension for multiple offenses of diligence, communication, failure to provide refunds, failure to respond to Office of Disciplinary Counsel, and failure to provide itemizations).

In addition, Standard 4.42 of the *ABA Model Standards for Imposing Lawyer Sanctions* states that suspension is generally appropriate when a lawyer “(a) knowingly fails to perform services for a client and causes injury or potential injury to a client; or (b) a lawyer engages in a pattern of neglect causes injury or potential injury to a client.” Respondent’s actions in these cases clearly rise to such a level to establish that Respondent is unworthy of public confidence and unfit to be entrusted with the duties or privileges of a licensed member of the legal profession. This is not a case of simple negligence in communication and neglect of legal representation. Respondent clearly exhibits a pattern and practice of a lack of concern for some of the fundamental aspects of the practice of law outlined in the Rules of Professional Conduct, such as his duty to maintain reasonable communication with his clients and his duty to diligently handle matters for his clients. Consideration must also be given to Respondent’s apparent disregard of his duty to respond to lawful demands for information from disciplinary authority.

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 removed from the practice of law for some period of time. 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.

V. RECOMMENDED SANCTIONS

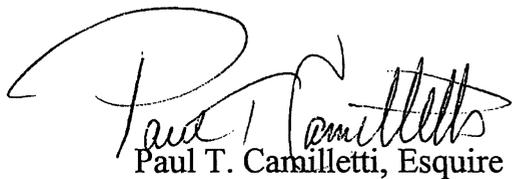
Rule 3.15 of the Rules of Lawyer Disciplinary Procedure provides that the following sanctions may be imposed in a disciplinary proceeding: (1) probation; (2) restitution; (3) limitation on the nature or extent of future practice; (4) supervised practice; (5) community service; (6) admonishment; (7) reprimand; (8) suspension; or (9) annulment. It is the position of Disciplinary Counsel that for his conduct of failing to properly represent his clients and his failure to respond to Disciplinary Counsel's requests that Respondent's license should be suspended. 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).

For the reasons set forth above, this Hearing Panel Subcommittee of the Lawyer Disciplinary Board hereby recommends the following sanctions:

- A. That Respondent's law license be suspended for one year, which should run concurrent to any suspension issued in Case No. 13-1148;

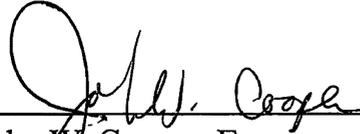
- B. That Respondent shall be required to petition for reinstatement pursuant to Rule 3.32 of the Rules of Lawyer Disciplinary Procedure;
- C. That upon reinstatement, Respondent will remain on probation for a period of one year;
- D. That Respondent's practice shall be supervised for a period of one year by an attorney agreed upon between the Office of Disciplinary Counsel and Respondent. The goal of the supervised practice will be to improve the quality and effectiveness of Respondent's law practice to the extent that Respondent's sanctioned behavior is unlikely to recur;
- E. That Respondent shall complete nine hours of CLE during the next reporting period, 2014-2016, in addition to what he is otherwise required to complete to maintain his active license to practice in the area of ethics and law office management; and
- F. That Respondent be ordered to pay the costs of these proceedings pursuant to Rule 3.15 of the Rules of Lawyer Disciplinary Procedure.

Accordingly, the Hearing Panel Subcommittee recommends that the Supreme Court of Appeals adopt these findings of fact, conclusions of law, and recommended sanctions as set forth above. Both the Office of Disciplinary Counsel and Respondent have the right consent or object pursuant to Rule 3.11 of the Rules of Lawyer Disciplinary Procedure.



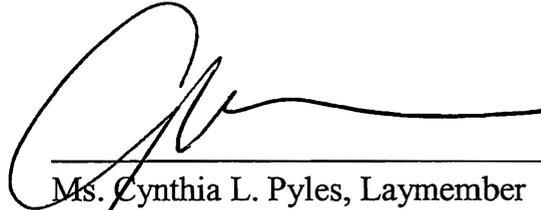
Paul T. Camilletti, Esquire
Chairperson of the
Hearing Panel Subcommittee

Date: 6/23/14



John W. Cooper, Esquire
Hearing Panel Subcommittee

Date: 6/18/2014



Ms. Cynthia L. Pyles, Laymember
Hearing Panel Subcommittee

Date: 6/14/2014