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SUPREME COURT OF APPEALS
OF WEST VIRGINIA

No. 20-0908 – *Lawyer Disciplinary Board v. Leah Perry Macia*

KIRKPATRICK, Judge, dissenting.

The respondent committed two errors in judgment in this matter. Initially, she placed unfounded reliance on a falsehood foisted on her by her client and his mother. But her ethical lapse occurred thereafter when she characterized that misrepresentation to the circuit judge as her own handiwork, and guaranteed its veracity. For her transgressions, the respondent has been roundly condemned by a finding of criminal contempt and assessment of a fine, loss of the appeal of the criminal contempt determination, and the suspension of her law license herein.

An analysis of the respondent's behavior clearly reveals that she was not motivated by dishonesty or fraud. She did not attempt to perpetuate a concerted scheme for personal or pecuniary gain. Moreover, upon learning of her mistake, to her credit, the respondent promptly took corrective steps in an effort to mitigate the effects of her misrepresentation. Lastly, it is important to consider that the respondent's record is wholly unblemished by ethics complaints, violations, or disciplinary actions.

In my view, the members of the bar have been suitably warned of the potential consequences of committing such an ethical blunder; and due to the quick action of the circuit judge, the public has been adequately protected. I see no useful purpose in continuing to pillory this woman. Accordingly, I would implement the sensible recommendation of the Hearing Board and require the respondent to serve the lesser penalty of thirty (30) days of the one-year suspension.

For the foregoing reasons, I respectfully dissent.