

STATE OF WEST VIRGINIA

SCA EFiled: Feb 02 2024
02:45PM EST
Transaction ID 71938857

At a Regular Term of the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on February 2, 2024, the following order was made and entered:

In re Z.S.-1, Z.S.-2, AND Z.S.-3.

No. 23-606

Benjamin Freeman, Esq.
Respondent to the Rule to Show Cause

RULE TO SHOW CAUSE IN CONTEMPT

On February 1, 2024, the Court proceeded to consider sanctions for the children's guardian ad litem, Benjamin Freeman's failure to file a respondent's brief or summary response and comply with orders of this Court.

The November 1, 2023, scheduling order entered in this appeal directed the respondents to file a respondent's brief or summary response on or before January 3, 2024. The guardian ad litem did not file a brief. A notice of intent to sanction was entered on January 9, 2024, directing Benjamin Freeman, Esq. to file a brief or summary response on or before January 16, 2024, and reminding him that failure to file a brief or summary response may result in sanctions being imposed against him. To date, Benjamin Freeman has not filed a respondent's brief or summary response.

Upon consideration, the Court is of the opinion that a rule to show cause in contempt should be awarded. It is ORDERED that a rule does issue directed against Benjamin Freeman, Esq., the children's guardian ad litem and respondent to the rule to show cause, returnable before this Court at its courtroom in the City of Charleston, County of Kanawha, on **Tuesday, February 20, 2024, at 11:35 a.m.** commanding and directing him to show cause, if any he can, why he should not be held in contempt of this Court for his failure to file a respondent's brief or otherwise respond to orders of this Court, unless sooner mooted by filing a respondent's brief, or summary response,

that fully complies with the Rules of Appellate Procedure. The Clerk of Court will, on a later date, provide counsel with a Notice of Argument under Rule 19(b) containing further information on the time of argument.

The Court directs the Clerk of Court to refer the actions of Benjamin Freeman in failing to file a respondent's brief, or otherwise respond to orders of this Court, to the Office of Lawyer Disciplinary Counsel.

It is further ordered that a copy of this order be sent to the Honorable Maryclaire Akers, Judge of the Thirteenth Judicial Circuit.

It is finally ordered that Benjamin Freeman shall provide a copy of this order to his client within ten days of the date of this order.

Service of an attested copy of this order constitutes sufficient notice of the contents.

A True Copy

Attest: /s/ C. Casey Forbes
Clerk of Court

