

**BEFORE THE LAWYER DISCIPLINARY BOARD
STATE OF WEST VIRGINIA**

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Re: Thomas H. Evans, III, a member of
The West Virginia State Bar

I.D. No.: 22-01-250, 22-01-251,
23-01-026 & 23-01-030

STATEMENT OF CHARGES

To: Thomas H. Evans, III
Post Office Box 70
Oceana, West Virginia 24870

YOU ARE HEREBY notified that a Hearing Panel Subcommittee of the Lawyer Disciplinary Board will hold a hearing pursuant to Rules 3.3 through 3.16 of the Rules of Disciplinary Procedure, upon the following charges against you:

1. Thomas H. Evans, III, (hereinafter "Respondent") is a lawyer practicing in Oceana, which is located in Wyoming County, West Virginia. Respondent, having passed the bar exam, was admitted to The West Virginia State Bar on October 6, 2005. 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.

COUNT I

I.D. No. 22-01-250

Complaint of Margaret A. Shields

2. On or about April 1, 2015, a default judgment [in Civil Action No. 14-C-139] was entered to void the sale of property owned by siblings, Steve Rife (Complainant in

Count II, also known as Stevie Rife), Margaret Shields and Dale Rife (Complainant in Count IV). At some point in time, the order was vacated, and Respondent was directed to “correct” the deed so that it reflected “3 equal owners.” Margaret Shields said it took Respondent over six (6) years to prepare the corrected deed despite the fact that in or about 2015, Respondent had “continually stated he has ‘everything under control’ and ha[d] filed any and all responses timely, fully and appropriately.” Margaret Shields, however, alleged that this was not true and said she learned of many of the instances of Respondent’s lack of diligence and communication in an “order of judgment” dated June 15, 2022. Moreover, Margaret Shields alleged that there were “monies initially given to” Respondent in the amount of \$13,000 from a proposed property sale.¹ Margaret Shields said that Respondent “stated he had deposited funds to court and intended recipient, Dale Rife, refused this, his portion of sale. Evidently, this is not true either.”

3. Margaret Shields said she had “thought this matter resolved” until she received notice of default judgment directly from the court due “to not showing for hearing[,] a hearing [she] had not been advised of by counsel.” Margaret Shields said that during an April 2022 hearing, Respondent had advised her not to testify stating “he would provide the court with any information they would need.” Margaret Shields said Respondent told her that he had found a file which contained her signature and had “traced it onto documents submitted to court.” He

¹ The amount is also listed as \$12,000 in other instances.

also told Margaret Shields that “we had grounds to sue him, and he should have presented this case to his insurance company but had not.” Margaret Shields said that during the hearing, Respondent made no objections to any claims against her and did not present any evidence to support her side.

4. Margaret Shields said she asked Respondent “how it had gotten to this point” and Respondent said he had let “this trial become personal due to his interaction/feelings about Dale Rife and his attorney, DJ Morgan.” She said he had also assured her that there would be no repercussions for her, and she would not have judgment against her. She said that he also told her that he could get Judge McGraw to sign anything for him and that he would be assuming Judge McGraw’s position when he retired. “When that did not occur, [Respondent] ran for judge in May 2022. He said when he became judge, he would make this case ‘go away.’” Margaret Shields said that he also told her that “he knows a lot of unsavory people and it would only cost him a couple thousand dollars to have issues with Dale Rife taken care of.”
5. Specifically, Margaret Shields said that for an April 2022 hearing, Respondent also failed to present timely appraisals of the property to both the Court and to herself and that he failed to file an appeal. Margaret Shields said Respondent also failed to communicate with her about these matters.
6. Respondent acknowledged that he was retained in 2014 to represent Margaret Shields and Steve Rife in a partition suit. However, one sibling, Dale Rife, filed an

appeal and the case was remanded back to the Circuit Court in Wyoming County, West Virginia.

7. Respondent denied any ethical violations and allegations in this complaint.
8. In 2017, Dale Rife filed a civil suit, in the Circuit Court of Wyoming County against Respondent, Margaret Shields, and multiple other defendants.
9. The 2017 suit, *Dale Rife v. Thomas Hanna Evans, PLLC, et al.*, Civil Action No. 17-C-116, related to certain actions taken by Respondent, and the other defendants during the pendency of Wyoming Circuit Court Civil Action No. 14-C-139. In the 2014 case, Margaret Shields and Steve Rife filed a Petition for Partition Sale against Dale Rife regarding a parcel of land containing a house jointly owned by the three siblings. They each owned a one-third undivided interest in the property bought by the father of the Rifes in 2001 for \$55,000.
10. At an April 15, 2015 hearing in the 2014 case, the Circuit Court entered Default Judgement against Dale Rife and appointed Commissioners, determined value and granted partition and sale. Complainant and Steve Rife were granted Dale Rife's interest in the property which was valued at \$12,000. Respondent was appointed Special Commissioner to prepare a deed and convey Dale Rife's interest to Complainant and Steve Rife. The sale proceeds were directed to be deposited in an interest-bearing account at First Peoples Bank for the use and benefit of the Clerk of the Circuit Court of Wyoming County and held until application or claim by Dale Rife.

11. On September 2, 2015, the Court entered an Order denying Defendant's [Dale Rife's] Motion for Reconsideration.
12. On October 15, 2015, Respondent filed a deed conveying Dale Rife's 1/3 interest in the property to Margaret Shields and Steve Rife.
13. On October 16, 2015, Dale Rife filed a Notice of Intent to Appeal.
14. On December 4, 2015, Complainant and Steve Rife sold the property to Timothy and Erma Mutters and transferred title by Deed, prepared by Respondent, to the Mutters. The Court stated that the \$12,000 purchase price for Dale Rife 1/3 property interest was never made available to Dale Rife.
15. On December 28, 2015, Dale Rife perfected his Appeal with the Supreme Court of Appeals of West Virginia.
16. On November 18, 2016, in Supreme Court Case No. 15-0975, the Supreme Court reversed the Circuit Court's September 2, 2015 Order Denying [Dale Rife's] Motion for Reconsideration and remanded Civil Action No. 14-C-139 back to Wyoming County Circuit Court with directions to vacate the August 27, 2015 Default Judgment Order.
17. Three years later, on January 30, 2018, the Circuit Court of Wyoming County entered an Order vacating the August 27, 2015 Default Judgment Order against Dale Rife. However, the property in dispute remained in the Mutters' legal possession until January 3, 2022, when the Circuit Court entered an order which voided the October 15, 2015 and December 4, 2015 Deeds.

18. Margaret Shields provided copies of motions and orders filed as well as the Final Order in the matter. Further, Margaret Shields stated that the Court found Respondent's deed to be fraudulent and Respondent was "found liable for \$39,000 in damages."
19. Ms. Shields indicated that neither she nor Steve Rife filed Answers in the 2017 case because both believed Respondent represented them in the 2017 matter, *Dale Rife v. Thomas Hanna Evans, PLLC, et al.*, Circuit Court of Wyoming County, Civil Action No. 17-C-116, as well as the 2014 case.
20. Court records indicate that on or about January 19, 2019, Margaret Shields filed a *pro se* Answer, along with a Verification, in Civil Action No. 17-C-116.
21. The court records include an affidavit dated October 10, 2022, of Margaret Shields in which she lists checks provided to Respondent totaling \$36,860.45. Margaret Shield's affidavit also mentions \$13,000 "still unaccounted for that [Respondent] was entrusted with to give to Dale Rife for [payment] for his property interest but has never tendered to Dale Rife nor returned to [Margaret Shields]."
22. Respondent was personally served with an investigative subpoena *duces tecum* on May 25, 2023, which directed him to appear at the ODC for a sworn statement on June 28, 2023.
23. On September 12, 2023, Respondent appeared for a sworn statement at the Office of Lawyer Disciplinary Counsel, after requesting and receiving an extension of time to appear for his sworn statement.

24. Respondent explained that the case stems from a very long and heated family feud from years prior. The property in question had been in the Rife family and Margaret Shields wanted to acquire the house because it sat “basically on [Margaret Shields’] property.” Additionally, Respondent stated that there was some debate regarding the value of the property because they were basing the value off of an old appraisal. Respondent further added that Dale Rife would “never accept the money.”
25. Respondent stated that over the duration of the matter, “everyone started pointing fingers at [Respondent]. And [Respondent] ended up in a lawsuit involving a conspiracy to take someone’s property interest.”
26. Additionally, Respondent admitted that he accepted \$13,000 cash from Margaret Shields to be used for the purchase of the property. Respondent admitted that he failed to deposit the money into his bank or provide a receipt to Margaret Shields. Respondent said he placed the cash in a safe in his office while negotiating the case. When the matter “fell apart,” Respondent said he returned the cash to Margaret Shields.
27. Respondent admitted that he did not have a written retainer agreement for Margaret Shields or Steve Rife for his representation in the 2014 partition suit.
28. On or about October 15, 2015, after the Court denied Dale Rife’s motion for reconsideration, Respondent filed the deed conveying Dale Rife’s 1/3 interest in the property to Margaret Shields and Steve Rife.

29. On or about October 16, 2015, Dale Rife filed a notice of intent to appeal. However, Respondent stated he received nothing regarding the appeal.
30. On or about December 4, 2015, Margaret Shields and Steve Rife sold the property to the Mutters, who were friends and fellow church members. Respondent stated that Margaret Shields was “trying to control who was going to be their neighbor.” Respondent prepared the deed transfer to the Mutters at Margaret Shields’s request. The purchase price of Dale Rife’s 1/3 property interest was \$12,000.
31. Respondent stated that the Mutters were aware of the history of the house. The Mutters started remodeling the house. Also, they were to make payments to Margaret Shields, who wanted to go ahead and deed the house to them, but eventually, Respondent said, the Mutters “wanted out of it. They didn’t want anything to do with it. They were just kind of over it.”
32. On or about December 28, 2015, Dale Rife perfected the appeal with the Supreme Court. Respondent stated that he “may have been aware of the appeal when [Respondent] got the scheduling order.”
33. On or about November 18, 2016, the Supreme Court entered an Order reversing the denial of the motion for reconsideration and remanded the matter back to Wyoming County Circuit Court with directions to vacate the August 17, 2015 Default Judgment Order.
34. On or about January 30, 2018, the Circuit Court of Wyoming County entered an order vacating the 2015 Judgment Order and finding that the property in dispute remained in the Mutters’ legal possession from December 4, 2015, which was the

date of the deed prepared by Respondent, until January 3, 2022, which was when the Circuit Court voided the October 15, 2015 and December 4, 2015 deeds.

35. Respondent explained that after he was directed to correct the deed, there were multiple return hearings, during which he would request the judge to enter an order that would void the deeds, so the matter could reset and an amended petition or refile of the partition could be done, but “that never happened.”
36. Respondent clarified that he did not represent Margaret Shields in the 2017 matter filed by Dale Rife, as Respondent was named as a co-defendant. Respondent said that the Court recognized each of them as *pro se* defendants.
37. Respondent stated that the Answers for the 2017 case were due, and he relayed a message to Margaret Shields and Steve Rife, that since they were *pro se*, they needed to do something with the case, as there was a time limit. Respondent stated that Margaret Shields and Steve Rife “told [Respondent] to file them a *pro se* answer because they didn’t have any means to do it or didn’t know how to do it.” Respondent then acknowledged that he had their permission to sign their names to the pleading and file it. Respondent explained that Margaret Shields and Steve Rife resided too far away to come by his office to sign their Answers, so, at their request and with their permission, he filed the Answers for them. Respondent was unsure if the employee at his office spoke with Margaret Shields and Steve Rife prior to his notarizing of their signatures on the Answers.
38. Respondent denied advising Margaret Shields that he had “screwed up” the matter or that she should seek malpractice against his insurance company.

39. Respondent stated that he never understood the grounds for Dale Rife's lawsuit because Dale Rife was not deprived of anything. Dale Rife had not attempted to sell or gain possession of the home or even visit the home in more than fifteen (15) years.
40. Respondent maintained that the case drug out for many years due to "multiple judges, multiple filings, multiple everything."
41. Respondent further denied telling Margaret Shields that the matter would go away, as it is his practice to never make such promises with cases. Respondent stated that he informed Margaret Shields that he "didn't know what's going on with it. [Respondent was] trying to push it along, but it's just stuck."
42. Respondent denied Margaret Shields' allegations that he "knew unsavory people" or that he could get the Judge to sign anything. Respondent insisted that he did not know where Margaret Shields had heard such things.
43. Respondent stated that he "simply did what [Respondent] was hired to do. [Respondent] filed a partition. [Respondent] got commissioners appointed. [Respondent] got a house appraised. [Respondent] got it sold. [Respondent] got the deeds entered. [Respondent] sold the house at their direction after that." Once the appeal was filed, Respondent said he informed the Court what needed to be entered, but the case did not progress.
44. Because he failed to act with diligence during his representation of Margaret Sheilds, Respondent violated Rule 1.3 of the Rules of Professional Conduct, which provides:

Rule 1.3. Diligence.

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

45. Because he failed to keep Margaret Shields informed as to the status of the matter and failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation, Respondent violated Rule 1.4(a)(3) and Rule 1.4(b) of the Rules of Professional Conduct, which provides:

1.4. Communication.

(a) A lawyer shall:

(3) keep the client reasonably informed about the status of the matter;

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

46. Because he failed to deposit the \$13,000 (or \$12,000) he received from Margaret Shields for "Dale Rife's 1/3 interest" in a "client's trust account" and instead kept the funds in a safe in his office, he violated Rule 1.15(a) of the Rules of Professional Conduct, which provides:

Rule 1.15. Safekeeping Property.

(a) A lawyer shall hold property of clients or third persons that is in a lawyer's possession in connection with a representation separate from the lawyer's own property. Funds shall be kept in a separate account designated as a "client's trust account" in an institution whose accounts are federally insured and maintained in the state where the lawyer's office is situated, or in a separate account elsewhere with the consent of the client or third person. **Such separate**

accounts must comply with State Bar Administrative Rule 10 with regard to overdraft reporting. Other property shall be identified as such and appropriately safeguarded. Complete records of such account funds and other property shall be kept by the lawyer and shall be preserved for a period of five years after termination of the representation.²

47. Because he failed to promptly notify Dale Rife of the receipt of funds in which Dale Rife had an interest, Respondent violated Rule 1.15(d) of the Rules of Professional Conduct, which provides:

Rule 1.15. Safekeeping Property.

(d) Upon receiving funds or other property in which a client or third person has an interest, a lawyer shall promptly notify the client or third person. Except as stated in this Rule or otherwise permitted by law or by agreement with the client, a lawyer shall promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive and upon request by the third person, shall promptly render a full accounting regarding such property.³

48. Because he advised Margaret Shields, who he said was not his client in Civil Action No. 17-C-116, not to testify at an April 2022 hearing in that matter, he violated Rule 3.4(f) of the Rules of Professional Conduct, which provides as follows:

Rule 3.4. Fairness to Opposing Party and Counsel.

A lawyer shall not:

² Language identified in BOLD was added to Rule 1.15(a) of the Rules of Professional Conduct in 2015, effective January 1, 2015; otherwise, the language in Rule 1.15(a) pre- and post- 2015 was identical.

³ Prior to January 1, 2015, Rule 1.15(d) of the Rules of Professional Conduct was identified as Rule 1.15(b) of the Rules of Professional Conduct. The language contained therein is identical.

(f) request a person other than a client to refrain from voluntarily giving relevant information to another party unless:

(1) the person is a relative or an employee or other agent of a client; and

(2) the lawyer reasonably believes that the person's interests will not be adversely affected by refraining from giving such information.

49. Because he prepared a *pro se* Answer in Civil Action No. 17-C-116 for Margaret Shields, signed the name of Margaret Shields on the *pro se* Answer, Certificate of Service and Verification, thus causing a Notary Public to notarize a false Verification, and filing the same with a court of record, Respondent violated Rules 8.4(c) & (d) of the Rules of Professional Conduct, which provide:

Rule 8.4. Misconduct.

It is misconduct for a lawyer to:

* * *

(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;

(d) engage in conduct that is prejudicial to the administration of justice.

COUNT II

I.D. No. 22-01-251

Complaint of Stevie A. Rife

50. Paragraph 1 is incorporated by reference.
51. Complainant Stevie A. Rife (also known as Steve Rife) is the brother of Complainant Margaret Shields in Count I and Complainant Dale Rife in Count IV.
52. Steve Rife reiterated many of the allegations in Margaret Shields's complaint.
53. Steve Rife stated that a default judgment was entered on or about April 1, 2015, to void sale of property owned by the three siblings. Respondent was directed to

correct the deed, but this was not completed until January 2022, despite Respondent's assurances that he would do so in a timely manner.

54. Steve Rife alleged that Respondent accepted \$13,000 to give to Dale Rife for the sale of his portion of the property. Mr. Rife acknowledged that Dale Rife refused to accept the money.
55. Steve Rife further alleged that Respondent informed him and Margaret Shields that Respondent would fully complete any requests for documents, answers, etc., but failed to do so.
56. Steve Rife stated that he believed the matter had been resolved until he received a Notice of Default Judgment directly from the Court due to not showing for a hearing, which he said he was not advised of a hearing by counsel.
57. During a hearing in April 2022, Steve Rife stated that Respondent had advised him not to speak as Respondent would provide the Court with any information. However, Respondent did not "object, present responses, or arguments on [Steve Rife's] behalf." Additionally, during a break, Respondent told Steve Rife he had found Steve Rife's signature in a file and traced it onto documents submitted to Court.
58. Steve Rife indicated that Respondent continually assured him that everything was under control, and Respondent was taking care of everything.
59. Steve Rife stated that the Court requested Respondent to provide information including an appraisal of the property. Steve Rife stated that as the deadline approached for the appraisal, he had not received any communication from

Respondent. So, he and Margaret Shields “took it upon themselves to arrange for appraisals and deliver to court.”

60. Steve Rife stated that as of the time of writing this complaint, he had received no documents regarding the matter.
61. Steve Rife stated, “throughout this case, [Respondent] has mishandled his duties as indicated in Order of Judgement dated 6/15/22. [Respondent] has been as unresponsive and incomplete with communications, etc. with [Steve Rife] as [Respondent] has been with court.”
62. Steve Rife further stated, “due to [Respondent’s] neglect of reasonable duty, misleading and untruthful statements failure to maintain communications, and lack of responses, notifications, ... [Steve Rife] feel[s] that [Respondent] has been the proximate cause of loss to [Steve Rife] and the other defendants. This is supported by the Order of Judgement that included sanctions against [Respondent].”
63. In his timely filed response, Respondent stated that he was retained to represent Steve Rife and his sister, Margaret Shields (Complainant in Count I) in a partition suit. Complainant’s brother, Dale Rife (Complainant in Count IV), the adverse party in the suit, appealed the matter to the West Virginia Supreme Court of Appeals, and the case was remanded to Wyoming County Circuit County. A second lawsuit was filed by Dale Rife against Respondent, Steve Rife, Margaret Shields, and others.
64. Respondent stated that he did not represent Steve Rife in the 2017 lawsuit, as he was a co-defendant.

65. Respondent was personally served with an investigative subpoena *duces tecum* on May 25, 2023, which directed him to appear at the ODC for a sworn statement on June 28, 2023.
66. On September 12, 2023, Respondent appeared for a sworn statement at the Office of Lawyer Disciplinary Counsel, after requesting and receiving an extension of time to appear for his sworn statement.
67. Respondent reiterated that he did not represent Steve Rife or Margaret Shields in the 2017 lawsuit filed by Dale Rife.
68. Respondent stated, “we just thought it was going to fizzle out once [the] judge fixed the partition. Well, he never fixed the partition, and it grew legs.”
69. Respondent stated that he referred Steve Rife and Margaret Shields to other counsel, namely Mr. Omar Thair Barghouthi and Mr. Robert Dunlap.
70. Respondent stated that Steve Rife was out of state and eventually was dismissed. Respondent also noted Steve Rife never paid Respondent to do anything.
71. Because he failed to act with diligence during his representation of Steve Rife, Respondent violated Rule 1.3 of the Rules of Professional Conduct, as provided above.
72. Because he failed to keep Steve Rife informed as to the status of the matter and failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation, Respondent violated Rule 1.4(a)(3) and Rule 1.4(b) of the Rules of Professional Conduct, as provided above.

73. Because he prepared a *pro se* Answer in Civil Action No. 17-C-116 for Steve Rife, signed the name of Steve Rife on the *pro se* Answer, Certificate of Service and Verification, thus causing a Notary Public to notarize a false Verification, and filing the same with a court of record, Respondent violated Rules 8.4(c) & (d) of the Rules of Professional Conduct, as provided above.
74. Because he advised Steve Rife, who he said was not his client in Civil Action No. 17-C-116, not to testify at an April 2022 hearing in that matter, he violated Rule 3.4(f) of the Rules of Professional Conduct, as provided above:

COUNT III
I.D. No. 23-01-026
Complaint of Joshua T. Thompson, Esq.

75. Paragraph 1 is incorporated by reference.
76. Complainant Joshua T. Thompson, Esquire, filed this complaint under his duty to report a violation of the Rules of Professional Conduct, pursuant to Rule 8.3(a) of the West Virginia Rules of Professional Conduct.⁴
77. Mr. Thompson stated that he represented Dale Rife (Complainant in Count IV) in the above-referenced 2017 lawsuit, Civil Action No. 17-C-116, *Dale Rife v. Thomas Hannah Evans, PLLC, et al.*, filed in the Circuit Court of Wyoming County.
78. Mr. Thompson stated that Respondent was found civilly liable for negligence, civil conspiracy, fraud, intentional infliction of emotional distress and slander of

⁴ Rule 8.3(a) of the Rules of Professional Conduct provides that “[a] lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer’s honesty, trustworthiness or fitness as a lawyer in other respects, shall inform the appropriate professional authority.”

title. Further, the Court found that Respondent was responsible for 60% comparative fault for the damages from said liability.

79. Mr. Thompson stated that Respondent and his clients, Margaret Shields (Complainant in Count I) and Steve Rife (Complainant in Count II), deprived his client, Dale Rife (Complainant in Count IV) “of his real property for over seven (7) years through fraudulent schemes.” Specifically, from October 15, 2015, when Respondent prepared and filed a Deed conveying Dale Rife’s 1/3 property interest to Margaret Shields and Steve Rife based upon Judge McGraw’s Order entered August 27, 2015, until January 3, 2022, when Judge Kornish entered an order Voiding Deeds in Civil Action 14-C-139.
80. The Court noted that on December 4, 2015, Respondent prepared and filed a second Deed transferring the property in dispute from Margaret Shields and Michael Shields⁵ to the Mutters. Furthermore, the Court noted that the \$12,000 purchase price for Dale Rife’s 1/3 property interest was never made available to Dale Rife. On November 18, 2016, the Supreme Court reversed the Circuit Court’s Default Judgment Order in Civil Action 14-C-139 and remanded the matter back to the Circuit Court. On January 30, 2018, Judge McGraw entered an Order Vacating Default Judgment in Civil Action No. 14-C-139.
81. The Court further found that Respondent was “dilatory in responding to discovery, responded partially, inadequately, and took nearly two-and-a-half years to respond.”

⁵ Presumably, the husband of Margaret Shields.

82. The Court further noted that Respondent's conduct contributed to the delay in restoring Dale Rife's property rights.
83. The Court granted \$13,000 in sanctions against Respondent on behalf of Dale Rife and \$23,867.50 in attorneys fees and costs split among Respondent and Margaret Shields, an award which covered Dale Rife's reasonable attorney fees and costs incurred after the Supreme Court of Appeals reversed judgment against Dale Rife in Civil Action No. 14-C-139. The Court also awarded \$10,000 in property loss damage to Dale Rife split among Respondent, Margaret Shields and the Mutters and \$10,000 for pain and suffering, intentional infliction of emotional distress, and punitive damages to Dale Rife also split among Respondent and Margaret Shields.
84. The Court also found that Margaret Shields and Steve Rife did not file *pro se* Answers on their own behalf in the matter, Civil Action No. 17-C-116, and that they thought that Respondent represented them.
85. By letter dated January 31, 2023, the ODC sent Respondent a copy of the complaint and directed him to file a verified response within twenty (20) days. This letter was sent to Post Office Box 70, Oceana, WV, 24870.
86. Respondent failed to file a response.
87. By letter dated March 7, 2023, the ODC sent Respondent a second letter to the same address, by first class and certified mail, directing him to file a verified response to the complaint by March 21, 2023. On March 23, 2023, the ODC received the green card back. It had been signed by Jennifer Cook, an employee in Respondent's office. The letter sent by first class mail was not returned.

88. Respondent did not respond to this letter.
89. Respondent was personally served with an investigative subpoena *duces tecum* on May 25, 2023, which directed him to appear at the ODC for a sworn statement on June 28, 2023.
90. On September 12, 2023, Respondent appeared for a sworn statement at the Office of Lawyer Disciplinary Counsel, after requesting and receiving an extension of time to appear for his sworn statement.
91. Respondent admitted that he did not file a written response to this complaint.
92. Respondent explained that he responded “in detail” to the complaint of “Mr. Rife” which is repetitive, as it was the same complaint.
93. Respondent stated that this case has “consumed [Respondent’s] life for the last couple of years and not in a good way.” Therefore, Respondent stated that he became “overwhelmed” and felt like he “had already answered it.”
94. Because he failed to comply with the Office of Lawyer Disciplinary Counsel’s lawful requests for information, Respondent violated Rule 8.1(b) of the Rules of Professional Conduct, which provides:

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.

95. Because Respondent engaged in dilatory conduct in representing Margaret Shields, Steve Rife and/or himself which contributed to the delay in restoring Dale

Rife's property rights, Respondent violated Rule 8.4(d) of the Rules of Professional Conduct, as provided above.

COUNT IV
I.D. No. 23-01-030
Complaint of Dale Rife

96. Paragraph 1 is incorporated by reference.
97. Complainant Dale Rife is the brother of Margaret Shields (Complainant in Count I) and Steve Rife (Complainant in Count II).
98. Dale Rife stated that the Circuit Court of Wyoming County in Civil Action No. 17-C-116 entered an Order finding Respondent guilty of negligence, civil conspiracy, fraud, intentional infliction of emotional distress and slander of title.
99. Additionally, Dale Rife stated, Respondent was sanctioned \$13,000 because Respondent 'never made any effort to restore [Dale Rife's] property rights after WV Supreme Court on November 18, 2016, reversed default finding made by Wyoming County Court.'
100. Dale Rife stated that Respondent was also ordered to pay \$14,320.50 for legal fees, \$5,800 property loss and \$6,000 for intentional infliction of emotional distress, for a total of \$39,120.50 owed to Dale Rife.
101. Dale Rife stated that the Court's Order stated that Respondent showed a pattern of neglect, willful and repeated disregard of Dale Rife's property rights, and a willful and repeated disregard for court orders and deadlines.

102. Additionally, Dale Rife alleged that Respondent failed to provide a Declarations page showing his professional liability insurance. Therefore, Dale Rife was unable to file a claim against Respondent's insurance for damages.
103. By letter dated January 31, 2023, the ODC sent Respondent a copy of the complaint and directed him to file a verified response within twenty (20) days. This letter was sent to Post Office Box 70, Oceana, WV, 24870.
104. Respondent failed to provide a written response to this complaint.
105. By letter dated March 7, 2023, the ODC sent Respondent a second letter to the same address, by first class and certified mail, directing him to file a verified response to the complaint by March 21, 2023. On March 27, 2023, the ODC received the green card back. It had been signed by Jennifer Cook, an employee in Respondent's office. The letter sent by first class mail was not returned.
106. Respondent failed to provide a response.
107. In a supplemental letter, Dale Rife stated that his counsel, Joshua T. Thompson (Complainant in Count III), served a Writ of Execution and Writ of Suggestion upon Respondent. Complainant alleged that Respondent ignored both requests and never responded to either.
108. Additionally, Dale Rife noted that Joshua T. Thompson, Esquire (Complainant in Count III) learned that Respondent had only \$94 in his bank account and "it is believed that someone at the bank tipped-off [Respondent] and he withdrew money from his bank account to prevent the writ of suggestion from being executed."

109. Further, Dale Rife stated that the \$13,000 in sanctions against Respondent should have been deposited into an escrow account to be sent to Complainant, but he never received it.
110. Dale Rife also provided a copy of a check received from Respondent's account at Summit Community Bank for \$96.55, to be applied toward the judgement awarded to Dale Rife.
111. Dale Rife also provided a copy of the Notice of Lis Pendens lien he filed against Respondent's personal residence.
112. Respondent was personally served with an investigative subpoena *duces tecum* on May 25, 2023, which directed him to appear at the ODC for a sworn statement on June 28, 2023.
113. On September 12, 2023, Respondent appeared for a sworn statement at the Office of Lawyer Disciplinary Counsel, after requesting and receiving an extension of time to appear for his sworn statement.
114. Respondent did not object to Dale Rife's allegation that the Circuit Court of Wyoming County issued sanctions against him totaling \$39,120.50.
115. Respondent stated that Dale Rife's attorney received a declaration page for his insurance, with the limits, the company and the address during the pendency of the 2017 case, as this information was provided to the court.
116. Respondent acknowledged that he did not provide a written response to this complaint for the same reasons as above – it was the same complaint that was filed previously.

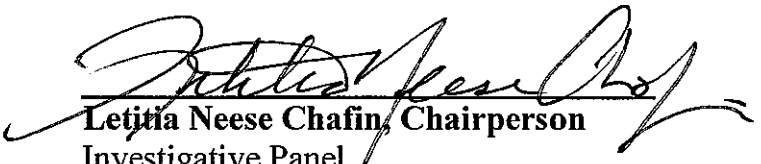
117. Respondent stated that he had not been served with the Writ of Execution or Writ of Suggestion filed by Dale Rife and/or Joshua T. Thompson, Esquire [Complainant in Count III].
118. Further, Respondent denied removing any money from his account, other than to pay bills.
119. As for the \$13,000 awarded to Complainant, Respondent reiterated that the money had been returned to Margaret Shields prior to the court order.
120. Respondent denied committing any fraud or stealing anyone's money or violating any Rules of Professional Conduct.
121. Because he failed to comply with the Office of Lawyer Disciplinary Counsel's lawful requests for information, Respondent violated Rule 8.1(b) of the Rules of Professional Conduct, as provided above.
122. Because Respondent engaged in dilatory conduct in representing Margaret Shields, Steve Rife and/or himself which contributed to the delay in restoring Dale Rife's property rights, Respondent violated Rule 8.4(d) of the Rules of Professional Conduct, as provided above.

* * *

Pursuant to Rule 2.9(d) of the Rules of Lawyer Disciplinary Procedure, the Investigative Panel has found that probable cause exists to formally charge you with a violation of the Rules of Professional Conduct and has issued this Statement of Charges. As provided by Rules 2.10 through 2.13 of the Rules of Lawyer Disciplinary Procedure, you have the right to file a verified written response to the foregoing charges within 30

days of service of this Statement of Charges by the Supreme Court of Appeals of West Virginia. Failure to file a response shall be deemed an admission of the factual allegations contained herein.

STATEMENT OF CHARGES ORDERED on the 10th day of February, 2024,
and **ISSUED** this 10th day of February, 2024.


Letitia Neese Chafin, Chairperson
Investigative Panel
Lawyer Disciplinary Board

CERTIFICATE OF SERVICE

This is to certify that I, Andrea J. Hinerman, Senior Lawyer Disciplinary Counsel for the Office of Lawyer Disciplinary Counsel, have this day, the 20th day of February, 2024, served a true copy of the foregoing "**STATEMENT OF CHARGES**" upon Respondent Thomas H. Evans, III, by emailing and mailing the same via United States Mail, with sufficient postage, and electronically via File and Serve Xpress, to the following addresses:

Thomas H. Evans, III, Esquire
Post Office Box 70
Oceana, West Virginia 24870
thevanslaw@gmail.com

And upon the Hearing Panel Subcommittee via United States Mail at the following addresses:

Timothy E. Haught, Esquire
Post Office Box 548
New Martinsville, West Virginia 26155

Margaret E. Lewis, Esquire
150 Clay Street, Suite 100
Morgantown, West Virginia 26501

Kelly C. McGee
1390 Nottingham Road
Charleston, West Virginia 25314



Andrea J. Hinerman, Esquire