

**BEFORE THE INVESTIGATIVE PANEL
OF THE LAWYER DISCIPLINARY BOARD
FOR THE STATE OF WEST VIRGINIA**

**SCA EFiled: Aug 16 2024
09:14PM EDT
Transaction ID 74081009**

IN RE: PHILIP S. ISNER, a member of
the West Virginia State Bar

BAR NO: 9399
I.D. Nos: 22-02-471
22-02-484
22-02-163
23-02-362
24-02-047
24-02-050

ANSWER TO STATEMENT OF CHARGES

NOW COMES Philip S. Isner, Esq., a member of the West Virginia State Bar, appearing pro se, and within the extended time agreed to by Disciplinary Counsel, presents his Answer and Defenses to the Statement of Charges filed against him, dated June 15, 2024, as follows:

1. The Respondent Admits Paragraph One of the Statement of Charges.

COUNT I

I.D. NO: 22-02-471

COMPLAINT OF DANIELLE GEORGE

2. The Respondent Admits that Ms. George's complaint makes the assertions indicated in Paragraph Two of the Statement of Charges.
3. The Respondent Admits that Ms. George's complaint makes the assertions indicated in Paragraph Three of the Statement of Charges.
4. The Respondent Admits that Ms. George's complaint makes the assertions indicated in Paragraph Four of the Statement of Charges.
5. The Respondent Admits that Ms. George's complaint makes the assertions indicated in Paragraph Five of the Statement of Charges.
6. The Respondent Admits that Ms. George's complaint makes the assertions indicated in Paragraph Six of the Statement of Charges.

7. Respondent Admits Paragraph Seven of the Statement of Charges.
8. Respondent Admits Paragraph Eight of the Statement of Charges.
9. The Respondent Admits Paragraph Nine of the Statement of Charges.
10. The Respondent Admits Paragraph Ten of the Statement of Charges.
11. The Respondent Admits Paragraph Eleven of the Statement of Charges.
12. The Respondent Admits Paragraph Twelve of the Statement of Charges.
13. Respondent Admits Paragraph Thirteen of the Statement of Charges.
14. Respondent Admits Paragraph Fourteen of the Statement of Charges.
15. Respondent Admits Paragraph Fifteen of the Statement of Charges.
16. Respondent Admits Paragraph Sixteen of the Statement of Charges.
17. Respondent Admits Paragraph Seventeen of the Statement of Charges.
18. Respondent Admits Paragraph Eighteen of the Statement of Charges.
19. Respondent Admits a technical violation of Rule 1.3 as the result of the delay in preparing the QDRO as set forth in Paragraph Nineteen of the Statement of Charges.
20. Respondent Denies Paragraph Twenty of the Statement of Charges.
21. Respondent Denies Paragraph Twenty-One of the Statement of Charges.
22. The Respondent Admits a technical violation of Rule 3.4 as the result of failing to deliver proposed orders within ten days after the conclusion of a hearing as set forth in Paragraph Twenty-Two of the Statement of Charges.

COUNT II

I.D. NO: 22-02-484

Complaint of Adam T. Kramer

23. The Respondent Admits that Mr. Kramer's complaint makes the assertions indicated in Paragraph 23 of the Statement of Charges.
24. The Respondent Admits that Mr. Kramer's complaint makes the assertions indicated in Paragraph 24 of the Statement of Charges.
25. The Respondent Admits that Mr. Kramer's complaint makes the assertions indicated in Paragraph 25 of the Statement of Charges.

26. The Respondent Admits that Mr. Kramer's complaint makes the assertions indicated in Paragraph 26 of the Statement of Charges.
27. The Respondent Admits that Mr. Kramer's complaint makes the assertions indicated in Paragraph 27 of the Statement of Charges.
28. Respondent Admits Paragraph 28 of the Statement of Charges.
29. Respondent Admits Paragraph 29 of the Statement of Charges.
30. Respondent Admits Paragraph 30 of the Statement of Charges, however clarifies that the settlement reached did not include an agreement on the name change. This issue was successfully litigated and the name was changed following a contested hearing on that narrow issue.
31. Respondent Admits Paragraph 31 of the Statement of Charges.
32. Respondent Admits Paragraph 32 of the Statement of Charges.
33. Respondent Admits Paragraph 33 of the Statement of Charges.
34. Respondent Admits Paragraph 34 of the Statement of Charges. The Respondent adds that this case was unique inasmuch as all parties and the mediator reached the specific agreement that the mediator would prepare a draft Parenting Agreement reflecting the agreements made a mediation.
35. Respondent Admits Paragraph 35 of the Statement of Charges..
36. Respondent Admits Paragraph 36 of the Statement of Charges.
37. Respondent Admits Paragraph 37 of the Statement of Charges.
38. Respondent Admits Paragraph 38 of the Statement of Charges.
39. Respondent Admits Paragraph 39 of the Statement of Charges.
40. Respondent Admits Paragraph 40 of the Statement of Charges.
41. Respondent Denies Paragraph 41 of the Statement of Charges.
42. Respondent Denies Paragraph 42 of the Statement of Charges.

COUNT III

I.D. NO: 23-02-163

Complaint of the Office of Lawyer Disciplinary Counsel

43. The Respondent Admits that the complaint makes the assertions indicated in

Paragraph 43 of the Statement of Charges

44. The Respondent Admits that the complaint makes the assertions indicated in Paragraph 44 of the Statement of Charges
45. Respondent Admits Paragraph 45 of the Statement of Charges.
46. Respondent Admits Paragraph 46 of the Statement of Charges.
47. Respondent Admits Paragraph 47 of the Statement of Charges.
48. Respondent Admits Paragraph 48 of the Statement of Charges.
49. Respondent Admits Paragraph 49 of the Statement of Charges.
50. Respondent Admits Paragraph 50 of the Statement of Charges.
51. Respondent Admits Paragraph 51 of the Statement of Charges.
52. Respondent Admits Paragraph 52 of the Statement of Charges.
53. Respondent Admits Paragraph 53 of the Statement of Charges.
54. Respondent Admits Paragraph 54 of the Statement of Charges.
55. Respondent Admits Paragraph 55 of the Statement of Charges.
56. Respondent Admits Paragraph 56 of the Statement of Charges.
57. Respondent Admits Paragraph 57 of the Statement of Charges.
58. Respondent Admits Paragraph 58 of the Statement of Charges.
59. Respondent Admits Paragraph 59 of the Statement of Charges.
60. Respondent Admits Paragraph 60 of the Statement of Charges.

COUNT IV

I.D. NO: 23-02-163

Complaint of Joy E. Timbrook

61. The Respondent Admits that Ms. Timbrook's complaint makes the assertions indicated in Paragraph 61 of the Statement of Charges.
62. The Respondent Admits that Ms. Timbrook's complaint makes the assertions indicated in Paragraph 62 of the Statement of Charges.
63. The Respondent Admits that Ms. Timbrook's complaint makes the assertions indicated in Paragraph 63 of the Statement of Charges.
64. The Respondent Admits that Ms. Timbrook's complaint makes the assertions

- indicated in Paragraph 64 of the Statement of Charges.
65. The Respondent Admits that Ms. Timbrook's complaint makes the assertions indicated in Paragraph 65 of the Statement of Charges.
66. The Respondent Admits that Ms. Timbrook's complaint makes the assertions indicated in Paragraph 66 of the Statement of Charges.
67. Respondent Admits Paragraph 67 of the Statement of Charges.
68. Respondent Admits Paragraph 68 of the Statement of Charges.
69. Respondent Admits Paragraph 69 of the Statement of Charges.
70. Respondent Admits Paragraph 70 of the Statement of Charges.
71. Respondent Admits Paragraph 71 of the Statement of Charges.
72. Respondent Admits Paragraph 72 of the Statement of Charges.
73. Respondent Admits Paragraph 73 of the Statement of Charges.
74. Respondent Admits Paragraph 74 of the Statement of Charges.
75. Respondent Admits Paragraph 75 of the Statement of Charges.
76. Respondent Admits Paragraph 76 of the Statement of Charges.
77. Respondent Admits Paragraph 77 of the Statement of Charges.
78. Respondent Admits Paragraph 78 of the Statement of Charges.
79. Respondent Admits Paragraph 79 of the Statement of Charges.
80. Respondent Admits Paragraph 80 of the Statement of Charges.
81. Respondent Admits Paragraph 81 of the Statement of Charges.
82. Respondent Admits Paragraph 81 of the Statement of Charges.
83. Respondent Denies Paragraph 82 of the Statement of Charges.

COUNT V

I.D. NO: 23-02-362

Complaint of David P. Cox

84. The Respondent Admits that Mr. Cox's complaint makes the assertions indicated in Paragraph 84 of the Statement of Charges.
85. The Respondent Admits that Mr. Cox's complaint makes the assertions indicated in Paragraph 85 of the Statement of Charges.

86. The Respondent Admits that Mr. Cox's complaint makes the assertions indicated in Paragraph 86 of the Statement of Charges.
87. Respondent Admits Paragraph 87 of the Statement of Charges.
88. Respondent Admits Paragraph 88 of the Statement of Charges.
89. Respondent Admits Paragraph 89 of the Statement of Charges.
90. Respondent Admits Paragraph 90 of the Statement of Charges.
91. Respondent Admits Paragraph 91 of the Statement of Charges.
92. The Respondent Admits a technical violation of Rule 1.3 as the result of failing to deliver proposed orders within ten days after the conclusion of a hearing as set forth in Paragraph 92 of the Statement of Charges.
93. The Respondent Admits a technical violation of Rule 3.4 as the result of failing to deliver proposed orders within ten days after the conclusion of a hearing as set forth in Paragraph 93 of the Statement of Charges.
94. Respondent Denies Paragraph 94 of the Statement of Charges.

COUNT VI

I.D. NO: 247-02-047

Complaint of Ronald E. Kesner

95. The Respondent Admits that Mr. Kesner's complaint makes the assertions indicated in Paragraph 95 of the Statement of Charges.
96. The Respondent Admits that Mr. Kesner's complaint makes the assertions indicated in Paragraph 96 of the Statement of Charges.
97. The Respondent Admits that Mr. Kesner's complaint makes the assertions indicated in Paragraph 97 of the Statement of Charges.
98. The Respondent Admits that Mr. Kesner's complaint makes the assertions indicated in Paragraph 98 of the Statement of Charges.
99. Respondent Admits Paragraph 99 of the Statement of Charges.
100. Respondent Admits Paragraph 100 of the Statement of Charges.
101. Respondent Admits Paragraph 101 of the Statement of Charges.
102. Respondent Admits Paragraph 102 of the Statement of Charges.

103. Respondent Admits Paragraph 103 of the Statement of Charges.
104. Respondent Admits Paragraph 104 of the Statement of Charges.
105. Respondent Admits Paragraph 105 of the Statement of Charges.
106. Respondent Admits Paragraph 106 of the Statement of Charges.
107. Respondent Admits Paragraph 107 of the Statement of Charges.
108. Respondent Admits Paragraph 108 of the Statement of Charges.
109. Respondent Admits Paragraph 109 of the Statement of Charges.
110. Respondent Admits Paragraph 110 of the Statement of Charges.
111. The Respondent Admits that Mr. Kesner's reply makes the assertions indicated in Paragraph 111 of the Statement of Charges and further denies the obvious falsehood contained therein.
112. The Respondent Admits a technical violation of Rule 1.3 as set forth in Paragraph 112 of the Statement of Charges.
113. Respondent Denies Paragraph 113 of the Statement of Charges.
114. The Respondent Admits a technical violation of Rule 3.2 as set forth in Paragraph 114 of the Statement of Charges.

COUNT VII

I.D. NO: 24-02-050

Complaint of Linda A. Taylor

115. The Respondent Admits that Ms. Taylor's complaint makes the assertions indicated in Paragraph 115 of the Statement of Charges.
116. The Respondent Admits that Ms. Taylor's complaint makes the assertions indicated in Paragraph 116 of the Statement of Charges.
117. The Respondent Admits that Ms. Taylor's complaint makes the assertions indicated in Paragraph 117 of the Statement of Charges.
118. The Respondent Admits that Ms. Taylor's complaint makes the assertions indicated in Paragraph 118 of the Statement of Charges.
119. The Respondent Admits that Ms. Taylor's complaint makes the assertions indicated in Paragraph 119 of the Statement of Charges.

120. Respondent Admits Paragraph 120 of the Statement of Charges.
121. Respondent Admits Paragraph 121 of the Statement of Charges.
122. Respondent Admits Paragraph 122 of the Statement of Charges.
123. Respondent Admits Paragraph 123 of the Statement of Charges.
124. Respondent Admits Paragraph 124 of the Statement of Charges.
125. Respondent Admits Paragraph 125 of the Statement of Charges.
126. Respondent Admits Paragraph 126 of the Statement of Charges.
127. Respondent Admits Paragraph 127 of the Statement of Charges.
128. Respondent Admits Paragraph 128 of the Statement of Charges.
129. Respondent Admits Paragraph 129 of the Statement of Charges.
130. Respondent Admits Paragraph 130 of the Statement of Charges.
131. Respondent Admits Paragraph 131 of the Statement of Charges.
132. Respondent Admits Paragraph 132 of the Statement of Charges.
133. Respondent Admits Paragraph 133 of the Statement of Charges.
134. Respondent Denies a material violation of Rule 1.4 as alleged in Paragraph 134 of the Statement of Charges.
135. Respondent admits a technical violation of Rule 1.16 as alleged in Paragraph 135 of the Statement of Charges.

AGGRAVATING FACTORS

136. Disciplinary Counsel's listing of admonishments and prior disciplinary proceedings and the Rule violations involved in such admonishments since December 17, 2017 in this Paragraph 136 are admitted. In further answer, in explaining the client representations that gave rise to such past admonishments, some of which existed into the same time period as the current claims and are being addressed and/or mitigated by the sanctions of the prior admonishment.
137. Respondent denies the present existence of a pattern and practice as set forth in Paragraph 137 and further states that, to the extent such a pattern exists or existed, it has been substantially mitigated by the sanctions of the prior

admonishment.

MITIGATING FACTORS

138. In further answer Respondent alleges that further mitigation exists to be considered upon the issue of assessment of appropriate discipline to be imposed in this matter, including his remorse, his most recent efforts to reform his practice to better focus on cases within his area of competence and experience, practice disruptions made necessary during his public service, significant problems with staffing.

WHEREFORE, Respondent Isner prays for relief as follows:

- a. That the Hearing Panel Subcommittee weigh the evidence, including the significant mitigating information, the fact that Respondent Isner's record, including actions found to exist in the instant charges, and find that his actions did not involve dishonesty, misrepresentation, intentional harm to a client or to opposing parties or disrespect for the judicial system or any member of the judiciary;
- b. That the Hearing Panel Subcommittee find technical mitigated violations of Rules 1.3 and 1.4(a)(3) and 1.4(a)(4) as stated in Count I and inadvertent violations of Rules 1.3, and 3.2 and mitigated violations of Rules 1.4(a)(3) and (a)(4) as stated in Count I, Knutti, , and minimal violations of Rules 1.4(a)(3) and 1.4(a)(4) as stated in Count II, McCourt, and that they dismiss all other Rule violations alleged in Count III for lack of substantial proof in this matter; and
- c. That the Hearing Panel Recommend appropriate, constructive, public discipline not involving any period of suspension or loss of Respondent Isner's license to practice law as appropriate discipline in this matter.

Respectfully Submitted, this the 16th day of August, 2024.



Phillip S. Isner

**BEFORE THE INVESTIGATIVE PANEL
OF THE LAWYER DISCIPLINARY BOARD
FOR THE STATE OF WEST VIRGINIA**

IN RE: PHILIP S. ISNER, a member of
the West Virginia State Bar

BAR NO: 9399
I.D. Nos: 22-02-471
22-02-484
22-02-163
23-02-362
24-02-047
24-02-050

CERTIFICATE OF SERVICE

This is to certify that I, Philip S. Isner, have this day, served a true copy of the foregoing “**Answer to Statement of Charges**” upon counsel for the Office of Lawyer Disciplinary Counsel Renee N. Frymyer, by use of the e-filing system:

Renee N. Frymyer, Esq., Disciplinary Counsel
Office of Lawyer Disciplinary Counsel
4700 MacCorkle Ave., S. E. , Suite 1200
Charleston, WV 25304



Phillip S. Isner