IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA
Docket No.: 24-376

LAWYER DISCIPLINARY BOARD,
Petitioner,

v.

PHILLIP S. ISNER,
Respondent.

RESPONDENT'S BRIEF

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STATEMENT OF THE CASE

The Respondent does not contest the accuracy of the factual recitation adopted by the Hearing Panel Subcommittee ("HPS") in its April 10, 2025 Report ("HPS Report"), nor does he contest the substantially similar factual recitation contained in the Statement of the Case of the Petitioner's Brief. The Respondent, however, disagrees with several of the ultimate conclusions drawn from those facts by the HPS and the Petitioner in light of the full record, as set forth in the argument section of this Brief. The Respondent also disagrees with the recommended sanction.

This case involves seven counts concerning which the HPS found violations of the West Virginia Rules of Professional Conduct. In Count I, the Complaint of Danielle George, the HPS determined that the Respondent violated Rule 1.3 (Diligence) by failing to expedite the production of a Qualified Domestic Relations Order. (HPS Report, at 7-8). It found that he violated Rule 1.4 (Communication) by failing to respond to Ms. George's inquiries for information. *Id.*, at 8. It found that he violated Rule 1.16 (Declining or Terminating Representation) by failing to surrender certain papers and photographs at the conclusion of representation. *Id.* It found that he violated Rule 3.4 (Fairness to Opposing Party and Counsel) by failing to deliver proposed orders within ten days of a hearing. *Id*.

In Count II, the Complaint of Adam Kramer, the HPS determined that the Respondent violated Rule 1.3 by missing appointments, delaying a billing statement, failing to promptly file motions and failing to timely forward a payment to a guardian ad litem. *Id.*, at 16. A violation of Rule 1.4(a)(3) and Rule 1.4(a)(4) was found as a result of Respondent's failure to timely respond to Mr. Kramer's inquiries for information, as well as a violation of Rule 1.16(d) for failing to return papers and photographs at the end of representation. *Id.*, at 16-17.

In Count III, the Complaint of the ODC, the HPS found that the Respondent violated Rule 1.1 (Competence) due to the manner in which he mishandled his clients' appeal, resulting in its dismissal.

Id., at 19. Similarly, a violation was found of Rule 1.3 and Rule 3.2 (Expediting Litigation) for failure to expedite the appeal. *Id*, at 20. Finally, HPS found that the Petitioner violated Rule 8.4 (Misconduct prejudicial to the administration of justice) because his conduct deprived his clients of the opportunity for their appeal to be heard. *Id*.

In Count IV, the Complaint of Joy Timbrook, which involved the same conduct at Count III, the HPS found that the Respondent violated the same rules cited in Count III, as well as Rule 1.4.(a)(3) for failing to inform them that the appeal had been dismissed when he learned about it. *Id.*, at 25. The HPS also found that the Respondent misled Ms. Timbrook on that subject, constituting a violation of Rule 8.4(c) (Misconduct involving dishonesty, fraud, deceit, or misrepresentation). *Id.*

In Count V, the Complaint of David Cox, the HPS found that the Respondent violated Rule 1.3 and 3.4(c) for failing to timely produce proposed orders, and also found that he violated Rule 8.4(d) based upon the same conduct. *Id*., at 27-28.

In Count VI, the Complaint of Ronald Kesner, the HPS found that the Respondent violated Rule 1.3, and 3.2, by neglecting his client's case and failing to take timely and appropriate action consistent with Mr. Kesner's objectives. *Id*., at 31. HPS further found that he violated Rule 1.4 by failing to respond to his client's requests for information.

In Count VII, the Complaint of Linda Taylor, the HPS found that the Respondent violated Rule 1.4(a)(3), Rule 1.4(a)(4) for failing to respond to Ms. Taylor's inquiries about her case, *Id.*, at 36. HPS also found that he violated Rule 1.16(d) of the Rules of Professional Conduct by failing to promptly return the unearned portion of his client's retainer. *Id*.

The HPS found that the Respondent committed knowing violations in its Report, finding "there is no evidence to suggest that Respondent did not act knowingly[,]" citing to his previous disciplinary action and resulting supervised practice. *Id.*, at 38. It found that the Respondent's former clients suffered harm, including "delay, frustration, a sense of lost justice, and loss of trust in lawyers and legal

system." *Id.*., at 38-39. The Report did not set forth any tangible losses to any of the clients, but did note that the Respondent's conduct undermined the integrity and public confidence in the administration of justice, and the reputation of the legal system. *Id.*

An aggravating factor was found in the form of prior disciplinary offenses, including a 2017 admonishment in two separate matters, a subsequent 2020 admonishment, and a 2022 proceeding which resulted in a public reprimand and two year period of supervised practice, among other sanctions. *Id.*., at 39-40. The HPS also found a pattern of misconduct as an aggravating factor. *Id.*, at 40. The Respondent's cooperative attitude and remorse were noted as potential mitigating factors. *Id.*

The Respondent, in his Proposed Findings of Fact, Conclusions of Law, and Recommended Sanctions ("Respondent's Proposed Findings") had contested certain conclusions ultimately made by the HPS. Specifically the Respondent admitted or contested a finding of violations of the Rules of Professional Conduct as follows: As to Count I, he admitted a violations of Rules 1.3, and 1.4. He admitted a "technical violation" of Rule 3.4 because the failure to timely compose proposed orders "caused no damage to the justice system, to the interests of any of the parties to the legal action, or to their involved family members..." (Respondent's Proposed Findings, at 10-11).

Relating to Count II, the Respondent contested a violation of Rules 1.3 and 1.4, on the basis that the record did not support such a finding. *Id.*, at 23-24. The Respondent also contested the Rule 1.16 violation (although mistakenly writing "Rule 1.6") on the basis that the evidence, at most, demonstrated a negligent, and not knowing, failure to deliver the photographs and documents. *Id.* As to Counts III and IV involving the Timbrooks, the Respondent admitted violations of Rule 1.1, 3.2, and 8.4(c), and 8.4(d) (although mislabeling the latter as 8.4(c). *Id.*, at 29, 36.

In Count V, the Respondent again admitted to violating Rules 1.3, 3.4, and 8.4 as it relates to dilatory proposed orders, but again denied that there was any harm to any party, nor to the judicial system, suggesting the same in mitigation. *Id.*, at 39. As to Count VI, the Respondent denied that there

was sufficient evidence to sustain the violations of Rule 1.3, 1.4, or 3.2. *Id.*, at 45. In Count VII, he admitted to violating Rules 1.4(a)3, 1.4(a)4, and 1.16(d). *Id.*, at 51.

Additionally, the Respondent, in his Proposed Findings, requested that the following sanctions be imposed: a public reprimand; in the alternative, and 90 day suspension; a one-year extension of his period of supervised practice; nine hours of continuing legal education; continued mental health treatment; a refund to Mr. Kesner in the amount of $2,500.00 and a motion to withdraw from his case; and payment of the costs of disciplinary proceedings. Alternatively, the Respondent requested a finding that he should leave private practice and find a role in a firm or government position that does not have administrative responsibilities. (Respondent's Proposed Findings, at 63-64).

The HPS recommended, and the Petitioner consented to, the following proposed sanctions: A one year suspension, a refund to Ronald Kesner in the amount of $2,500.00, compliance with the requirements of Rule 3.28 of the Rules of Lawyer Disciplinary Procedure, and payment of the costs of the proceeding. *Id.*, at 44-45. The Respondent filed an objection, leading to this Court issuing an Order setting briefing and argument on June 5, 2025.

SUMMARY OF ARGUMENT

The Respondent takes issue with a limited number of the conclusions of the HPS regarding several of the counts against him, in addition to the characterization of his misconduct as knowing rather than negligent in most circumstances. The Respondent believes that the evidence is insufficient to demonstrate a violation of the Rules of Professional Conduct relating to Counts II and VI. Additionally, the Respondent believes that his failure to timely produce proposed orders, while technically in violation of the Rules as he admitted, and as set forth in the HPS Report, did not not actually harm his clients, nor the legal system, and that the same should be considered in mitigation of any resulting punishment. With the exception of the admission to a violation of Rule 8.4(d) regarding the Timbrook appeal, the Respondent also believes the record does not demonstrate that his conduct

was knowing, as asserted by the HPS, rather than negligent as the record supports.

Additionally, the Respondent asserts that the proposed sanctions of the HPS, specifically the one year suspension, should be reduced by this Court. The Respondent acknowledges that he will be, and should be, subject to sanction by this Court for his conduct in several of these matters. However, the imposition of a year suspension is excessive in light of the length of suspensions that this Court has imposed in other cases, some of which involve shorter suspension sfor more egregious conduct. Additionally, the Respondent requests that this Court consider the progress that the Respondent has made with reforming his practice while under supervision, given that the great bulk of the misconduct in the instant case took place before his supervised practice began, or as it was just getting off the ground, which significantly weakens the evidence that the great bulk of the conduct here was anything but negligent. A year-long suspension will serve to frustrate and render futile the Respondent's efforts to rehabilitate his practice in response to the previous proceeding.

STATEMENT REGARDING ORAL ARGUMENT AND DECISION

This Court has previously entered an order indicating that this matter will be subject to oral argument under Rule 19 of the West Virginia Rules of Appellate Procedure. This matter is suitable for disposition either as a memorandum decision or signed opinion, depending upon this Court's view of the legal issues presented.

ARGUMENT

A. Standard of Review

The standards governing the review of this matter have been recently restated by this Court:

> 1."This Court is the final arbiter of legal ethics problems and must make the ultimate decisions about public reprimands, suspensions or annulments of attorneys' licenses to practice law." Syl. Pt. 3, *Comm. on Legal Ethics of W.Va. State Bar v. Blair*, 174 W.Va. 494, 327 S.E.2d 671 (1984).
>
> 2."A de novo standard applies to a review of the adjudicatory record

> made before the [Hearing Panel Subcommittee] as to questions of law, questions of application of the law to the facts, and questions of appropriate sanctions; this Court gives respectful consideration to the [Hearing Panel Subcommittee's] recommendations while ultimately exercising its own independent judgment. On the other hand, substantial deference is given to the [Hearing Panel Subcommittee's] findings of fact, unless such findings are not supported by reliable, probative, and substantial evidence on the whole record." Syl. Pt. 3, *Comm. on Legal Ethics of W.Va. State Bar v. McCorkle*, 192 W.Va. 286, 452 S.E.2d 377(1994).
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> 3."Rule 3.7 of the Rules of Lawyer Disciplinary Procedure[] . . . requires the Office of Disciplinary Counsel to prove the allegations of the formal charge by clear and convincing evidence." Syl. Pt. 1, in part, *Law.Disciplinary Bd. v. McGraw*, 194 W.Va. 788, 461 S.E.2d 850 (1995).
>
> 4."Rule 3.16 of the West Virginia Rules of Lawyer Disciplinary Procedure enumerates factors to be considered in imposing sanctions and provides as follows: 'In imposing a sanction after a finding of lawyer misconduct, unless otherwise provided in these rules, the Court [West Virginia Supreme Court of Appeals] or Board [Lawyer Disciplinary Board] shall consider the following factors: (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.'" Syl. Pt. 4, *Off. of Law. Disciplinary Counsel v. Jordan*, 204 W.Va. 495, 513 S.E.2d 722 (1998).
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> 5."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." Syl. Pt. 3, *Comm. on Legal Ethics of W.Va. State Bar v. Walker*, 178 W.Va. 150, 358 S.E.2d 234 (1987).

Lawyer Disciplinary Bd. v. Harris, No. 23-419 (W. Va. Mar 21, 2025).

B. The Record does not support the finding of violations in Counts II and VI.

The Respondent asserts that there is insufficient evidence of violations of the Rules of Professional Conduct as it relates to Mr. Kramer. In his Proposed Findings, the Respondent advanced the following position as it relates to Mr. Kramer's complaint:

56. Mr. Kramer's accusations appear to date back to the first time he was represented by the Respondent. It is hard to find Mr. Kramer credible as he hired the Respondent on at least two additional occasions spanning a period of 6-7 years. If the Respondent's communication was a bad as he claimed, it seems unlikely he would have hired the Respondent three separate times.

57. Further, as to allegations of preparedness and competency, the undisputed testimony was that the only issue that was not resolved by agreement of the parties was that of the child's name change. Mr. Kramer prevailed at this hearing and the child's name was changed.

58. The Respondent asserted that Mr. Kramer's criticisms of his competency and preparedness were not meritorious and were the result of either trial strategy or that evidence Mr. Kramer wanted introduced was inadmissible under the Rules of Evidence or not in Mr. Kramer's best interest to present. Given that the sole contested issue either Mr. Kramer of the Respondent testified about was a successful request to change the child's name, the Panel cannot find Mr. Kramer's personal assessment or opinion of the Respondent's competency to be with merit and cannot find that the ODC met its burden to prove a violation of Rules 1.3 or 1.4 by clear and convincing evidence.

59. The Panel further finds the Respondent's testimony regarding the reasonableness of Mr. Kramer's demands as it relates to communication to be credible. With no corroborating evidence and only the testimony of the Kramers to support this claim, the panel cannot find a violation of Rule 1.3 as it relates to diligence or Rule 1.4 as it relates to timely providing Mr. Kramer with information about his case. An attorney owes the client a duty of reasonable communication, not communication on demand at all hours of the day.

60. The panel cannot find clear and convincing proof of a violation of Rule 1.6 as the result of allegations the Respondent failed to surrender to Mr. Kramer photographs and other papers to which he was entitled when his representation concluded. The evidence suggests that the photo album in question was provided to the Respondent at the time of the first case he represented Mr . Kramer with. If the photo album was not returned at that time it seems illogical to believe that Mr. Kramer would have sought the Respondent's representation with two subsequent matters. Finally, the Respondent would have no motive to keep photographs of Mr. Kramer's family. This would pose no value to him or create any incentive whatsoever to intentionally or knowingly keep the photos. If Mr. Kramer's claims regarding the photos were found to be both credible and proven by clear and convincing evidence, the failure to return the photos would be negligent at best, negligence being the least culpable mental state in connection with a rule violation.

(Respondent' Proposed Findings, at 23-24).

The Respondent also contends that the complained-of conduct in Mr. Kesner's case in Count VI does not support a finding of the violation of the Rules of Professional Conduct by clear and convincing evidence on the record produced. The Respondent's Proposed Findings took the following position concerning the evidence presented:

> 126. The Panel cannot find clear and convincing evidence that the Respondent violated 1.4 of the Rules of Professional Conduct by failing to keep Mr. Kesner informed in light of the conflicting testimony between Mr. Kesner and the Respondent and the overall lack of credibility of Mr. Kesner's claims for the reasons set forth above. It seems unlikely that Mr. Kesner would have hired the Respondent in 2021 if he had not received a return phone call from him in five years, a time period that would date back to at least 2019. Moreover, testimony from Mr. Kesner and the Respondent indicated that Mr. Kesner again hired the Respondent in October 2022 to assist him in the defense of unrelated criminal charges that had been filed against him. Again, this seems unlikely if he had never received a return phone call and was as dissatisfied as he claims to be.
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> 127. The ODC alleges that, because Respondent neglected Mr. Kesner's case and failed to take appropriate action in the matter, he violated Rule 1.3 of the Rules of Professional Conduct. The ODC has not proven this allegation by clear and convincing evidence, however. The evidence presented shows that the matter was still pending at the time of the hearing and no evidence beyond Mr. Kesner's suppositions as a layperson was introduced to show the case was not diligently prosecuted, aside from the fact that it had been pending for a long time.
>
> 128. The ODC alleges a violation of Rule 3.2, claiming respondent engaged in dilatory practices and failed to make reasonable efforts consistent with the stated and agreed upon objectives of Mr. Kesner. Similar to the allegations of a violation of Rule 1.3 the ODC has not proven this allegation by clear and convincing evidence. The evidence presented shows that the matter was still pending at the time of the hearing and no evidence beyond Mr. Kesner's suppositions as a layperson was introduced to show the case was not prosecuted in a manner that was consistent with the stated and agreed upon objectives, aside from the fact that it had been pending for a long time.

(Respondent's Proposed Findings, at 44-45).

The Respondent respectfully requests that this Court consider the Respondent's position in light

of the testimony of the Respondent, the Kramers, and Mr. Kesner, and the documentation of record in order to determine whether the interpretation of events advanced by the Respondent, or that which was adopted by the HPS, should prevail on these specific counts. (Transcript, November 7, 2024, at 49-89, 89-156, 156-175; ODC Exhibits, Bates 79-192, 492-531).

C. The sanctions proposed by the HPS should be reduced based upon a comparison to other disciplinary decisions, and based upon the particular circumstances of this case.

This Court's recent decision in *Lawyer Disciplinary Board v. Curnutte*, No. 23-746 (June 6, 2025), provides the most salient benchmark for an appropriate sanction. In *Curnutte*, the respondent attorney was found to have committed violations across four separate client matters. The proven charges included failure to act diligently (Rule 1.3), failure to communicate (Rules 1.4(a)(3) and (4)), failure to expedite litigation (Rule 3.2), failure to comply with a tribunal rule (Rule 3.4(c)), conduct prejudicial to the administration of justice (Rule 8.4(d)), and repeated failures to respond to lawful requests of the ODC (Rule 8.1(b)). Most significantly, Mr. Curnutte had been previously suspended for ninety days for knowingly submitting false information regarding his malpractice insurance coverage — a serious prior disciplinary history that the Court treated as a weighty aggravating factor. *Id.*, at *4-11, *21-30.

Despite this pattern of misconduct, repeated defiance of ODC requests, and an adverse prior record, the sanction imposed was only six months' suspension, with Chief Justice Wooton dissenting in part on the ground that even that penalty was excessive under the circumstances. *Curnutte*, at *29-36, He would have imposed a three-month suspension coupled with CLE and law office management conditions. *Id*., at *36.

By contrast, Respondent in the present case stands before this Court with no prior disciplinary record of comparable gravity. The alleged violations stem primarily from practice management shortcomings, isolated delays, and communication lapses during a discrete period of professional

strain. Unlike *Curnutte*, there is no evidence of dishonesty, willful defiance, or knowing falsehood. Where mistakes occurred , such as the appeal of the Timbrook matter, or refund delays, Respondent took immediate remedial action, including retaining substitute counsel, issuing refunds, and candidly admitting error in both testimony and correspondence. These mitigating actions are precisely the kind of remedial steps this Court has recognized as warranting reduced sanctions.

This Court cited another recent case, *Lawyer Disciplinary Bd. v. Davis*, No. 20-0871 (W. Va. Feb. 11, 2022) (memorandum decision), in arriving at its sanction in *Curnutte*. In that case, an experienced attorney with a prior suspension, violations that this Court deemed to be knowing, failure to consistently cooperate with ODC, and a lack of mitigating factors, all combined to justify a six month suspension. *Id.*., at *5-9. The circumstances in that case, like the *Curnutte* case, exceed those of the instant case, yet the Petitioner seeks to double the penalty.

It would defy proportionality for this Court to impose a sanction equal to or greater than that imposed in *Curnutte* or *Davis*. If an attorney with multiple clients harmed, a prior suspension for dishonesty, and repeated defiance of ODC received a six-month suspension, then the present case — involving fewer counts, no prior suspension, candor, restitution, and meaningful mitigation — warrants a substantially lesser sanction. At most, discipline should be limited to a public reprimand or brief suspension. Anything more would create the appearance of inconsistency in this Court's application of its own precedents and undermine the principle that sanctions must be proportionate to the nature of the misconduct.

Rule 3.16 of the West Virginia Rules of Lawyer Disciplinary Procedure requires a consideration of actual or potential injury in determining a sanction. The Respondent asserts that the various violations contained in Counts I and V, solely as they relate to the failure to timely produce proposed orders, did not cause any actual or potential harm to the respective clients, or damage their legal position. The HPS Report includes a single paragraph on injuries resulting from the conduct at issue in

this case. There is no description with any granularity as to what sort of harm may have arisen from the failure to produce a proposed order on time. (HPS Report, at 38-39). While the Respondent acknowledges that articulable harm arose from Counts III and IV involving the Timbrooks,[1] he does not believe that the late filing of proposed orders, and the accompanying Rules to Show Cause routinely employed by the Family Court, and then abandoned following presentation of a proposed order, can be linked to adverse outcomes for a client based upon the record that was made in the proceedings below.

It should also be considered that the Respondent has been operating under supervised practice pursuant to this Court's prior disciplinary order, and that he has been actively working to ameliorate the practice deficiencies that led to the instant complaints. The great bulk of the conduct complained of here occurred either prior to the commencement of the supervised practice, or in its early stages. To impose a lengthy suspension now render his progress futile. In the Respondent's Proposed Findings, the Respondent described the interventions he has made since his previous discipline:

> To recap, during the time period of supervised practice the Respondent has made significant steps to ensure these types of violations do not continue in the future. The include, but are not limited to:
>
> 1. Participating in nine additional hours (12 total) of continuing legal education focused on ethics or law practice management, 50% more than he was required to do as a result of the 2022 disciplinary proceeding.
>
> 2. Meeting with his supervisor, a former Family Court Judge, and following recommendations as suggested.
>
> 3. Retaining a consultant to review his practice and advise as to changes designed to help prevent further complaints.
>
> 4. Narrowing the scope of his practice to focus on criminal defense and the defense of respondent parents in Chapter 49 abuse and neglect cases.
>
> 5. Billing more consistently and more urgently collecting fees owed so

1 It should be noted, in retrospect, that while the Timbrooks were actually harmed by the loss of the appeal itself stemming from Respondent's admitted misconduct, the likelihood that a correctly-submitted appeal would have actually resulted in their regaining custody of the grandchild was exceedingly low (albeit not absolutely impossible) given Ms. Timbrook's criminal history and its deleterious effect on the likelihood of grandparent placement. *See, e.g.*, *State ex rel. D.B. v. Bedell*, 874 S.E.2d 682 (W. Va. 2022).

> that he does not feel financially pressured to take more cases than he can diligently handle in an effort to generate revenue.
>
> 6. Learning to say no. While the Respondent will always have a passion to serve the "working poor" (those who do not qualify for government assistance but do not earn enough money to afford a lawyer) he cannot say yes to everyone or it will negatively impact his ability to do quality work for anyone.

(Respondent's Proposed Findings, at 52-53).

The Respondent asserts that the overwhelming proportion of the misconduct asserted herein was not knowing, and instead was negligent. The fact that the time period of this misconduct lined up with the period either before supervised practice began, or just as it was getting off the ground, suggests that the actions of the Respondent in this case stem from being spread too thin and having poor practice management, and not from a more culpable mental state. Even the most culpable conduct of the Respondent in this case, relating to the Timbrooks, had its root in the lack of care that is the sign of negligent, and not a sense of knowledge as to purpose and consequence.

The disciplinary system exists not to punish for punishment's sake, but to ensure proportionality, deter future misconduct, and maintain public confidence in the bar. This Court has consistently emphasized that sanctions must be "proportionate to the nature of the misconduct." *Id.* In *Curnutte*, an attorney with four separate client matters, a prior suspension for dishonesty, repeated failures to respond to ODC, and credibility concerns received only a six-month suspension — with the Chief Justice dissenting that even that sanction was too severe.

By contrast, the present case involves no prior suspension, and substantial mitigation — including candor, restitution, and remedial measures. To impose a sanction equal to or greater than those cases would create inconsistency and undermine the principle of proportionality. For these reasons, Respondent respectfully requests that this Court reject the overly harsh recommendations of the Office of Disciplinary Counsel and the Hearing Panel Subcommittee. The record, precedent, and

mitigating factors support at most a public reprimand or, in the alternative, a brief suspension substantially less than that imposed in *Curnutte*.

CONCLUSION

WHEREFORE, based upon the foregoing, the Respondent respectfully requests the following relief:

1. That this Court consider the Respondent's objections to the findings and proposed sanctions of the HPS;
2. That this Court impose a sanctions order involving a reprimand, or alternatively a suspension substantially less that the recommendation of the HPS;
3. That this Court impose additional sanctions terms as it deems lawful and appropriate, including an extension of his period of supervised practice;
4. That this Court grant any other relief the Court deems just and proper.

Respectfully submitted,

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/s/ Jeremy B. Cooper
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CERTIFICATE OF SERVICE

On the 8th day of September, 2025, I, Jeremy Cooper, hereby certify to this Court that I have served the foregoing Brief upon the Office of Lawyer Disciplinary Counsel by e-service via File&ServeXpress.

Respectfully submitted,

/s/ Jeremy B. Cooper

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