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RECEIVED

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 31st day of October, 1997, the following order was made and entered:

Lawyer Disciplinary Board,
Complainant

vs.) No. 23547

Roy David Law, a member of The West
Virginia State Bar, Respondent

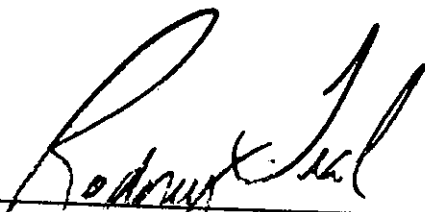
On a former day, to-wit, June 26, 1996, came the Investigative Panel of the Lawyer Disciplinary Board, by Stephen G. Jory, its chairperson, pursuant to Rule 2.10, Rules of Lawyer Disciplinary Procedure, and presented to the Court its statement of charges in the above-captioned proceeding, I. D. No. 95-03-226. Thereafter, on the 24th day of October, 1997, came the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, by Ann E. Snyder, its chairperson, and presented to the Court for its approval its written recommended disposition, wherein the parties stipulated to the following findings of fact, conclusions of law and recommended discipline: (1) respondent, Roy David Law, a member of The West Virginia State Bar, receive a public reprimand; and (2) respondent shall reimburse the Lawyer Disciplinary Board for the costs and expenses incurred in the investigation of this matter.

Upon consideration whereof, the Court is of opinion to and doth hereby approve the aforesaid written recommended disposition. It is therefore ordered that the respondent be, and he hereby is, publicly reprimanded. It is further ordered that the respondent reimburse the Lawyer Disciplinary Board for the costs and expenses incurred in the investigation of this matter.

Service of a copy of this order upon all parties shall constitute sufficient notice of the contents.

A True Copy

Attest:


Clerk, Supreme Court of Appeals

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

FILED

**In re: ROY DAVID LAW, a member of
The West Virginia State Bar**

ROUNET A. TESSL
CLERK OF THE SUPREME COURT OF
APPEALS OF WEST VIRGINIA
LD No. 95-01-226
Supreme Court No. 23547

**STIPULATED FINDINGS OF FACT, CONCLUSIONS OF LAW
AND RECOMMENDED DISCIPLINE**

STIPULATED FINDINGS OF FACT

1. Roy David Law ("Respondent" herein) is a licensed member of The West Virginia State Bar who practices in Buckhannon, Upshur County, West Virginia, and as such, is subject to the disciplinary jurisdiction of the Supreme Court of Appeals of West Virginia and its properly constituted Lawyer Disciplinary Board. Respondent was admitted to The West Virginia State Bar on May 21, 1973.
2. Complainant, Michael S. Brown, alleged that upon two occasions during March or April, 1993 he had an office consultation with Respondent in anticipation of divorce proceedings against Lisa Ann Brown. Mr. Brown filled out an office form for Respondent that showed his name, address, type of case, his wife's name, and other information.
3. Respondent furnished pages of his office calendar with his answer, reflecting meetings on two dates and times in April, 1993, with persons named Don Brown and Michael Brown. Respondent now believes both meetings were with the Complainant herein, Michael S. Brown.

4. In the two April, 1993 meetings, Mr. Brown discussed the details of his case with Respondent, including specific details as to the ultimate result he wished to achieve in litigation with respect to a 1984 Chevrolet automobile and specific objectives concerning child custody.

5. In the two April, 1993 meetings, Respondent gave Mr. Brown advice about matters in the divorce, including proposed actions to take with respect to a 1984 Chevrolet automobile and obtaining child custody. Inasmuch as the Complainant did not retain or otherwise request the Respondent to take any legal action on his behalf, the Complainant and Respondent did not sign a formal contract, and the Respondent did not issue an engagement letter or fee schedule to the Complainant. The Complainant paid no fee and advanced no expenses or costs to the Respondent.

6. At the time of the second meeting in April, 1993, between the Respondent and the Complainant, Mr. Brown had already engaged another attorney to represent and advise him, namely, Robert O'Brien.

7. Lisa Ann Brown filed suit against Mr. Brown on April 2, 1993, and litigation began. In December, 1994, by counsel, Mr. Brown filed a Petition for a Rule to Show Cause in Contempt in the case. Among the subjects of the contempt petition were the issues of visitation and the payment of a debt owed Mr. Brown's parents for repairs to the 1984 Chevrolet.

8. After the petition was filed, Lisa Ann Brown hired Respondent, who filed a responsive pleading for her and served the same on Complainant's attorney, Steven B. Nanners, and thereafter appeared for and represented her at the contempt hearing in March, 1995, and continued to represent her thereafter, without objection by the Complainant.

9. Mr. Brown filed his disciplinary complaint on June 7, 1995, with the Office of Disciplinary Counsel, less than two years from and after the Respondent's first appearance as Lisa Ann Brown's counsel.

10. Mr. Brown became aware that the Respondent was representing Lisa Ann Brown not later than February 3, 1995, but neither he nor counsel on his behalf, objected to Respondent's participation in the proceedings, nor did the Complainant nor counsel on his behalf object at the hearing in the presence of the Court.

11. Once Mr. Brown, in their meetings, had disclosed confidential matters to Respondent, an attorney-client relationship was formed and, from that time, the Respondent had a duty to preserve his client's confidences and to avoid conflicts of interest with others.

12. The Respondent believed that there was no conflict of interest in his representation of Lisa Ann Brown because Respondent had made a cursory search of his calendar, which did not disclose a conflict due to an error in the entry of Mr. Brown's name, and because the Respondent did not know who Mr. Brown was until he appeared in Court and saw him in March, 1995.

13. Through Respondent's conclusion that he had not formed an attorney-client relationship with Mr. Brown, Respondent represented, at two different times in a substantially related matter, two adverse parties from whom he had received client confidences. He never obtained consent from Mr. Brown or waivers of conflict before proceeding in the matter to represent Lisa Ann Brown.

14. Prior to the filing of the Statement of Charges in this complaint, the Respondent voluntarily and at his own initiative began a review of his office practices, including calendaring, and conflict identification and resolution, and has modified his practices to prevent the reoccurrence of the situation giving rise to the instant complaint.

15. In the month of September, 1994, the Respondent experienced escalating symptoms of significant weight loss, night sweats, fever and chills and severe myalgia. Respondent was

hospitalized at Buckhannon in September of 1994, and soon transferred to the Cleveland Clinic and treated both as an in-patient and out-patient, where he continues to be treated as both an in-patient and an out-patient. Just prior to the events of December, 1994, respondent was able to work only approximately four (4) days in two (2) months.

16. Respondent was placed on a variety of medications, but his symptoms continued to persist. The Respondent has received various diagnoses, which have been withdrawn and still, to this date, does not have a current diagnosis. But, it is believed that he has some form of a vascular disorder, which is responsive to steroids.

STIPULATED CONCLUSIONS OF LAW AND RECOMMENDED DISCIPLINE

1. By representing Lisa Ann Brown in a substantially related matter that Mr. Brown consulted him about, Respondent violated Rule 1.9(a) of the Rules of Professional Conduct which states:

Rule 1.9 Conflict of interest: Former client.

A lawyer who has formerly represented a client in a matter shall not thereafter:
(a) represent another person in the same or substantially related matter in which that person's interest are materially adverse to the interests of the former client unless the former client consents after consultation...

2. The Respondent shall receive a Public Reprimand from the Supreme Court of Appeals of West Virginia.

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OTHER TERMS AND CONDITIONS

1. Respondent shall pay all costs associated with the investigation and litigation of this proceeding by a reasonable payment schedule agreed upon by both parties.

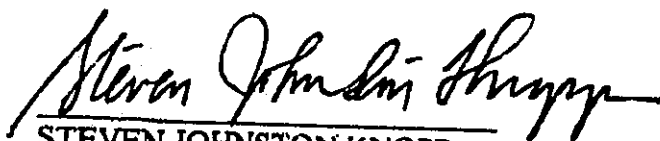
2. This stipulation is made in lieu of hearing on the Statement of Charges in the above-captioned matter provided the stipulation and disciplinary disposition are accepted by the Subcommittee Hearing Panel. Both Disciplinary Counsel and Respondent recognize that the Subcommittee Hearing Panel has the authority to reject the Stipulated Findings of Fact, Conclusions of Law and Recommended Discipline. In the event of such rejection, Respondent shall have the opportunity to a hearing de novo, unless the rejection of the stipulation results in a recommendation of discipline less than the amount stipulated.

3. The foregoing stipulation constitutes the full stipulation entered into by the parties and if rejected by the Hearing Panel Subcommittee shall be of no force and effect. The parties acknowledge that the Supreme Court of Appeals of West Virginia is not obligated to accept either the stipulation of facts or conclusions of law and may adjudicate the matter as seems proper to the Court, subject only to the Respondent's right to seek rehearing and argument.

* * *

The agreement of the parties to this stipulation is evidenced by the signatures of Counsel and Respondent affixed below.

Signed for the Office of Disciplinary Counsel, by Steven Johnston Knopp, on this the 10th day of April, 1997.



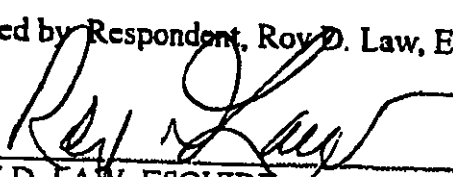
STEVEN JOHNSTON KNOPP
Lawyer Disciplinary Counsel
Office of Disciplinary Counsel
210 Dickinson Street
Charleston, West Virginia 25301
(304) 558-7999

Signed by Counsel for Respondent, James A. Matish, Esquire, on this the 11th day of April, 1997.



JAMES A. MATISH, ESQUIRE
Counsel for Respondent
214 Court Street
Clarksburg, West Virginia 26301
(304) 752-7300

Signed by Respondent, Roy D. Law, Esquire, on this the 15th day of April, 1997.



ROY D. LAW, ESQUIRE
One West Main
Buckhannon, West Virginia 26201

RECOMMENDED SANCTION

The Hearing Panel Subcommittee of the Lawyer Disciplinary Board recommends to the Supreme Court of Appeals of West Virginia that the STIPULATED FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDED DISCIPLINE be adopted as written.

Ann E. Snyder 4-21-97
Ann E. Snyder, Chairperson
Hearing Panel Subcommittee
Lawyer Disciplinary Board

Date:
R. Kemp Morton, Esquire
Hearing Panel Subcommittee
Lawyer Disciplinary Board

Date:
Debra K. Sullivan
Hearing Panel Subcommittee
Lawyer Disciplinary Board

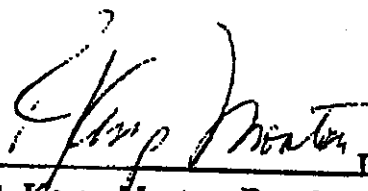
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Date: _____

Ann E. Snyder, Chairperson
Hearing Panel Subcommittee
Lawyer Disciplinary Board

Date: _____

R. Kemp Morton, Esquire
Hearing Panel Subcommittee
Lawyer Disciplinary Board

Date: 7-14-97

Debra K. Sullivan
Hearing Panel Subcommittee
Lawyer Disciplinary Board