

**STATE OF WEST VIRGINIA**

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 1st day of May, 1997, the following order was made and entered:

**Lawyer Disciplinary Board,  
Complainant**

vs.) No. 23562

**Monty L. Preiser, a member of The  
West Virginia State Bar, Respondent**

On a former day, to-wit, March 25, 1997, came the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, by Alan D. Moats, its chairperson, pursuant to Rule 3.10, Rules of Lawyer Disciplinary Procedure, and presented to the Court an agreement stipulated to by the parties wherein the charges in I.D. Nos. 95-01-202, 95-01-253 and 95-01-432 are dismissed.

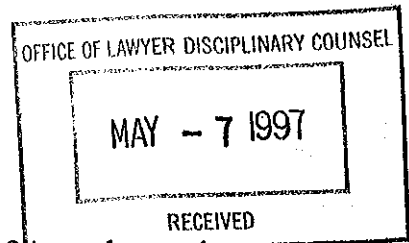
There having been heard neither concurrence nor objection from either the Office of Disciplinary Counsel or from the respondent, the Court doth hereby approve the aforesaid agreement. It is therefore ordered that the charges filed with this Court on the 27th day of June, 1996, on I.D. Nos. 95-1-202, 95-01-253 and 95-01-432 be, and they hereby are, dismissed.

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

A True Copy

Attest:

  
Interim Clerk, Supreme Court of Appeals



STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 1st day of May, 1997, the following order was made and entered:

Lawyer Disciplinary Board,  
Complainant

vs.) No. 22533

Monty L. Preiser, a member of The  
West Virginia State Bar, Respondent

On a former day, to-wit, March 25, 1997, came the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, by Alan D. Moats, its chairperson, pursuant to Rule 3.10, Rules of Lawyer Disciplinary Procedure, and presented to the Court an agreement stipulated to by the parties wherein the respondent admits violating Rules 1.4(a), 1.15(a) and 1.16(d), Rules of Professional Conduct, and agrees to (1) refund Mr. and Mrs. Donald Corwin One Thousand Four Hundred Forty-One Dollars (\$1,441.00) in unused advanced expenses, plus interest; (2) refund Danny and Crystal Bonnell Nine Thousand Nine Hundred Fifty Dollars (\$9,950.00); (3) reimburse the Lawyer Disciplinary Board for the costs and expenses incurred in the investigation of these proceedings in the amount of Nine Hundred Forty-Five Dollars and Seven Cents (\$945.07); and (4) implement a plan of office procedure designed to assist respondent's office in meeting various ethical standards, said plan to be reviewed by the Office of Disciplinary Counsel.

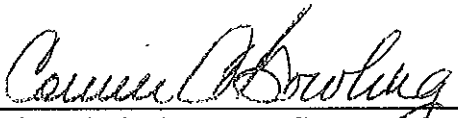
There having been heard neither concurrence nor objection from either the Office of Disciplinary Counsel or from the respondent, the Court doth hereby approve the aforesaid agreement. It is therefore ordered that the respondent is guilty of violating Rules 1.4(a), 1.15(a) and 1.16(d), Rules of Professional Conduct, and shall (1) refund Mr.

and Mrs. Donald Corwin One Thousand Four Hundred Forty-One Dollars (\$1,441.00) in unused advanced expenses, plus interest; (2) refund Danny and Crystal Bonnell Nine Thousand Nine Hundred Fifty Dollars (\$9,950.00); (3) reimburse the Lawyer Disciplinary Board for the costs and expenses incurred in the investigation of these proceedings in the amount of Nine Hundred Forty-Five Dollars and Seven Cents (\$945.07); and (4) implement a plan of office procedure designed to assist respondent's office in meeting various ethical standards, said plan to be reviewed by the Office of Disciplinary Counsel. Finally, respondent will take a sabbatical from the practice of law in the State of West Virginia beginning September 1, 1997.

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

A True Copy

Attest:

  
Interim Clerk, Supreme Court of Appeals

## BEFORE THE LAWYER DISCIPLINARY BOARD

In re: **Monty L. Preiser, a member of  
The West Virginia State Bar**

Supreme Court No. 22533

I.D. Nos.: 91-03-233, 91-03-293,  
92-03-028, 92-03-151,  
93-03-181, and 93-03-323

Supreme Court No. 23562

I.D. Nos: 95-01-202, 95-01-253  
and 95-01-432

### SUBCOMMITTEE REPORT

On December 14, 1996, the parties to this disciplinary proceeding, Respondent Monty L. Preiser, by counsel, Harold F. Salsbery, and the Office of Disciplinary Counsel, by Sherri D. Goodman, presented stipulations to the Hearing Panel Subcommittee, composed of Alan D. Moats, Chairperson, Cheryl L. Henderson, Esquire and Ms. Debra K. Sullivan. After deliberation, the Subcommittee instructed the parties to change certain language in the stipulations. Upon resubmission, the Subcommittee agreed to accept the stipulations as a fair resolution to these charges and to forward them to the Supreme Court of Appeals.

The Subcommittee, after considering all of the stipulations, therefore makes the following findings based upon the stipulations:

1. As to I.D. No. 91-03-233, Respondent acknowledges and the Subcommittee finds a violation of Rule 1.4(a) of the Rules of Professional Conduct in that he and/or members of his staff failed to respond to telephone calls and a letter from the client, Linlee Elam.
2. As to I.D. No. 92-03-028, Respondent acknowledges and the Subcommittee finds a violation of Rule 1.16(d) of the Rules of Professional Conduct in that Ronald Dunlap did not receive his file upon request in a timely fashion.
3. As to I.D. No. 92-03-181, Respondent acknowledges and the Subcommittee finds a violation of Rule 1.16(d) of the Rules of Professional Conduct in that Mary Dodrill did not receive

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her file upon request in a timely fashion. In mitigation, Respondent states that when Ms. Dodrill made her request, he was challenging the right of a recently departed associate to take files and clients and obtaining advice from outside counsel as to Respondent's duties and rights. Since Ms. Dodrill requested that the file be turned over to the same associate, her request was treated as part of these broader issues.

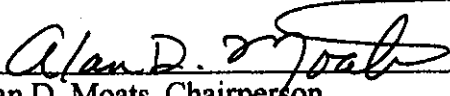
4. As to I.D. No. 92-03-293, Respondent acknowledges and the Subcommittee finds a violation of Rule 1.15(a) of the Rules of Professional Conduct in that he and his office failed to provide a timely and accurate accounting to the Corwins and to the Bonnells in order to determine whether these clients were entitled to a refund of a portion of the fees and expense money paid at the beginning of the representation.

5. The Office of Disciplinary Counsel has agreed to move for the dismissal of the Statement of Charges in I.D. Nos. 95-01-202, 95-01-253 and 95-01-432, because there is insufficient evidence to support these charges, and the Subcommittee dismisses these three charges.

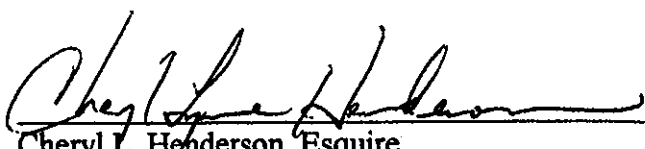
6. Pursuant to Rule 3.15 of the Rules of Lawyer Disciplinary Procedure, Respondent will refund to the Corwins \$1,441.00 in unused advanced expenses, plus interest, and refund to the Bonnells \$9,950.00. Respondent will also reimburse the Lawyer Disciplinary Board \$945.07 for expenses.

7. Respondent also will implement a plan of office procedure designed to assist his office in meeting various ethical standards. This plan will be made available to the Office of Disciplinary Counsel for review.


8. Respondent has heretofore planned to take and will still take a sabbatical from the practice of law beginning September 1, 1997, for other business purposes. This is not a suspension.

  
Alan D. Moats, Chairperson

Date: 3/17/97

  
Cheryl L. Henderson, Esquire

Date: 3/18/97

  
Ms. Debra K. Sullivan

Date: 3/21/97

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PREISER LAW FIRM  
ATTORNEY ACCOUNT  
P. O. BOX 1306  
CHARLESTON, WV 25325

**BANK ONE.**  
Bank One, West Virginia, NA  
Charleston

3832

69-3820  
519

May 22 19 97

PAY Nine Thousand Nine Hundred Fifty and 00/100-----DOLLARS \$ 9,950.00

TO  
THE  
ORDER  
OF

Danny and Crystal Bonnell

*Lee H. Dwyer*

⑈003812⑈ ⑈05⑈ ⑈00364⑈ ⑈990268968⑈

PREISER LAW FIRM  
ATTORNEY ACCOUNT

DETACH AND RETAIN THIS STATEMENT  
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW  
IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.

DELUXE FORM WVCP-3 V-SPL NL676

DATE	ACCOUNT	DESCRIPTION	AMOUNT
5/22/97		Full Refund	9,950.00

Fax

803-449-6334  
Crystal Bonnell



PREISER LAW FIRM  
ATTORNEY ACCOUNT  
P. O. BOX 1308  
CHARLESTON, WV 25325

**BANK ONE.**  
Bank One, West Virginia, NA  
Charleston

3834

69-3620  
519

May 22 19 97

PAY One Thousand Seven Hundred Nine and 36/100----- DOLLARS \$ 1,709.36

TO  
THE  
ORDER  
OF

Mr. and Mrs. Donald Corwin

*Perk Giff*

⑈003834⑈ ⑆051900366⑆ 990268968⑈

PREISER LAW FIRM  
ATTORNEY ACCOUNT

DETACH AND RETAIN THIS STATEMENT  
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW.  
IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.

DELUXE FORM WVCP-3 V-SPL NL676

DATE	ACCOUNT	DESCRIPTION	AMOUNT
5/22/97		Unused advanced expenses	1,441.00
		Interest to date	268.36
		Total	1,709.36