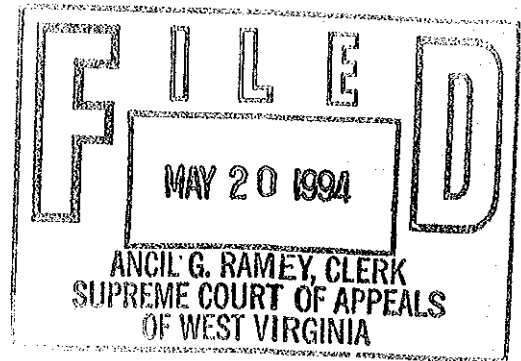


Per Curiam:

The Committee on Legal Ethics of
the West Virginia State Bar

No. 22171 v.

Hoy G. Shingleton



In this legal ethics proceeding, the Committee on Legal Ethics of the West Virginia State Bar claims that the respondent, Hoy G. Shingleton, a member of the Bar, has committed an ethics violation by consistently failing to insure that releases were filed to perfect real estate titles which he certified and for which he issued title insurance. The Committee has recommended that the respondent be publicly reprimanded and that he be required to pay the costs of this proceeding. After reviewing the issues presented, this Court concludes that the Committee's recommendation is appropriate, and, accordingly, the Committee's recommendation is accepted.

The documents filed in this proceeding indicate that the respondent was retained by Tuscarora Land Company, a real estate development company, to represent it in conjunction with the development and sale of lots from a number of projects in West Virginia.

Among the respondent's other duties was the responsibility for preparing closing documents and certifying the

titles of lots sold by Tuscarora Land Company. In many cases, he also issued title insurance on the lots. In issuing title insurance, he acted as agent for Commonwealth Land Title Insurance Company.

Tuscarora Land Company, in most cases, followed a pattern in the development and disposal of its subdivision property. It purchased undeveloped land on credit. Then, to secure the purchase price, it executed a blanket deed of trust on the land. After developing the land as a subdivision, it proceeded to sell lots. When the purchaser of a lot completed paying for the lot, and when an appropriate payment had been made on the loan secured by the blanket deed of trust, the holder of the blanket deed of trust issued a release for the lot which had been purchased.

For a period of time after undertaking to represent Tuscarora Land Company, the respondent, or employees in his office, obtained and filed the releases from the holders of blanket deeds of trust on lots sold and paid for.

In 1983, the respondent's procedure changed. Tuscarora Land Company undertook to obtain and file the releases, although it was understood that they were to be mailed to the respondent after they were filed.

Title Insurance Company sued the respondent, his firm, Tuscarora Land Company, and Tuscarora's principals in the Circuit Court of Berkeley County.

The respondent and his firm settled with Commonwealth Land Title Insurance Company. It also appears that the respondent and his firm were unaware that Tuscarora Land Company had not secured the releases, and that when the problem relating to the company surfaced, he took immediate action to investigate and correct the situation. Apparently, the respondent has settled in full all buyer complaints, and he has adopted a court-approved plan to settle with any buyers who come forward in the future.

In the present proceeding, the Committee on Legal Ethics claims that the respondent's failure to verify that appropriate releases had been issued to lot purchasers constituted a violation of DR 6-101(A)(3) of the Code of Professional Responsibility that was in effect at the time the problems relating to the releases arose. That disciplinary rule provided: "A lawyer shall not neglect a legal matter entrusted to him."

It appears to this Court that, while it clearly appears that the respondent has been negligent in handling the matters entrusted to him, there is nothing in the record of this case to suggest that the respondent has been guilty of any fraud, deception, or misrepresentation.

absent. See, e.g., Kentucky Bar Association v. Yates, 677 S.W.2d 304 (Ky. 1984); and Florida Bar v. G.B.T., 399 So.2d 357 (Fla. 1981).

Given the circumstances of the present case, the Court believes that a public reprimand is appropriate and that the respondent should be required to pay the costs of this proceeding.

It is, therefore, ordered that the respondent be, and he hereby is, publicly reprimanded for his dereliction in handling the title matters entrusted to him, and it is further ordered that he reimburse the Committee on Legal Ethics for the costs incurred by it in this proceeding.