

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 25<sup>th</sup> of June, 2003, the following order was made and entered:

Lawyer Disciplinary Board, Complainant

vs.) No. 30934

Robert W. Kagler, a member of The West  
Virginia State Bar, Respondent

JUL -12 2003

On a former day, to-wit, May 21, 2003, came the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, by Michael Chaney, its chairperson, pursuant to Rule 3.10 of the Rules of Lawyer Disciplinary Procedure, and presented to the Court its written recommended disposition in this matter, recommending that: (1) the respondent's law license be annulled as the Hearing Panel Subcommittee finds that annulment is the only appropriate sanction for respondent's misconduct; (2) prior to being permitted to petition for reinstatement of his license to practice law, the respondent shall make restitution to Michelle Luckenbach in such sum as shall be determined in the collateral civil action she has instituted against him in the Circuit Court of Ohio County, West Virginia, either by settlement or by judgment, but in any event, not less than \$82,500.00, plus interest at 10% per annum until fully paid by respondent; (3) the respondent shall be ordered to reimburse the Lawyer Disciplinary Board the costs of these proceedings pursuant to Rule 3.15 of the Rules of Lawyer Disciplinary Procedure in the amount of \$1,775.52.

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 written recommendation.

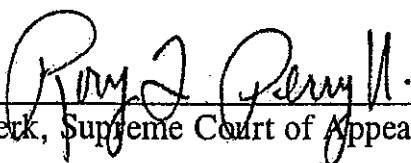
It is therefore ordered that: (1) the law license of Robert W. Kagler, be, and it hereby is, **annulled** for violating Rules 1.15(a), 1.15(b), 8.1(b), 8.4(c) and 8.4(d) of the Rules of Professional Conduct; (2) prior to being permitted to petition for reinstatement of his license to practice law, the respondent shall make restitution to Michelle Luckenbach in such sum as shall be determined in the collateral civil action she has instituted against him in the Circuit Court of Ohio County, West Virginia, either by settlement or by judgment, but in any event, not less than \$82,500.00, plus interest at 10% per annum until fully paid by respondent; (3) the respondent is ordered to reimburse the Lawyer Disciplinary Board the costs of these proceedings pursuant to Rule 3.15 of the Rules of Lawyer Disciplinary Procedure in the amount of \$1,775.52.

Justices McGraw and Albright would modify the recommended disposition by removing the language in sanction #2 which states "but in any event, not less than \$82,500".

Service of an attested copy of this order shall constitute sufficient notice of its contents.

A True Copy

Attest:

  
Clerk, Supreme Court of Appeals