



STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 15<sup>th</sup> of October, 2014, the following order was made and entered:

Lawyer Disciplinary Board,  
Petitioner

vs.) No. 13-0721

Jeffrey S. Rodgers, a member of The  
West Virginia State Bar, Respondent

On August 28, 2014, came the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, by Richard M. Yurko, Jr., 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) respondent be reprimanded; (2) respondent be ordered to refund \$1,356.37 to Darren F. Scott, with any monies owed to the Bureau of Child Support Enforcement, as of the date of this order, being paid directly to that entity, and any remainder of the funds to be paid to Mr. Scott; (3) respondent be ordered to have a certified accountant audit his office accounting records for two consecutive years, the first audit to be performed within 60 days of the date of this order. The report of the audit shall set forth the source for all receipts by the name of the client, the date of receipt and date of deposit, if any, to either the office operating account, the client trust account, or IOLTA account which respondent established on September 10, 2013. As to any funds deposited to respondent's office operating account or otherwise paid over to respondent, whether drawn from respondent's trust account, IOLTA account or not, the report of the certified public accountant shall state whether there is supporting evidence available to establish the propriety of the payment of such funds to respondent for legitimate legal

expenses incurred on behalf of the client or earned fees. The certified public accountant shall furnish a copy of the report of each audit to the Office of Disciplinary Counsel within 60 days after the date of the accountant's employment by the respondent; (4) respondent be ordered to attend an additional 9 hours of continuing legal education in the area of ethics and law office management over and above his otherwise required continuing legal education during his next reporting period; and (5) respondent be ordered to pay the costs of these proceedings pursuant to Rule 3.15 of the Rules of Lawyer Disciplinary Procedure.

Thereafter, on September 15, 2014, the respondent, Jeffrey S. Rodgers, by counsel Robert B. Allen, Kay Casto & Chaney, PLLC, filed his statement of no objection to the Hearing Panel Subcommittee recommendation. On September 22, 2014, the Office of Disciplinary Counsel, by Andrea J. Hinerman, Senior Lawyer Disciplinary Counsel, filed its statement of no objection to the Hearing Panel Subcommittee recommendation.

Upon consideration and review of the Hearing Panel Subcommittee recommendation, the Court does concur with and does hereby approve those recommendations of the Hearing Panel Subcommittee.

It is ordered that: (1) respondent shall be, and he hereby is reprimanded; (2) respondent shall refund the amount of \$1,356.37 to Darren F. Scott by payment of any monies owed to the Bureau of Child Support Enforcement by him as of the date of this order being paid directly to the Bureau, and any remaining funds being paid directly to Darren Scott; (3) respondent shall have a certified accountant audit his office accounting records for two consecutive years, beginning with the first audit being performed within 60 days of the date of this order. The report of the audit shall set forth the source for all receipts by the name of the client, the date of receipt and date of deposit, if any, to either the office operating account, the client trust account, or

IOLTA account. For any funds deposited to the office operating account or otherwise paid over to the respondent, whether drawn from respondent's trust account, IOLTA account, or not, the report shall state whether there is supporting evidence to establish that the funds were a legitimate legal expense incurred on behalf of the client or earned fees. The certified public accountant shall furnish a copy of the report of each audit to the Office of Disciplinary Counsel within 60 days after the date of the accountant's employment by the respondent; (4) respondent shall attend an additional 9 hours of continuing legal education in the area of ethics and law office management over and above his otherwise required continuing legal education hours during his next reporting period; and (5) respondent shall pay the costs of these proceedings pursuant to Rule 3.15 of the Rules of Lawyer Disciplinary Procedure.

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

A True Copy

Attest: /s/ Rory L. Perry II, Clerk of Court

