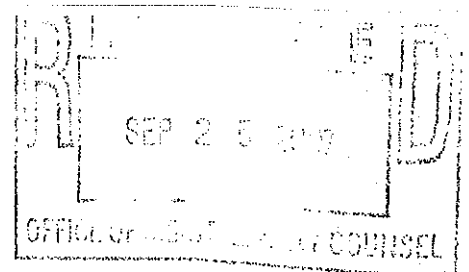


STATE OF WEST VIRGINIA



At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 13th of September, 2007, the following order was made and entered:

Lawyer Disciplinary Board, Petitioner

vs.) No. 33329

Silas Mason Preston, a member of The West
Virginia State Bar, Respondent

On a former day, to-wit, July 25, 2007, came the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, by David A. Jividen, 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 be admonished for violating Rule 1.3 of the Rules of Professional Conduct; (2) the respondent shall complete six hours of continuing legal education during the 2006-2008 reporting period, in addition to what he is otherwise required to complete to maintain his active license to practice, specifically in the area of ethics and/or office management; (3) the respondent shall accept at least two *pro bono* matters from Legal Aid of West Virginia over the next year and verify acceptance and conclusion of same to the Office of Disciplinary Counsel; (4) the respondent shall complete the paperwork to conclude the Estate of Janet Dewitt Beard and shall submit it to the Fiduciary Commissioner for final approval within 30 days of the hearing held on July 11, 2007, and provide proof to the Office of Disciplinary Counsel that he has done so; and (5) pursuant to Rule 3.15 of the

Rules of Lawyer Disciplinary Procedure, respondent shall pay the costs of this disciplinary proceeding.

Upon consideration whereof, the Court is of opinion to and doth hereby adopt the written recommended disposition of the Hearing Panel Subcommittee of the Lawyer Disciplinary Board. It is therefore ordered that: (1) the respondent be, and he hereby is, admonished for violating Rule 1.3 of the Rules of Professional Conduct; (2) the respondent shall complete six hours of continuing legal education during the 2006-2008 reporting period, in addition to what he is otherwise required to complete to maintain his active license to practice, specifically in the area of ethics and/or office management; (3) the respondent shall accept at least two *pro bono* matters from Legal Aid of West Virginia over the next year and verify acceptance and conclusion of same to the Office of Disciplinary Counsel; (4) the respondent shall complete the paperwork to conclude the Estate of Janet Dewitt Beard and shall submit it to the Fiduciary Commissioner for final approval within 30 days of his receipt of this order, and provide proof to the Office of Disciplinary Counsel that he has done so; and (5) pursuant to Rule 3.15 of the Rules of Lawyer Disciplinary Procedure, respondent shall pay the costs of this disciplinary proceeding. Justice Albright opposes the recommendation that the respondent be ordered to accept at least two *pro bono* matters from the Legal Aid of West Virginia over the next year, and verify acceptance and conclusion of the same to the Office of Disciplinary Counsel, given respondent's violation of Rule 1.3, failure to act with reasonable diligence and promptness in representing his client.

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

A True Copy

Attest:


Clerk, Supreme Court of Appeals