

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 29th day of September, 1993, the following order was made and entered:

**Committee on Legal Ethics of The West
Virginia State Bar, Complainant**

vs.) No. 21856

**William M. Miller, a member of The West
Virginia State Bar, Respondent**

On a former day, to-wit, September 24, 1993, came the complainant, the Committee on Legal Ethics of The West Virginia State Bar, by Sherri D. Goodman, its attorney, and also came the respondent, William M. Miller, a member of The West Virginia State Bar, by Busch & Talbott, and Cynthia S. Gustke, his attorneys, and presented to the Court their joint motion in writing for leave to waive the filing of briefs in the above-captioned proceeding and to waive oral argument scheduled for Tuesday, the 2nd day of November, 1993, for the entry of an order issuing a public reprimand of the respondent, William M. Miller, and requiring respondent for a ninety-day period following the imposition of discipline to: (1) decline employment by any person or entity in his capacity as a private lawyer, perform such legal services as are within his statutory duties as prosecuting attorney for Tucker County and prosecute only those matters for which the respondent had been privately retained prior to said ninety-day period; (2) meet on at least two occasions with Sue Core, local representative of the Lawyer's Assistance Committee following the ninety-day period; (3) submit a progress report to the Chief Disciplinary Counsel of the Committee on Legal Ethics setting forth in detail the changes made in the law office administration of respondent's law practice, addressing how such changes will prevent in the future

circumstances which contributed to the unethical conduct in this case and otherwise summarizing respondent's program; and (4) reimburse the Committee on Legal Ethics of The West Virginia State Bar in the amount of Three Thousand Three Hundred Eighty Dollars and Eighty-Seven Cents (\$3,380.87), the amount of the actual and necessary expenses incurred by the Committee on Legal Ethics in the investigation and hearing of this matter.

Upon consideration whereof, the Court is of opinion to and doth hereby order that a public reprimand of the respondent doth hereby issue. It is further ordered that respondent, for a ninety-day period commencing on the 11th day of October, 1993: (1) decline employment by any person or entity in his capacity as a private lawyer, perform only such legal services as are within his statutory duties as prosecuting attorney for Tucker County and prosecute only those matters for which the respondent had been privately retained prior to said ninety-day period; (2) meet on at least two occasions with Sue Core, local representative of the Lawyer's Assistance Committee following the ninety-day period; (3) and submit a progress report to the Chief Disciplinary Counsel of the Committee on Legal Ethics setting forth in detail the changes made in the law office administration of respondent's law practice, addressing how such changes will prevent in the future circumstances which contributed to the unethical conduct in this case and otherwise summarizing respondent's program. It is further ordered that the respondent reimburse the Committee on Legal Ethics of The West Virginia State Bar in the amount of Three Thousand Three Hundred Eighty Dollars and Eighty-Seven Cents (\$3,380.87), the amount of the actual and necessary expenses incurred by the Committee on Legal Ethics in the investigation and hearing of this matter. It is finally considered and ordered that failure to comply

with any of the aforesaid terms shall constitute a separate violation of the Rules of Professional Conduct.

Service upon the respondent by certified mail, return receipt requested, shall constitute notice to respondent of the contents therein.

A True Copy

Attest: _____

A handwritten signature in black ink, appearing to read "Arif A. Ramey", written over a horizontal line.

Clerk, Supreme Court of Appeals