

MAY 18 2005

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STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 11th of May, 2005, the following order was made and entered:

Lawyer Disciplinary Board, Complainant

vs.) No. 31665

Michael F. Niggemyer, a member of The
West Virginia State Bar, Respondent

On a former day, to-wit, March 25, 2005, came the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, by Todd A. Twyman, 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, stipulated to by the parties, recommending that: (1) the respondent be reprimanded; (2) the respondent be ordered to complete an additional twelve hours of continuing legal education in the area of legal ethics and office management during the next report period; (3) the respondent shall provide on a quarterly basis, statements to the Office of Disciplinary Counsel for a period of two years for all receipts on his behalf for any clients and an explanation of how the disbursements or the handling of these clients funds were conducted during this time period; (4) the respondent shall for a period of two years, provide to the Office of Disciplinary Counsel, an annual accounting performed by an outside certified public accountant of all client funds received and disbursed for this time period; and (5) pursuant to Rule 3.15 of the Rules of Lawyer Disciplinary Procedure, respondent shall pay the costs of this disciplinary proceeding.

Thereafter, on the 27th day of April, 2005, came the respondent, Michael F. Niggemyer, by Sherri D. Goodman, Goodman Advocacy, his attorney, and represented to the Court that he has no objections to the recommended disposition.

Finally, on the 28th day of April, 2005, came the Office of Disciplinary Counsel, by Rachael L. Fletcher, its attorney, and represented to the Court that it has no objections to the recommended disposition.

Upon consideration whereof, the Court is of opinion to and doth hereby adopt the stipulated 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, reprimanded; (2) the respondent is ordered to complete an additional twelve hours of continuing legal education in the area of legal ethics and office management during the next report period; (3) the respondent shall provide on a quarterly basis, statements to the Office of Disciplinary Counsel for a period of two years for all receipts on his behalf for any clients and an explanation of how the disbursements or the handling of these clients funds were conducted during this time period; (4) the respondent shall for a period of two years, provide to the Office of Disciplinary Counsel, an annual accounting performed by an outside certified public accountant of all client funds received and disbursed for this time period; and (5) pursuant to Rule 3.15 of the Rules of Lawyer Disciplinary Procedure, respondent shall pay the costs of this disciplinary proceeding.

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

A True Copy

Attest:

Rory J. Perry II.
Clerk, Supreme Court of Appeals