

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 25th day of November, 1992, the following order was made and entered:

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

vs.) No. 21423

David M. Charonis, a suspended member of  
The West Virginia State Bar, Respondent

On a former day, to-wit, October 30, 1992, came the respondent, David M. Charonis, a suspended member of The West Virginia State Bar, pro se, and presented to the Court his motion in writing for leave to waive the filing of a brief and oral argument scheduled for Tuesday, the 1st day of December, 1992, and for the entry of an order allowing voluntary resignation from the practice of law in the State of West Virginia, for the reasons stated therein.

Upon consideration whereof, the Court is of opinion to and doth hereby grant said motion and doth hereby order that the respondent's license to practice law in the State of West Virginia, be, and it hereby is, annulled.

Service of a copy of this order upon the respondent by certified mail, return receipt requested, shall constitute sufficient notice of the contents hereof.

A True Copy

Attest: \_\_\_\_\_  
Clerk, Supreme Court of Appeals

**FILED**

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

OCT 1 1992

THE COMMITTEE ON LEGAL ETHICS OF  
THE WEST VIRGINIA STATE BAR,

Petitioner,

v.

DAVID M. CHARONIS, A suspended  
member of The West Virginia  
State Bar,

Respondent.

*Amelia Ramsey*

CLERK OF THE  
SUPREME COURT OF APPEALS  
OF WEST VIRGINIA

No.

Disciplinary Proceedings

P E T I T I O N

TO THE HONORABLE JUSTICES OF THE SUPREME COURT OF APPEALS OF WEST VIRGINIA:

Now comes the Committee on Legal Ethics of The West Virginia State Bar ("the Committee") by counsel, Maria Marino Potter, to request that this Court issue an Order to show cause why Respondent's license to practice law should not be annulled for failure to comply with the notification requirements for suspended attorneys set forth under Article VI, § 28 of the By-Laws of The West Virginia State Bar. In support of this Petition the Committee states the following:

1. Respondent is a suspended member of The West Virginia State Bar which is an administrative agency of this Court organized and operated under a duly adopted Constitution and By-Laws.

2. Respondent's license to practice law was suspended by this Court for a period of two months beginning on January 17, 1991. As a condition precedent to the reinstatement of his law license, Respondent was required to submit to the Committee a plan for a one-year supervised practice. Committee on Legal Ethics v. Charonis, \_\_\_ W.Va. \_\_\_, 400 S.E.2d 276 (1990).

3. Article VI, § 28 of the By-Laws of The West Virginia State Bar imposes specific notification requirements upon suspended attorneys. Said requirements are as follows:

(a) A disbarred or suspended attorney shall promptly notify by registered or certified mail, return receipt requested, all clients being represented in pending matters, other than litigated or administrative matters or proceedings pending in any court or agency, of his inability to act as an attorney after the effective date of his disbarment or suspension and shall advise said clients to seek legal advice elsewhere.

(b) A disbarred or suspended attorney shall promptly notify, by registered or certified mail, return receipt requested, each of his clients who is involved in litigated matters or administrative proceedings, and the attorney or attorneys for each adverse party in such matter or proceedings, of his inability to act as an attorney after the effective date of his disbarment or suspension. The notice to be given to the client shall advise the prompt substitution of another attorney or attorneys in his place.

In the event the client does not obtain substitute counsel before the effective date of the disbarment or suspension, it shall be the responsibility of the disbarred or suspended attorney to move pro se in the court or agency in which the proceeding is pending, for leave to withdraw.

The notice to be given to the attorney or attorneys for an adverse party shall state the place of residence of the client of the disbarred or suspended attorney.

(c) The disbarred or suspended attorney, after entry of the disbarment or suspension order, shall not accept any new retainer or engage as attorney for another in any new case or legal matter of any nature. However, during the period from the entry date of the order and its effective date he may wind up and complete on behalf of any client, all matters which were pending on the entry date.

(d) Within ten days after the effective date of the disbarment or suspension order, the disbarred or suspended attorney shall file with the supreme court of appeals an affidavit

showing: (1) that he has fully complied with the provisions of the order and with this section; and (2) that he has served a copy of such affidavit upon the secretary-treasurer of the West Virginia State Bar. Such affidavit shall also set forth the residence or other address of the disbarred or suspended attorney where communications may thereafter be directed to him.

4. Approximately one month into Respondent's first two month suspension, Bar Counsel observed that Respondent had neither complied with the above set forth notification requirements nor submitted the supervised practice plan. By letter dated February 14, 1991, Respondent was advised of the consequences of failing to follow the notification requirements and of failing to obtain approval of a supervised practice plan. A copy of the February 14, 1991 letter is attached as Exhibit "A".

5. In response to the February 14, 1991 letter, the Committee through its Counsel received a proposed plan for supervised practice. This plan was reviewed on behalf of the Committee by its Chairman and certain modifications were requested. Thereafter, an amended plan for supervision was submitted. This Amended Supervised Practice Plan was approved by Charles M. Love, III, Chairman of the Committee, by Order dated May 6, 1991.

6. In accordance with the AMENDED SUPERVISED PRACTICE PLAN, Respondent was to submit unto his supervising attorney detailed weekly status reports regarding his cases and office procedures in order that said supervising attorney could monitor Respondent's activities. After review by the supervising attorney, these

reports were then to be signed and forwarded to The West Virginia State Bar.

7. On July 10, 1991, Bar Counsel contacted Respondent's supervising attorney in order to determine why no weekly status reports had been submitted. The supervising attorney stated that he had received only one status report, despite of the fact that he had prompted Respondent to comply with the approved plan. The supervising attorney also indicated that he was reluctant to continue attempts to supervise Respondent because Respondent had not complied with the plan he submitted to the Committee.

8. On July 11, 1991, Respondent was, by certified mail, advised that neither his supervising attorney nor Bar Counsel were willing to continue to prod him for the purpose of obtaining compliance with his plan of supervised practice. Respondent was likewise advised that his failure to response to ethics complaints would no longer be tolerated. Respondent was then told that compliance with said plan and a written response to any and all ethics complaints was expected on or before July 20, 1991. A copy of the letter dated July 11, 1991 is attached to this Petition as Exhibit "B".

9. Based upon the fact that Respondent failed to comply with the supervised practice plan, ignored requests for compliance therewith and in addition, provided no answer to Bar Counsel's July 11, 1991 letter, the Committee filed a petition with this Court on July 22, 1991 requesting that Respondent's license to practice law be suspended. By Order dated October 22, 1991, this Court granted

the Committee's prayer for suspension of Respondent's license to practice law imposing a one year suspension.

10. Having been previously suspended and, in conjunction therewith, previously advised of the specific notifications required of a suspended attorney, Respondent is fully cognizant of his obligations both to clients and to The West Virginia State Bar under Article VI, § 28.

11. Despite knowledge of his notification obligations as a suspended attorney, Respondent has failed to comply with the mandates of § 28. As a result of this failure, clients of Respondent with ongoing legal matters have been left without access to their files and without refunds of unearned fees.

12. Attempts by Bar Counsel to contact Respondent on behalf of clients have been unsuccessful. Examples of said attempts are attached to this Petition as Exhibit "C", but are submitted to this Court under seal as matters set forth therein may not be divulged due to certain confidentiality provisions of the By-Laws of The West Virginia State Bar.

13. Pursuant to Article VI, § 28, Respondent is required to provide The West Virginia State Bar with an address at which "communications may thereafter be directed to him". Respondent closed his law office shortly after he became aware of his suspension. In addition, Respondent moved from the State of West Virginia. Communications directed to Respondent at his former address are returned with the following notation - "moved left no address unable to forward return to sender". Respondent is

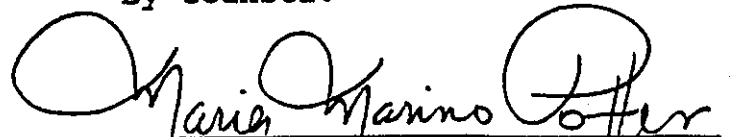
believed to be residing at 743 Boulevard Drive, Belpre, Ohio, 45714 which is the home of his mother.

14. Respondent has failed to comply with Article VI, § 28 of the By-Laws of The West Virginia State. Attempts to contact Respondent before he left the State leaving no forwarding address have brought no communication from the Respondent. Respondent being outside West Virginia is beyond the Committee's subpoena power.

WHEREFORE, the Committee respectfully prays that this Court issue an Order to show cause why Respondent's license should not be annulled and, after affording Respondent the opportunity to respond to said Order, annul Respondent's law license.

COMMITTEE ON LEGAL ETHICS OF  
THE WEST VIRGINIA STATE BAR

By Counsel:

  
Maria Marino Potter, Bar Counsel  
The West Virginia State Bar  
2006 Kanawha Boulevard, East  
Charleston, West Virginia 25311  
(304) 558-2456



THE WEST VIRGINIA STATE BAR

Sheri D Goodman  
Maria Marino Potter  
Bar Counsel

1008 Kanawha Boulevard East  
Charleston, W. Va. 25301  
704-348-2456 704-346-9414  
Telex: 348-2456

Mailing Address:  
State Capital  
Charleston, WV 25301

July 11, 1991

David M. Charonis, Esquire  
613 Market Street  
Parkersburg, West Virginia 26101

Dear Mr. Charonis:

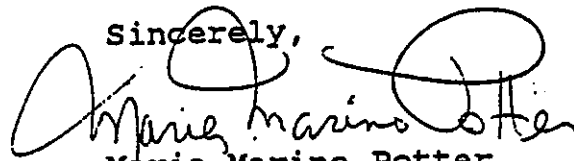
This letter concerns the fact that I have not received either the reports you are required to submit in accordance with your approved supervised practice plan or a response to my letter of May 28, 1991 requesting an answer to an ethics complaint filed by David R. Riggs in December of 1988.

On July 10, 1991, I contacted your supervising attorney, Larry Sullivan, in order to ascertain whether he had brought to your attention your failure to provide said reports or answers. Mr. Sullivan advised me that he, in fact, had called you and had left messages which apparently went unanswered.

At this point neither Mr. Sullivan nor I am willing to continue to prod you to assure compliance with the approved supervised practice plan or that I receive answers to ethics complaints which have been filed against you. I suggest that immediate and continued compliance with the approved supervised practice plan is necessary if you wish to continue to enjoy the privilege of engaging in the practice of law. A written response to any and all ethics complaints is also expected.

I trust that this letter will convince you to do what has been requested. Compliance with this request is expected on or before July 20, 1991.

Sincerely,

  
Maria Marino Potter  
Bar Counsel

MMP:jds

cc: Larry Sullivan, Esq.



Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.  
 Show to whom delivered, date, and addressee's address.  Restricted Delivery  Insured  
 (Extra charge)!  (Extra charge)!  COD

3. Article Addressed to:  
 David M. Charonis, Esq.  
 613 Market St.  
 Parkersburg WV 26101

4. Article Number  
 P245 332 730

Type of Service:  
 Registered  Insured  
 Certified  COD  
 Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee  
 [Signature]

8. Addressee's Address (ONLY if requested and fee paid)

6. Signature - Agent  
 X

7. Date of Delivery  
 7-16-91

PS Form 3811, Mar. 1987 \* U.S.G.P.O. 1987-178-268 DOMESTIC RETURN RECEIPT

P 245 332 730  
 RECEIPT FOR CERTIFIED MAIL  
 NO INSURANCE COVERAGE PROVIDED  
 NOT FOR INTERNATIONAL MAIL  
 (See Reverse)

Sent to	David Charonis
Street and No.	
State and ZIP Code	WV 26101
Postage	\$ 29
Certified Fee	100
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$ 129
Postmark or Date	

U.S.G.P.O. 1989-234-555 Form 3800, June 1985



## THE WEST VIRGINIA STATE BAR

Sherri D. Goodman  
Maria Marino Potter  
Bar Counsel

2006 Kanawha Boulevard, East  
Charleston, WV 25311  
(304) 348-2456 - (304) 348-3414  
Telecopier - (304) 348-2467

Mailing Address  
State Capitol  
Charleston, WV 25305

February 14, 1991

David Charonis, Esquire  
613 Market Street  
Suite Two  
Parkersburg, West Virginia 2601

Dear Mr. Charonis:

The purpose of this letter is to direct your attention to certain matters regarding the suspension of your law license. More specifically, that notice to your clients of your suspension is required under Article VI, Section 28 of the West Virginia State Bar Constitution and that until such time as a plan for your one-year supervised practice is submitted to and approved by the Committee on Legal Ethics your suspension remains in effect.

Article VI, Section 28 of the Constitution of the West Virginia State Bar provides the following with regard to disbarred or suspended attorneys:

- (a) A disbarred or suspended attorney shall promptly notify by registered or certified mail, return receipt requested, all clients being represented in pending matters, other than litigated or administrative matters or proceedings pending in any court or agency, of his inability to act as an attorney after the effective date of his disbarment or suspension and shall advise said clients to seek legal advice elsewhere.
- (b) A disbarred or suspended attorney shall promptly notify, by registered or certified mail, return receipt requested, each of his clients who is involved in litigated matters or administrative proceedings, and the attorney or attorneys for each adverse party in each such matter or proceedings, of his inability to act as an attorney after the effective date of his disbarment or suspension. The notice to be given to the client shall advise the prompt substitution of another attorney or attorneys in his place.

David Charonis  
February 14, 1991  
Page Two

In the event the client does not obtain substitute counsel before the effective date of the disbarment or suspension, it shall be the responsibility of the disbarred or suspended attorney to move pro se in the court or agency in which the proceeding is pending, for leave to withdraw.

The notice to be given to the attorney or attorneys for an adverse party shall state the place of residence of the client of the disbarred or suspended attorney.

- (c) The disbarred or suspended attorney, after entry of the disbarment or suspension order, shall not accept any new retainer or engage as attorney for another in any new case or legal matter of any nature. However, during the period from the entry date of the Order and its effective date he may wind up and complete, on behalf of any client, all matters which were pending on the entry date.
- (d) Within ten days after the effective date of the disbarment or suspension order, the disbarred or suspended attorney shall file with the supreme court of appeals and affidavit showing:
  - (1) that he has fully complied with the provisions of the order and with this section; and;
  - (2) that he has served a copy of such affidavit upon the secretary-treasurer of the West Virginia State Bar. Such affidavit shall also set forth the residence or other address of the disbarred or suspended attorney where communications may thereafter be directed to him.

To date, we have received no evidence to verify that you have complied with the dictates of Article VI, Section 28 as set forth above. In the event that you have made the required notifications, please advise

David Charonis  
February 14, 1991  
Page Three

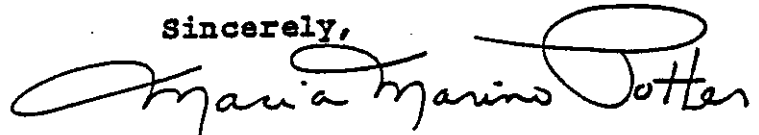
accordingly. If you have not so complied, we respectfully request that you do so immediately.

In addition to the fact that we have not received evidence that you have properly notified your clients and other attorneys of your suspension, it is our understanding that you have not submitted any plan for your one-year supervised practice. PLEASE BE ADVISED THAT THE SUSPENSION OF YOUR LAW LICENSE REMAINS IN EFFECT UNTIL YOUR ONE-YEAR PLAN FOR SUPERVISED PRACTICE HAS BEEN SUBMITTED AND APPROVED BY THE COMMITTEE ON LEGAL ETHICS.

Given the fact that you are half-way through your initial two month suspension period, it would be in your best interest to submit your plan for supervised practice in the near future. Otherwise, your return to the practice of law may be delayed.

We would appreciate your prompt attention to the matters discussed in this letter. Should you have any questions concerning said matters, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Maria Marino Potter". The signature is written in dark ink and is positioned above the typed name.

Maria Marino Potter

MMP:lap

cc: Ancil Ramey, Clerk  
West Virginia Supreme Court of Appeals

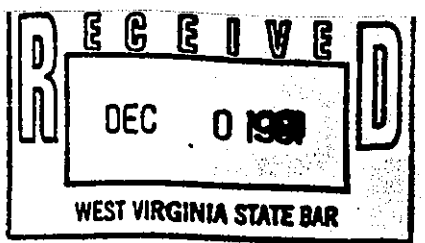
EXHIBIT C

ENCLOSED ARE COPIES OF THE FOLLOWING:

1. ETHICS COMPLAINT FROM JEFFERY A. CALTRIDER RECEIVED DECEMBER 30, 1992
  - LETTER DATED JANUARY 2, 1992 REQUESTING RESPONDENT'S RESPONSE
  - LETTER DATED FEBRUARY 27, 1992 AGAIN REQUESTING RESPONSE
  - ENVELOPE RETURNING FEBRUARY 27, 1992 LETTER
2. ETHICS COMPLAINT FROM MARK E. BAILEY RECEIVED JANUARY 6, 1992
  - LETTER DATED JANUARY 9, 1992 ADVISING RESPONDENT OF COMPLAINT AND DIRECTING HIM TO REFUND FEE
3. ETHICS COMPLAINT OF JIM FLEAGLE RECEIVED JANUARY 8, 1992
  - LETTER DATED JANUARY 9, 1992 REQUESTING RESPONDENT'S RESPONSE
  - LETTER DATED FEBRUARY 24, 1992 REITERATING REQUEST FOR RESPONSE
  - ENVELOPE RETURNING FEBRUARY 24, 1992 LETTER
4. ETHICS COMPLAINT FROM THOMAS HARRIS RECEIVED JANUARY 9, 1992
  - LETTER DATED JANUARY 22, 1992 REQUESTING RESPONDENT'S RESPONSE
5. ETHICS COMPLAINT FROM DOLORES SHEA RECEIVED APRIL 6, 1992
  - LETTER DATED APRIL 20, 1992 REQUESTING RESPONDENT'S RESPONSE
  - ENVELOPE RETURNING APRIL 20, 1992 LETTER
6. LETTER OF COMPLAINT FROM ATTORNEY JOSEPH T. SANTER REGARDING PENDING MALPRACTICE ACTION AGAINST RESPONDENT

91-435

THE WEST VIRGINIA STATE BAR  
COMMITTEE ON LEGAL ETHICS



Mailing address:  
2006 Kanawha Blvd., East  
Charleston, WV 25311

DATE: December 23, 1991

1) COMPLAINANT (Mr)  (Mrs)  (Miss)   
Your Name: Jeffery A CALTRIDER  
(First) (Initial) (Last)

Your Address: P.O. Bx 3491  
(Street/Post Office Box)  
Parkersburg WV. 26103  
(city) (State) (Zip)

Your Telephone: 304-275-3424 Home \_\_\_\_\_ Business \_\_\_\_\_  
[Note: It is very important that we have your telephone number(s)]

2) ATTORNEY COMPLAINED OF:

Name: DAVID M CHARONIS  
(First) (Initial) (Last)

Address: 613 MARKET STREET  
(Street/Post Office Box)  
Parkersburg WV. 26101  
(city) (State) (Zip)

Attorney's Telephone Number: 304 485-6098

3) Have you ever filed a complaint about this matter here or anywhere else? NO

4) Have you brought a civil or criminal action against this attorney? NO

5) Do you owe this attorney a fee? NO  
Does the lawyer owe you a refund? YES

6) DETAILS OF COMPLAINT: (Write here & on reverse side or attach separate written explanation; attach copies of documents which help explain your complaint.)

I CONTACTED DAVID CHARONIS IN EARLY MAY OF 1991  
ABOUT REPRESENTING ME IN A BANKRUPTCY he told me  
to get together. A complete list of my DEBTS  
AND ASSETS AND call him back for an appointment  
MAY 23, 1991 I had an early afternoon appointment

1428 JAN 20 1992  
WEST VIRGINIA STATE BAR  
RECEIVED  
MAY 23 1991

(DETAILS CONTINUED)

I Took with me All the information he Requested  
 AT THAT TIME MR. CHARONIS Informed me he would NOT  
 file ANYTHING UNTIL he WAS PAID in full, WANTING TO  
 EXPINITE MATTERS I PAID him CASH AT THAT TIME  
 (see Attached copy of his signed Receipt)  
 AFTER SEVERAL MONTHS AND Countless Phone CALL'S I  
 finally GOT him TO DRAW UP the PAPER work for  
 me TO SIGN IN OCTOBER 1991 AT THAT TIME he  
 Informed me I COULD Expect A COURT DATE WITHIN A  
 Couple of MONTHS, since THAT TIME I HAVE LEARNED  
 MR. CHARONIS HAS HAD his LICENSE TO PRACTICE LAW  
 SUSPENDED, I DONT believe MR. CHARONIS EVEN FILED  
 my Petition DUE TO ALL THE HARASSMENT AND LAWSUIT  
 THREATS I HAVE BEEN Receiving, from my Creditors  
 I GAVE MR. CHARONIS All the MONEY I HAD TO TAKE  
 CARE of this for me, I became UNEMPLOYED shortly  
 AFTER first TALKING TO MR. CHARONIS I HAVE NO INCOME  
 TO PURSUE ANY LEGAL ACTION AGAINST him OR TO  
 hire ANOTHER ATTORNEY for my BANKRUPTCY.

7) OATH OF COMPLAINT: The facts written above, and in attached letters and documents are known by me to be true or are believed to be true.

Jeffrey A. Calton  
 Signature

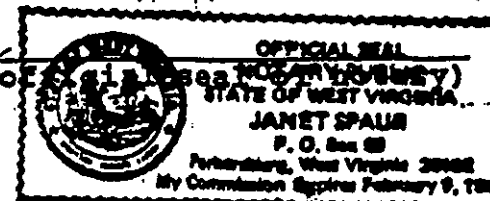
Subscribed and sworn before me this 23rd day of December

1991.

State of West Virginia  
 County of Wood.

Janet Spaul  
 (Official signature and of Janet Spaul)

2/9/94



DATE 05/23 1991 No. 1064

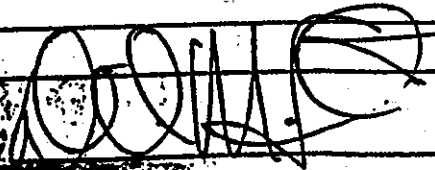
RECEIVED FROM JEFF CALTRIDER

ADDRESS \_\_\_\_\_

DOLLARS \$ 400.00

FOR 10/91

ACCOUNT		HOW PAID	
AMT. OF ACCOUNT	<u>400.00</u>	CASH	<u>400.00</u>
AMT. PAID	<u>400.00</u>	CHECK	
BALANCE FWD	<u>0.00</u>	MONEY ORDER	

BY: 





**THE WEST VIRGINIA STATE BAR**

Sherri D. Goodman  
Maria Marino Potter  
Bar Counsel

2006 Kanawha Boulevard, East  
Charleston, WV 25311  
(304) 348-2456 - (304) 348-8414  
Telecopier - (304) 348-2487

Mailing Address  
State Capitol  
Charleston, WV 25305

January 2, 1992

David M. Charonis, Esquire  
613 Market Street  
Parkersburg, West Virginia 26101

Re: I.D. No. 91-435, Complaint of Jeffery A. Caltrider

Dear Mr. Charonis:

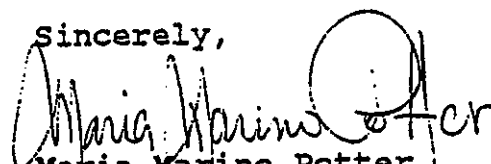
Enclosed is a copy of a letter of complaint which this office has received from the above-referenced individual.

I have been directed to call this matter to your attention and ask that you communicate with us, in writing, in an effort to resolve this issue.

If you have any questions, please let me know. We will expect your response no later than three weeks from the date of this letter. If your schedule cannot accommodate this deadline, please call me to arrange another date.

Thank you for your cooperation.

Sincerely,

  
Maria Marino Potter  
Bar Counsel

MMP/jds  
Enclosure

cc: Jeffery A. Caltrider

P 245 332 071

**RECEIPT FOR CERTIFIED MAIL**

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL

(See Reverse)

U.S.G.P.O. 1989-234-555

PS Form 3800, June 1985

Sent to <b>Charonis</b>	
Street and No.	
P.O., State and ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date	



**THE WEST VIRGINIA STATE BAR**

Sherril D. Goodman  
Maria Marino Potter  
Bar Counsel

2006 Kanawha Boulevard, East  
Charleston, WV 25311  
(304) 348-2458  
Telecopier - (304) 348-2467

February 27, 1992

David M. Charonis  
613 Market Street  
Parkersburg, West Virginia 26101

RE: I.D. No. 91-435, Complaint of Jeffery A. Caltrider

Dear Mr. Charonis:

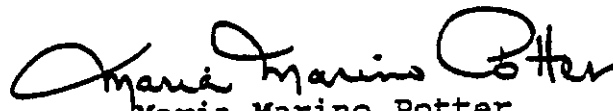
Enclosed please find prior correspondence from this office to which we have received no reply.

I began my employment with the State Bar on January 14, 1991. In the year I have been in the position of Bar Counsel a substantial amount of my time and the time of assistants in this office has been consumed by dealing with allegations of misconduct against you. I am no longer willing to expend valuable time prompting you to do what you are otherwise required to do.

A written response to the enclosed complaint is expected on or before March 5, 1992 and included with that response is to be a check in Mr. Caltrider's name in the amount of four hundred dollars.

Should you have any questions regarding this letter or the enclosed, you may contact me at 348-0796.

Sincerely,

  
Maria Marino Potter  
Bar Counsel

MMP:jds  
enclosure

cc: Jeffery A. Caltrider



THE WEST VIRGINIA STATE BAR

6400 STATE CAPITOL • CHARLESTON WEST VIRGINIA 25305

PERSONAL AND CONFIDENTIAL

RETURN TO SENDER  
UNDELIVERABLE AS ADDRESSES  
UNKNOWN TO THE POST OFFICE  
TO  
MUNA

**CERTIFIED**  
P 245 332 071  
**MAIL**

DAVID M CHARONIS ESQ  
613 MARKET ST  
[Redacted]

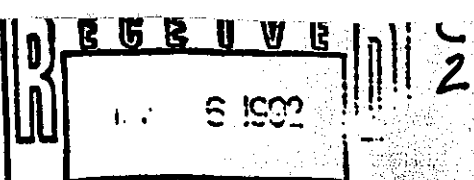
CHARLESTON WV 253 02/27/92 DCR #2

[Redacted]

mp

72-003

THE WEST VIRGINIA STATE BAR  
COMMITTEE ON LEGAL ETHICS



Mailing address:  
State Capitol  
Charleston, WV 25305

Street Address:  
WEST VIRGINIA STATE BAR  
2006 Kanawha Blvd., East  
Charleston, WV 25311

Date: 12-30-91

1) COMPLAINANT (Mr) (✓)  
(Mrs) ( )  
Your Name: (Miss) ( ) MARK E. BAILEY  
(First) (Initial) (Last)

Your Address: 3630 JEFFERSON ST  
(Street/Post Office Box)  
PARKERSBURG WVA 26104  
(City) (State) (Zip)

Your Business Telephone: (304) 428-7862 Home Telephone: (304) 485-8720  
[Note: It is very important that we have your telephone number(s)]

2) ATTORNEY COMPLAINED OF:

Name: DAVID M CHARONIS  
(First) (Initial) (Last)

Address: 613 MARKET ST SUITE 2  
(Street/Post Office Box)  
PARKERSBURG WVA 26101-5145  
(City) (State) (Zip)

Attorney's Telephone Number: (304) 485-6098

3) Have you already filed a complaint about this matter here or anywhere else?

NO

4) Have you brought a civil or criminal action against this attorney?

NO

5) Do you owe this attorney a fee? NO  
Does the lawyer owe you a refund? YES

6) NATURE OF COMPLAINT: (Examples - neglect, fee dispute, quality of representation, misrepresentation, conflict of interest, breach of client confidence, etc.)

FEE DISPUTE, PAID FOR REPRESENTATION, ATTORNEY WAS SUSPENDED

(PLEASE COMPLETE QUESTIONS ON OTHER SIDE)

7) DETAILS OF COMPLAINT: (Write here or attach separate written explanation; attach copies of documents which help explain your complaint.)

ON OCT 16, 1991, I FILED FOR DIVORCE IN WOOD COUNTY AGAINST TAMMY S. BAILEY, CIVIL ACTION # 9-C-1152. I PAID DAVID M CHARONIS \$ 395.00, INCLUDING \$ 325.00 FOR HIS FEE PLUS FILING FEES. A FEW DAYS LATER HE SENT A LETTER FOR A SETTLEMENT PROPOSAL WITH MY WIFE AND HER ATTORNEY.

ON OR ABOUT NOV 7, 1991, I HAD LEARNED THAT MR CHARONIS HAD BEEN SUSPENDED FROM PRACTICING LAW EFFECTIVE NOV. 22, 1991. MY FIRST HEARING DATE WAS SET FOR NOV. 15, 1991. WHEN I ATTEMPTED TO REACH MR CHARONIS BY PHONE, I GOT NO ANSWER. I REPEATEDLY ATTEMPTED TO CONTACT HIM BY PHONE AND ALSO WENT TO HIS OFFICE, BUT THERE WAS NO ONE IN THE OFFICE.

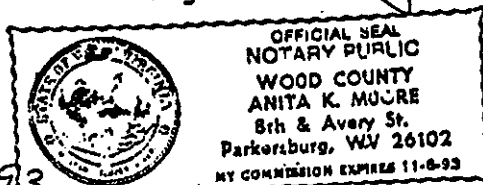
CONCERNED WITH THESE EVENTS, I ENTERED INTO CONTRACT WITH JODY M BOYLEN AT DAVID G PALMER LAW OFFICES ON NOV 7, 1991. I DO NOT SEEM TO HAVE A CONTRACT IN MY POSSESSION WITH MR CHARONIS. MS BOYLEN FILED A SUBSTITUTION OF COUNSEL AND SENT MR CHARONIS A LETTER EXPLAINING MY POSITION ON NOV 8, 1991.

ON ARRIVAL AT THE FAMILY LAW MASTER ON NOV 15, 1991, MR CHARONIS HAD LEFT MY FILE WITH THE FAMILY LAW MASTER, BUT LEFT NO MESSAGE OR STATEMENT. I HAVE NOT HEARD FROM MR CHARONIS SINCE, AND I FEEL THAT MR CHARONIS OWES ME SOME, IF NOT ALL OF THE \$325.00 IN ATTORNEY FEES THAT I PAID HIM ON OCT 16, 1991. (SEE ATTACHED PAGE)

8) OATH OF COMPLAINT: The facts written above, and in attached letters and documents are known by me to be true or are believed to be true.

Mark E. Bailey  
Signature

  
Notary Public



My Commission expires: 11-8-93

MARK E. BAILEY 12-87  
3630 JEFFERSON STREET, 485-8720  
PARKERSBURG, WV 26104-2017

1:42 Mon  
224

10-16-91

69-7317-018  
2519

PAY TO THE ORDER OF

David M Christmas

\$ 395.00

Three Hundred Ninety Five & 00/100 - DOLLARS

MAGNET

Parkersburg, West Virginia 26102

Bank

0500 0255 00

Mark E. Bailey

FOR

⑆251973177⑆ ⑆164088469⑆ 0224 ⑆0000039500⑆

*Handwritten signatures and initials*

304-424-8800  
UNITED NAT. BK  
PARKERSBURG, WV  
POST OFFICE

10-22-91 0500 0255 00

⑆6948 0160 OCT/21/91 0005  
⑆266-2614⑆ \$395.00 CHECK  
"WE MAKE IT EASY"  
000255



**THE WEST VIRGINIA STATE BAR**

Sherri D. Goodman  
Maria Marino Potter  
Bar Counsel

2006 Kanawha Boulevard, East  
Charleston, WV 25311  
(304) 348-2458 - (304) 348-8414  
Telecopier - (304) 348-2487

Mailing Address  
State Capitol  
Charleston, WV 25305

January 9, 1992

David M. Charonis  
613 Market Street, Suite 2  
Parkersburg, West Virginia 26104

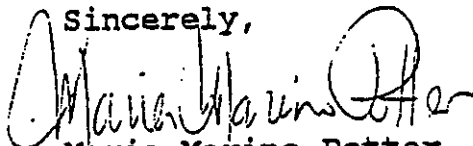
Dear Mr. Charonis:

Enclosed please find a copy of an ethics complaint which was filed with this office by Mark A. Bailey.

Having reviewed the enclosed, I am of the opinion that you should refund \$325 to Mr. Bailey as he requested in his complaint. In the event that you fail to refund the \$325 to Mr. Bailey, I will send him a copy of an application which will allow him to make a claim for the \$325 against the Client Security Fund. Should such action become necessary, you may expect that any efforts on your behalf to obtain reinstatement will be vigorously opposed by Bar Counsel.

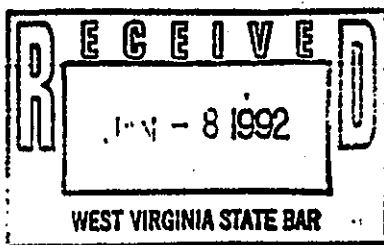
Your prompt attention to the enclosed would be greatly appreciated.

Sincerely,

  
Maria Marino Potter  
Bar Counsel

MMP:jds





Jan. 6, 1992

To Whom It May Concern:

This is concerning David Charonis Atty. at Law, 613 Market St. Parkersburg, Wv. 26101, 485-6098.

He returned to some items to me approximately 2 Months ago, about some work he was doing for me. He made no mention to me that his license was and on is being suspended.

Then about 3 weeks after that I had decided to go on with the law suit I was thinking of. So I tried to get in touch with him for 2 weeks via telephone. His phone was always busy. After 2 weeks of this, I left a note on his front door of his office, stating I needed all the information that he had collected and that I have gave him to continue this out of state suit. I left 2 notes on his door in 1 1/2 weeks. I then sent Mr. Charonis a certified letter (a photo copy of the receipt enclosed with date on it).

This is very important to me, it is worth \$7,000.00 to me. That is how much I'm going to sue the medical clinic for damages caused upon me, because of what was put on my credit rating.

Any help that you can give me will be greatly appreciated.

Thank You

*Jim Fleagle*

Washington County, Ohio

TRINA K. JACKSON

Trina K. Jackson

Jim Fleagle  
714 Wash. Blvd.  
Belpre, Oh 45714  
614-423-5051

NOTARY PUBLIC



**THE WEST VIRGINIA STATE BAR**

Sherri D. Goodman  
Maria Marino Potter  
Bar Counsel

2006 Kanawha Boulevard, East  
Charleston, WV 25311  
(304) 348-2456 - (304) 348-8414  
Telecopier - (304) 348-2487

Mailing Address  
State Capitol  
Charleston, WV 25305

January 9, 1992

David Charonis  
613 Market Street, Suite 2  
Parkersburg, West Virginia 26104

Re: I.D. No. 92-011, Complaint of Jim Fleagle

Dear Mr. Charonis:

Enclosed is a copy of a complaint which this office received from the above-referenced individual. I have been directed to call this matter to your attention and ask that you communicate with us, in writing, in an effort to resolve this issue.

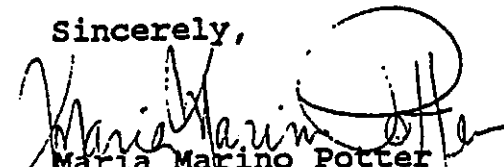
In addition, I ask that you send a copy of your response directly to the complainant. By sending a copy of this letter to the complainant, I am requesting that the complainant send any additional comments to me after reviewing the response. Once I have read all communications, I will contact the parties for any additional information, if necessary. I will also conduct an independent investigation, if appropriate.

If you have any questions, please let me know. I will expect your response no later than three weeks from the date of this letter. If your schedule cannot accommodate this deadline, please call me to arrange another date.

Please be advised that Bar Counsel considers this request a lawful demand for information within the meaning of Rule 8.1(b) of the Rules of Professional Conduct. Failure to respond may subject you to disciplinary action.

Thank you for your cooperation.

Sincerely,

  
Maria Marino Potter  
Bar Counsel

MMP/jds  
Enclosure

cc: Jim Fleagle



THE WEST VIRGINIA STATE BAR

Sherri D. Goodman  
Maria Marino Potter  
Bar Counsel

2006 Kanawha Boulevard, East  
Charleston, WV 25311  
(304) 348-2458 - (304) 348-8414  
Telecopier - (304) 348-2487

Mailing Address  
State Capitol  
Charleston, WV 25305

February 24, 1992

David M. Charonis  
613 Market Street, Suite 2  
Parkersburg, West Virginia 26104

RE: I.D. No. 92-011, Complaint of Jim Fleagle

Dear Mr. Charonis:

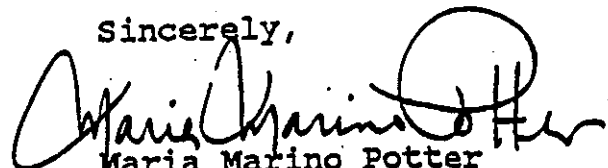
By letter dated January 9, 1992, I asked you to provide a written response to an ethics complaint filed against you by Jim Fleagle. To date, I have received no reply to the above-referenced letter.

Enclosed please find additional correspondence from Mr. Fleagle regarding his complaint. Based upon the enclosed, it appears that you have returned a portion of Mr. Fleagle's file. Although you are probably aware that an attorney is not required to give a client copies of personal notes of the attorney made for the file, Mr. Fleagle is entitled to copies of letters written to you and copies of the letter you wrote to the knee clinic.

I would very much appreciate your written response to Mr. Fleagle's complaint and that you return copies of the letters written to you by Mr. Fleagle and a copy of the letter you wrote to the knee clinic.

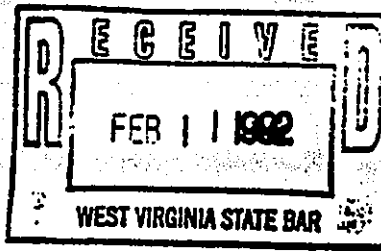
Your attention to these matters on or before March 9, 1992 would also be appreciated.

Sincerely,

  
Maria Marino Potter  
Bar Counsel

MMP:jds  
Enclosures

cc: Jim Fleagle



Feb. 6, 1992

To Whom It May Concern;

This is concerning David Charles Atty. at Law, 617  
Market St. Parkersburg, W.V. 26101. 484-6098.

He returned items to me, that I requested. But not any  
of his notes, or any of those other letters written to him or  
that he wrote to the knee clinic.

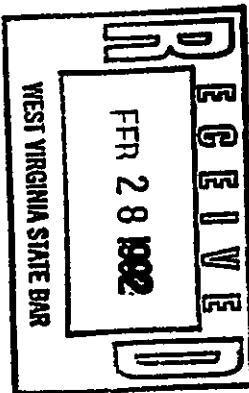
Thank You

Jim Flory  
111 West 11th St.  
Martinsburg, WV 26150  
304-261-1111



THE WEST VIRGINIA STATE BAR

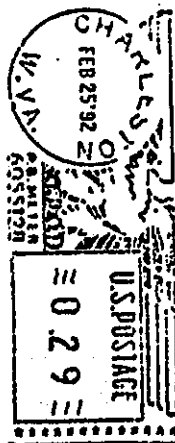
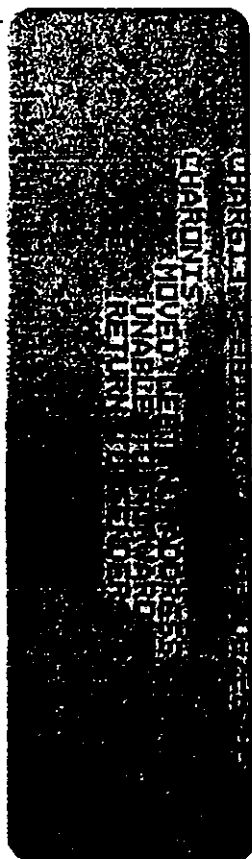
2-400 STATE CAPITOL • CHARLESTON, WEST VIRGINIA 25308



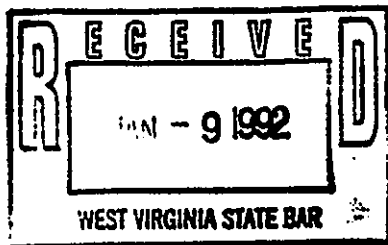
DAVID H CHARONIS  
613 MARKET ST. STE 2  
PARKERSBURG WV 26104

*Answered  
1/25/92  
LAWYER!*

PERSONAL AND CONFIDENTIAL



92-021



1-6-92

Dear Ms. Potter,

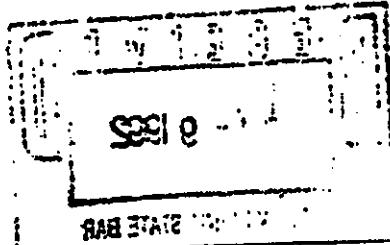
As per our conversation dated 1-3-92, I am making a complaint against David M. Charonis (attorney in P. Burg WVA) for reasons I will describe below.

- Ⓐ David failed to defend me at my second hearing (Did not show up)
- Ⓑ Has failed to respond to my calls of my certified letter. <sup>SEE ATTACHED</sup>
- Ⓒ Has failed to return my case file, for which my new attorney James Bradley Jr. needs to defend me properly.
- Ⓓ Has failed to return any monies owed to me from previous deal and future expenses incurred because of his neglect.

Sincerely,

Thomas M. Harris  
 813 3324 St. Vienna

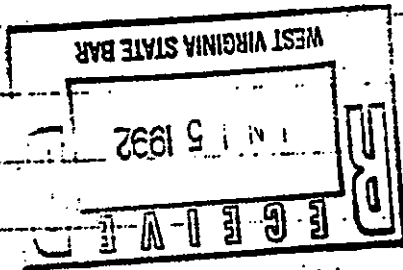
304-295-8173



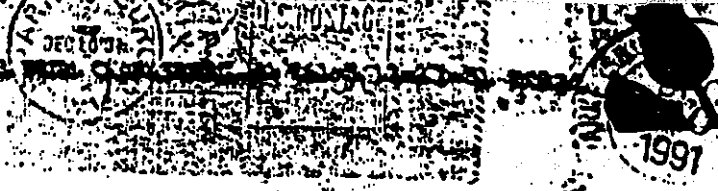
Notary: Dawn Faulkner

~~3-8-94~~

Commission Expires: 3-8-94



Roanoke VA 26005



Fold at line over top of envelope to the right of the return address.

**CERTIFIED MAIL**  
P 705 204 772



UNCLAIMED

David M. Charonis  
613 Market St. Suite 2  
Parkersburg WV 26101

RETURN RECEIPT REQUESTED

12-28-91

12/11/91

DEC 17 1991  
12-27-91

12-9-9

Dear Mr. Charonis

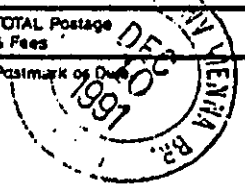
P 705 204 772



**Certified Mail Receipt**  
No Insurance Coverage Provided  
Do not use for International Mail  
(See Reverse)

Sent to	
David Charonis	
Street & No.	
613 Market St. Suite 2	
P.O., State & ZIP Code	
P. Burg WV 26101	
Postage	\$ 29
Certified Fee	1.00
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.00
Return Receipt-Showing to Whom, Date, & Address of Delivery	
TOTAL Postage & Fees	\$ 229

PS Form 3800, June 1990



At this time I am request my complete case file, the billing statement and refund due to your failure to present me fully in my case.

I am requesting the above within ten days of this request or I will be forced to seek the above thru WVA Bar Assoc. and the Judicial Investigator Commission as per Marie's

David I am terribly sorry about your situation and truly wish you well. Hope to hear from you.





## THE WEST VIRGINIA STATE BAR

Sheri D. Goodman  
Maria Marino Potter  
Bar Counsel

2008 Kanawha Boulevard, East  
Charleston, WV 25311  
(304) 348-2458 - (304) 348-8414  
Telecopier - (304) 348-2487

Mailing Address  
State Capitol  
Charleston, WV 25305

January 22, 1992

David M. Charonis, Esquire  
613 Market Street, Suite 2  
Parkersburg, West Virginia 26101

Re: I.D. No. 92-021, Complaint of Thomas H. Harris

Dear Mr. Charonis:

Enclosed is a copy of a complaint which this office received from the above-referenced individual. I have been directed to call this matter to your attention and ask that you communicate with us, in writing, in an effort to resolve this issue.

In addition, I ask that you send a copy of your response directly to the complainant. By sending a copy of this letter to the complainant, I am requesting that the complainant send any additional comments to me after reviewing the response. Once I have read all communications, I will contact the parties for any additional information, if necessary. I will also conduct an independent investigation, if appropriate.

If you have any questions, please let me know. I will expect your response no later than three weeks from the date of this letter. If your schedule cannot accommodate this deadline, please call me to arrange another date.

Please be advised that Bar Counsel considers this request a lawful demand for information within the meaning of Rule 8.1(b) of the Rules of Professional Conduct. Failure to respond may subject you to disciplinary action.

Thank you for your cooperation.

Sincerely,

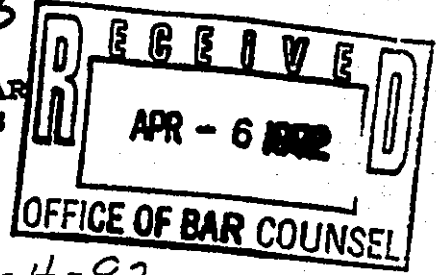
Maria Marino Potter  
Bar Counsel

MMP/jds  
Enclosure

cc: Thomas H. Harris

92-133

THE WEST VIRGINIA STATE BAR  
COMMITTEE ON LEGAL ETHICS



C 5

Mailing address:  
2006 Kanawha Blvd., East  
Charleston, WV 25311

DATE: 4-4-92

1) COMPLAINANT (Mr) ( )  
(Mrs) ( )  
Your Name: (Miss) (x) Dolores M. SHEA  
(First) (Initial) (Last)

Your Address: 14 WALNUT Street  
(Street/Post Office Box)  
Selbyville Del. 19975  
(City) (State) (Zip)

Your Telephone: 302-436-4175 Home \_\_\_\_\_ Business \_\_\_\_\_  
[Note: It is very important that we have your telephone number(s)]

2) ATTORNEY COMPLAINED OF:

Name: DAVID ? CHARONIS  
(First) (Initial) (Last)

Address: 613 MARKET Street  
(Street/Post Office Box)  
Paeblersburg W.Va 26101  
(City) (State) (Zip)

Attorney's Telephone Number: 1-304-485-6098

3) Have you ever filed a complaint about this matter here or anywhere else? NO

4) Have you brought a civil or criminal action against this attorney?  
NO

5) Do you owe this attorney a fee? NO  
Does the lawyer owe you a refund? yes

6) DETAILS OF COMPLAINT: (Write here & on reverse side or attach separate written explanation; attach copies of documents which help explain your complaint.)

In June of 1991 I called Mr. Charonis, explained my problem that my ex husband had not lived up to the agreement of our divorce. He told me he could help me. I told him I would be coming to W.Va in July. On July 12<sup>th</sup> 1991 I went to his

~~office~~ He did not show up, due to he had an  
 emergency. I talked to him on the phone. His secretary  
 was there, she wrote everything down. My  
 sister, G. Ann Bove, was also present. He again told  
 me he could help me. I gave him \$200.00 for his  
 fee. His secretary gave me a receipt. ~~He~~ She  
 (secretary) took copies of all my legal paper work.  
 Mr. Charonis told me he would get in touch  
 with me. After 2 months I didn't hear from him.  
 I called his office his secretary told me I would  
 be getting paper work in the mail. I never received it  
 after repeatedly calling his office and never getting  
 any answer to my questions. I decided to write  
 him a certified letter. He refused that letter.  
 I feel that he had no intentions of doing  
 anything for me. But, he took my money.  
 When I try to call the phone is always  
 busy. Hope you can help me.

7) **OATH OF COMPLAINT:** The facts written above, and in attached letters  
 and documents are known by me to be true or are  
 believed to be true.

State of Maryland Dolores Marie Shes  
 County of WORCESTER Signature

Subscribed and sworn before me this 3 day of April,  
 1992.

Debra Zellma  
 (Official signature and official seal of notary)  
 My Commission Expires 7/1/95

Dolores Shea  
14 Walnut St.  
Selbyville, Del  
19975

First Notice  
Second Notice  
Return

1 2  
FIRST CLASS  
F-11



\$2 USA



Return Receipt Service

David Charonis  
613 Market St.  
Parkersburg, W. Va.  
26101

UNCLAIMED

RETURN RECEIPT  
REQUESTED

LM  
SSA  
1-10-92  
JUL 26-92

MAIL  
P 629 802 645  
CERTIFIED  
Place a line over top of envelope to right of the return address.

RECEIVED FROM Dolores Shea DATE 7-12 1991 No. 1087  
ADDRESS \_\_\_\_\_  
DOLLARS \$ 250<sup>00</sup>  
FOR Divorce

ACCOUNT		HOW PAID	
AMT. OF ACCOUNT	<u>250.00</u>	CASH	<input checked="" type="checkbox"/>
AMT. PAID	<u>250.00</u>	CHECK	<input type="checkbox"/>
BALANCE DUE	<u>0</u>	MONEY ORDER	<input type="checkbox"/>

BY Annella McGee



THE WEST VIRGINIA STATE BAR

Sherril O. Goodman  
Maria Marino Potter  
Bar Counsel

2006 Kanawha Boulevard, East  
Charleston, WV 25311  
(304) 558-2456  
Telecopier - (304) 558-2467

Direct Dial

April 20, 1992

David M. Charonis, Esquire  
613 Market Street  
Parkersburg, West Virginia 26101

Re: I.D. No. 92-133, Complaint of Dolores M. Shea

Dear Mr. Charonis:

Enclosed is a copy of a complaint which this office received from the above-referenced individual. I have been directed to call this matter to your attention and ask that you communicate with us, in writing, in an effort to resolve this issue.

In addition, I ask that you send a copy of your response directly to the complainant. By sending a copy of this letter to the complainant, I am requesting that the complainant send any additional comments to me after reviewing the response. Once I have read all communications, I will contact the parties for any additional information, if necessary. I will also conduct an independent investigation, if appropriate.

If you have any questions, please let me know. I will expect your response no later than three weeks from the date of this letter. If your schedule cannot accommodate this deadline, please call me to arrange another date.

Please be advised that Bar Counsel considers this request a lawful demand for information within the meaning of Rule 8.1(b) of the Rules of Professional Conduct. Failure to respond may subject you to disciplinary action.

Thank you for your cooperation.

Sincerely,

Maria Marino Potter  
Bar Counsel

MMP/jds  
Enclosure  
cc: Dolores M. Shea



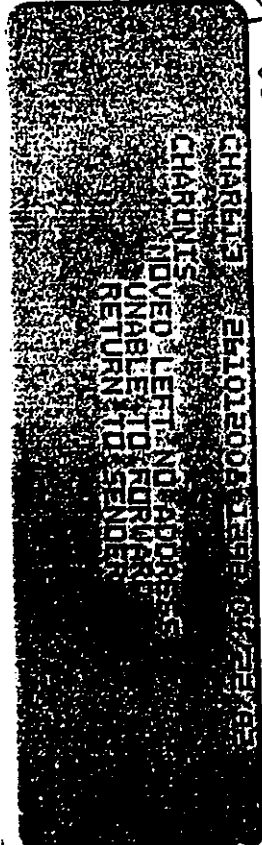
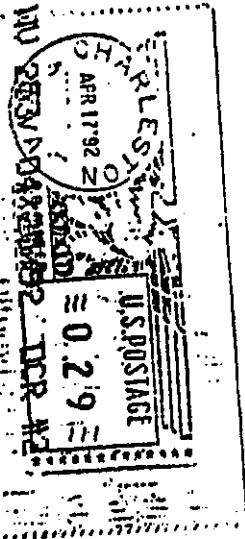
THE WEST VIRGINIA STATE BAR

6400 STATE CAPITOL • CHARLESTON, WEST VIRGINIA 25308

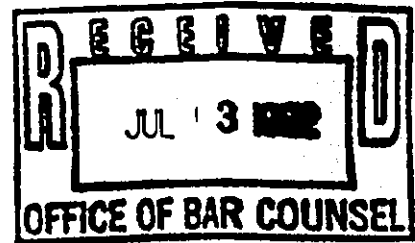
PERSONAL AND CONFIDENTIAL

David M. Charonis, Esq.  
613 Market St.  
Parkersburg WY 26101

CHARLESTON WV 25308



SANTER AND SANTER  
ATTORNEYS AT LAW  
SUITE 9  
209 1/2 4<sup>TH</sup> STREET  
PARKERSBURG, WEST VIRGINIA 26101



TELEPHONE  
(304) 422-5590

THOMAS F. SANTER  
JOSEPH T. SANTER

July 9, 1992

Ms. Maria Potter, Esquire  
2006 Kanawha Boulevard, East  
Charleston, WV 25311

RE: David M. Charonis, Esquire

Dear Ms. Potter:

This letter is written in follow-up to our telephone conversations regarding David M. Charonis, Esquire, the most recent occurring this day, July 9, 1992. As you are aware, I represent a former client of Mr. Charonis' in a malpractice claim against Attorney Charonis. It seems that Mr. Charonis' actions in this case are in clear violation of the Rules of Professional Conduct. It is for that reason that I am bringing this matter to your attention and to the attention of the Committee on Legal Ethics.

In summary, my client was involved in an automobile accident on January 14, 1989. Shortly thereafter, he engaged David Charonis to represent him in a claim against the other driver. The issue of liability was clear cut. Mr. Charonis did contact the other driver's insurance carrier, however, it appears that no effort was made to settle the claim by him. Indeed, it seems little, if anything, was done for two years. Ultimately, Mr. Charonis failed to file suit within the statute of limitations. However, one day after the statute had run, Mr. Charonis did file suit (Wood County Circuit Court Civil Action No. 91-C-65). In doing so, Mr. Charonis forged his client's name to make it appear that the client was acting pro se. Charonis thereafter refused to respond to any inquiry by his client. The case was ultimately dismissed for failure to timely file. Unfortunately, it seems that Mr. Charonis is bankrupt and without malpractice insurance leaving my client without recourse to secure payment for his losses.

Respectfully,

A handwritten signature in cursive script that reads "Joseph T. Santer".


Joseph T. Santer

JTS:kdg  
cc: Legal Ethics Committee

P.S. It is my understanding that Mr. Charonis' present address is 743 Boulevard Drive, Belpre, Ohio, 45714. (This is the home of his mother.)

CERTIFICATE OF SERVICE

This is to certify that I, Maria Marino Potter, Counsel for The West Virginia State Bar, have this day, the 1st of October 1992, served a true copy of the foregoing Petition, by mailing the same, United States Mail, in an envelope with sufficient postage, to David M. Charonis, at the address of his mother and what is believed to be his address 743 Boulevard Drive, Belpre, Ohio, 45714.

  
Maria Marino Potter  
Bar Counsel  
The West Virginia State Bar