

JUL 15 1999

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 7th day of July, 1999, the following order was made and entered:

Lawyer Disciplinary Board, Complainant

vs.) No. 25418

Bernard L. Spaulding, a member of The
West Virginia State Bar, Respondent

On a former day, to-wit, June 11, 1999, came the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, by William B. Richardson, Jr., its chairperson, pursuant to Rule 3.10 of the Rules of Lawyer Disciplinary Procedure, and presented to the Court its written recommended disposition recommending that the stipulations agreed to by the parties be adopted by the Court. The stipulations agreed to are the following: the respondent, Bernard L. Spaulding, a member of The West Virginia State Bar, (1) would be admonished; (2) would reimburse the Lawyer Disciplinary Board for the costs and expenses incurred in the investigation of this case by a reasonable payment schedule agreed upon by the parties; (3) would make full restitution to Thomas Bronz to satisfy the outstanding debt upon the judgment, with the respondent agreeing to make a payment of cash to Mr. Bronz and further periodic payments on a schedule agreeable to both parties, respondent securing the obligation by deeds of trust on properties owned by him, said restitution to be considered a sanction pursuant to Rule 3.15(2) of the Rules of Lawyer Disciplinary Procedure with failure to make restitution in full or failure to adhere in good faith to the schedule of payments may subject respondent to further disciplinary proceedings;

and (4) would agree to exercise due diligence in obtaining malpractice insurance coverage for his law practice, for violating Rule 8.4(c) of the Rules of Professional Conduct.

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 the respondent, Bernard L. Spaulding, a member of The West Virginia State Bar, for violating Rule 8.4(c) of the Rules of Professional Conduct, (1) be, and he hereby is, admonished; (2) shall reimburse the Lawyer Disciplinary Board for the costs and expenses incurred in the investigation of this case by a reasonable payment schedule agreed upon by the parties; (3) shall make full restitution to Thomas Bronz to satisfy the outstanding debt upon the judgment, by making a payment of cash to Mr. Bronz and further periodic payments on a schedule agreeable to both parties, with respondent securing the obligation by deeds of trust on properties owned by him; said restitution to be considered a sanction pursuant to Rule 3.15(2) of the Rules of Lawyer Disciplinary Procedure with failure to make restitution in full or failure to adhere in good faith to the schedule of payments may subject respondent to further disciplinary proceedings; and (4) shall exercise due diligence in obtaining malpractice insurance coverage for his law practice.

A True Copy

Attest:


Clerk, Supreme Court of Appeals