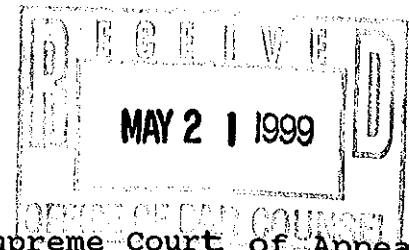


STATE OF WEST VIRGINIA



At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 19th day of May, 1999, the following order was made and entered:

Lawyer Disciplinary Board, Complainant

vs.) No. 25040

Bernice B. Weinstein, an active member  
of The West Virginia State Bar,  
Respondent

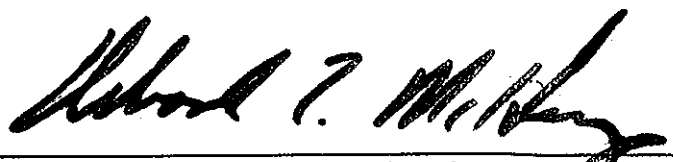
On a former day, to-wit, April 8, 1999, came the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, by Allan N. Karlin, its chairperson, pursuant to Rule 3.10 of the Rules of Lawyer Disciplinary Procedure, and presented to the Court a stipulated agreement between the parties as follows: (1) respondent shall be admonished for violation of Rule 1.3 of the West Virginia Rules of Professional Conduct; (2) respondent shall return the entire file to her former clients, Barbara Kaiser and Arno Pratt, or to their attorney, along with a portion of her fee in the amount of Three Thousand Dollars (\$3,000.00); (3) respondent shall notify the Office of Disciplinary Counsel of her intent to deviate from this agreement in the event she considers undertaking private representation of anyone outside of her immediate household; (4) this agreement in no way reflects any failure to carry out her duties as an assistant prosecuting attorney; and (5) respondent shall reimburse the Lawyer Disciplinary Board for the costs and expenses incurred in the investigation of this matter.

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 in the above-captioned proceeding. It is therefore ordered that the respondent: (1) be, and she hereby is, admonished for violation of Rule 1.3 of the West Virginia Rules of Professional Conduct; (2) shall return the entire file to her former clients, Barbara Kaiser and Arno Pratt, or to their attorney, along with a portion of her fee in the amount of Three Thousand Dollars (\$3,000.00); (3) shall notify the Office of Disciplinary Counsel of her intent to deviate from this agreement in the event she considers undertaking private representation of anyone outside of her immediate household; (4) understands that this agreement in no way reflects any failure to carry out her duties as an assistant prosecuting attorney; and (5) shall reimburse the Lawyer Disciplinary Board for the costs and expenses incurred in the investigation of this matter. Chief Justice Starcher would set this matter on the Court's Argument Docket for submission on briefs only. Justice McGraw would permit respondent to engage in the civil practice of law.

Service of a copy of this order upon all parties herein shall constitute sufficient notice of the contents.

A True Copy

  
Clerk, Supreme Court of Appeals