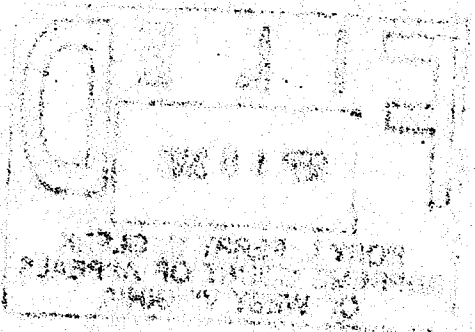


STATE OF VIRGINIA
DEPARTMENT OF SOCIAL SERVICES
COMMUNITY CARE SERVICES DIVISION
COMMUNITY CARE SERVICES DIVISION
COMMUNITY CARE SERVICES DIVISION
COMMUNITY CARE SERVICES DIVISION



1. Name of Deceased
2. Date of Birth
3. Date of Death
4. Cause of Death
5. Place of Death
6. Signature of Registrar

Registration No. 1234

John L. Smith, III
Supervisor of Appeals in West Virginia
State Capital Building
Charleston, West Virginia 25301

ATTN: Public Affairs

Re: Request for Information regarding the death of
Supervisor of Appeals in West Virginia

Dear Mr. Smith:

As requested, the Office of the Registrar has reviewed the records of the State of Virginia and has determined that the death of the individual named in your letter occurred on or about August 5, 1980.

If you have any questions, please contact me.

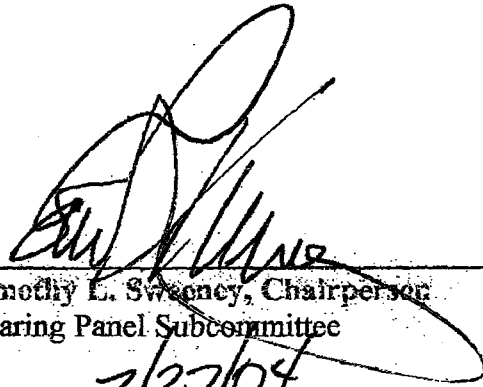
Very truly yours,
[Signature]
Registrar

1234

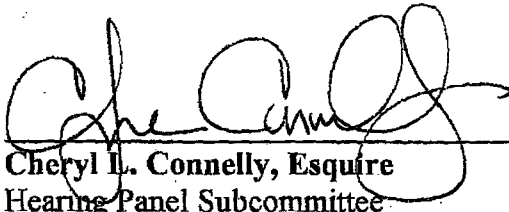
cc: Mr. Smith

RECOMMENDED DISPOSITION

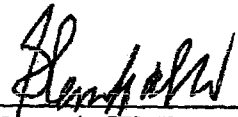
Based on the foregoing facts, the punitive measures taken against Respondent by the college and Respondent's remorse, the Hearing Panel Subcommittee recommends the dismissal of this matter without sanctions.



Timothy E. Sweeney, Chairperson
Hearing Panel Subcommittee
Date: 7/27/04



Cheryl L. Connelly, Esquire
Hearing Panel Subcommittee
Date: 7/28/04

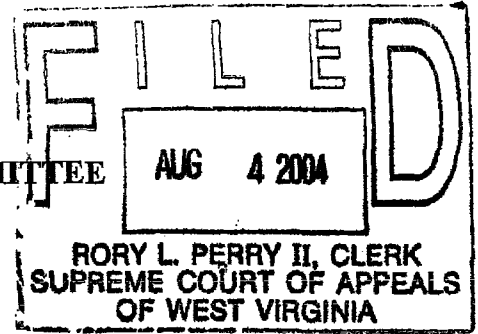


Glenn A. Walker, CPA
Hearing Panel Subcommittee
Date: 7/23/04

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**THE HEARING PANEL SUBCOMMITTEE
LAWYER DISCIPLINARY BOARD
STATE OF WEST VIRGINIA**



In Re: GERALD B. HOUGH, a member of
The West Virginia State Bar

**Bar No.: 7724
Supreme Court No.: 28794
I.D. No.: 99-02-303**

**REPORT OF THE HEARING PANEL SUBCOMMITTEE –
RECOMMENDATION TO GRANT DISCIPLINARY
COUNSEL’S MOTION TO DISMISS**

On July 31, 2003, the Office of Disciplinary Counsel, by counsel, Lawrence J. Lewis, presented to the Hearing Panel Subcommittee a motion to dismiss the above-named case. The Hearing Panel Subcommittee, having considered the complete record, submits the following Findings of Fact and Recommended Disposition:

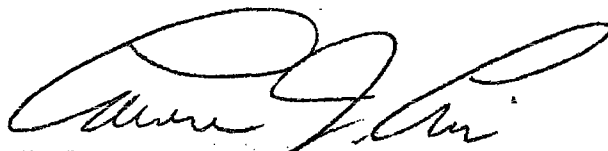
FINDINGS OF FACT

1. A Statement of Charges was filed with the West Virginia Supreme Court of Appeals against Respondent Gerald B. Hough on May 18, 2000.
2. On or about May 1, 2001, the Office of Disciplinary Counsel and Respondent entered into “Stipulations of Fact and Joint Recommendation of the Office of Disciplinary Counsel and Respondent”.
3. In the stipulations Respondent admitted to the charges, but in light of Respondent’s inexperience, Disciplinary Counsel recommended that no sanction be imposed, that

*(50) Grant motion to Dismiss - Elliott & Maynard, Jan
September 30, 2004.*

6. By Order dated July 5, 2001, the Supreme Court declined to adopt the Hearing Panel's recommendation and remanded the case back to the Hearing Panel Subcommittee for compliance with Rule 3.15 of the Rules of Lawyer Disciplinary Procedure.
7. Respondent was on the faculty at Glenville State College at the time of the incident complained of in the Statement of Charges. As a result of his actions, he was disciplined by the President of the College, received a written reprimand in his personnel file, and did not receive a pay raise received by other employees of the College. Moreover, at the time of the incident, Respondent had recently been admitted to the Bar, was a sole practitioner without a more experienced lawyer to assist him, and has conceded his actions were wrong.
8. In light of the foregoing mitigating circumstances, the Office of Disciplinary Counsel recommends that the Hearing Panel Subcommittee recommend dismissal of this matter without sanctions.

OFFICE OF DISCIPLINARY COUNSEL
By Counsel



Lawrence J. Lewis [Bar No. 2199]
Chief Lawyer Disciplinary Counsel
2008 Kanawha Boulevard East
Charleston, West Virginia 25311
(304) 558-7999
(304) 558-4015 [facsimile]

CERTIFICATE OF SERVICE

This is to certify that I, **Lawrence J. Lewis**, Chief Lawyer Disciplinary Counsel for the Office of Disciplinary Counsel, have this day, the 31st day of July, 2003, served a true copy of the foregoing "**Office of Disciplinary Counsel's Motion to Dismiss**" upon James W. Douglas, counsel for Respondent Gerald B. Hough, by mailing the same, United States Mail with sufficient postage, to the following address:


James W. Douglas, Esquire
181B Main Street
Sutton, West Virginia 26601

And upon the Hearing Panel Subcommittee at the following addresses:

Timothy L. Sweeney, Esquire - Chair
Post Office Box 340
St. Marys, West Virginia 26170

Cheryl L. Connelly, Esquire
Post Office Box 1835
Huntington, West Virginia 25719

Mr. Glenn A. Walker, CPA
Post Office Box 1646
Morgantown, WV 26507

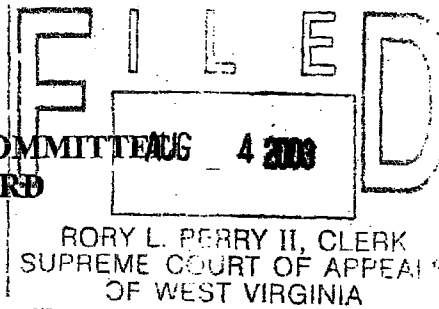


Lawrence J. Lewis

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**BEFORE THE HEARING PANEL SUBCOMMITTEE
LAWYER DISCIPLINARY BOARD
STATE OF WEST VIRGINIA**



In Re: GERALD B. HOUGH, a member of
The West Virginia State Bar

**Bar No.: 7724
Supreme Court No.: 28794
LD. No.: 99-02-303**

**OFFICE OF DISCIPLINARY COUNSEL'S
MOTION TO DISMISS**

NOW COMES the Office of Disciplinary Counsel, by counsel, Lawrence J. Lewis, and submits the following:

1. A Statement of Charges was filed with the West Virginia Supreme Court of Appeals against Respondent Gerald B. Hough on May 18, 2000.
2. On or about May 1, 2001, the Office of Disciplinary Counsel and Respondent entered into "Stipulations of Fact and Joint Recommendation of the Office of Disciplinary Counsel and Respondent".
3. In the stipulations Respondent admitted to the charges, but in light of Respondent's inexperience, Disciplinary Counsel recommended that no sanction be imposed, that Respondent be cautioned for his conduct and pay \$400.00 in costs towards the total cost of the disciplinary proceeding.
4. On May 7, 2001, a hearing was held in this matter, and the stipulations were presented to the Hearing Panel Subcommittee for its consideration.
5. On or about May 30, 2001, the "Recommendation of the Hearing Panel Subcommittee to the Supreme Court of Appeals", which adopted the stipulations of the parties, was forwarded to the West Virginia Supreme Court of Appeals.

FILE COPY

**BEFORE THE HEARING PANEL SUBCOMMITTEE
OF THE
LAWYER DISCIPLINARY BOARD**

**DO NOT REMOVE
FROM FILE**

Re: Gerald Hough, a member of
The West Virginia State Bar

I.D. No.: 99-02-303
Sup. Ct. No.: 28794

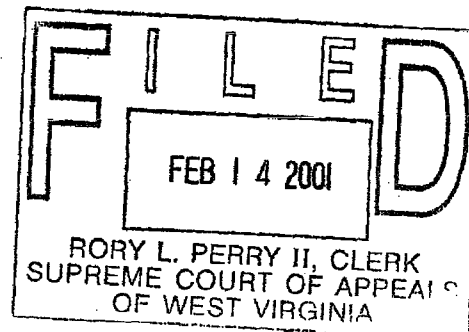
NOTICE OF TELEPHONIC HEARING

YOU ARE HEREBY notified that at 3:30 p.m. on Wednesday, February 21, 2001, a telephonic hearing on the "Office of Disciplinary Counsel's Motion to Depose Gerald Hough" will be held. The Office of Lawyer Disciplinary Counsel will initiate the conference call. Timothy L. Sweeney, Chairperson of the Hearing Panel Subcommittee, will preside over this matter.

OFFICE OF DISCIPLINARY COUNSEL
By Counsel



Amie L. Johnson [Bar No. 6623]
Lawyer Disciplinary Counsel
900 Lee Street East, Suite 1710
Charleston, West Virginia 25301
(304) 558-7999
(304) 558-4015 [facsimile]



document filed with the Circuit Clerk.

13. Sometime in the year 2000, Respondent was disciplined by the President of Glenville State College for obtaining the transcript and using it in the criminal case. Respondent received a written reprimand in his personnel file and did not receive a pay raise received by employees of the College.
14. Respondent admits that it was wrong for him to have acted as he did in obtaining and using the transcript. With the benefit of more experience as a lawyer, he recognizes that if he believed the transcript was needed he should have obtained a subpoena or used some other proper legal process.

RECOMMENDATION FOR DISPOSITION

In light of Respondent's very recent admission to the Bar at the time of these events, that in the fall of 1998 he did not have a more experienced lawyer to assist him on the case, that he is admitting that his actions were wrong, and he has received a punishment from the College, the Hearing Panel Subcommittee recommends that no sanction be imposed by the West Virginia Supreme Court. *Compare, Lawyer Disciplinary Board v. Jarrell, 206 W. Va. 236, 523 S.E.2d 552 (1999) (Court determined that in light of the circumstances as a whole, a sanction was not appropriate).*

Instead, the Supreme Court should caution Respondent to make sure that his methods of obtaining information in the future are in compliance with the Rules of Professional Conduct. A caution is not discipline.

Respondent also agreed, and should be ordered by the Court to, pay \$400 toward the Lawyer Disciplinary Board's costs in this matter.

Wiseman].¹ Both Mr. Perez and Ms. Phillips were students at Glenville State College.

3. Respondent was retained to represent Mr. Perez sometime around the date of the indictment.
4. Other than a few matters Respondent had handled as fiduciary commissioner since his recent admission to the Bar, this was Respondent's first case or was one of his first cases. At this time, during the fall of 1998, Respondent was a solo practitioner with no staff and with no experienced lawyer to provide guidance.
5. On November 13, 1998, Respondent telephoned the Glenville State College Registrar's Office and requested that Anita Phillip's transcript be sent to him. This is the transcript which contains the list of courses she has taken and the grades she has received.
6. The employee at Glenville State College who received this request, Denise Ellyson, entered into her computer that the transcript was issued to "advisor - Hough." Ms. Ellyson would testify that Respondent's words were asking for the "advising transcript." Respondent would testify that he did not use the word "advising" when making the transcript request, and that he would not ordinarily have phrased it that way. Ms. Ellyson sent Mr. Hough the transcript.
7. It is undisputed that Respondent did not tell Ms. Ellyson that the transcript was to be used for a pending criminal case.
8. Respondent was not Ms. Phillip's advisor, although in the past she had inquired

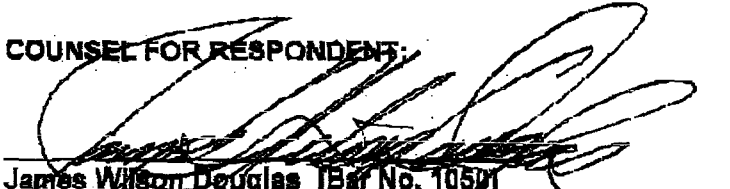
¹ The indictment was later dismissed by a special prosecutor, and a second grand jury returned a no true bill. Ms. Wiseman did not testify for the second grand jury.

DISCIPLINARY COUNSEL:



Amie L. Johnson [Bar No. 6623]
Office of Disciplinary Counsel
900 Lee Street East, Suite 1710
Charleston, West Virginia 25301
(304) 558-7999
FAX (304) 558-4015

COUNSEL FOR RESPONDENT:



James Wilson Douglas [Bar No. 1050]
181B Main Street
Sutton, West Virginia 26601
(304) 765-2821
FAX (304) 765-2821

RESPONDENT:



Gerald B. Hough [Bar No. 7724]
Seven N. Court St.
Glenville, WV 26351
(304) 482-7007
FAX (304) 482-7010

Respondent received a written reprimand in his personnel file and did not receive a pay raise received by employees of the College.

14. Respondent admits that it was wrong for him to have acted as he did in obtaining and using the transcript. With the benefit of more experience as a lawyer, he recognizes that if he believed the transcript was needed he should have obtained a subpoena or used some other proper legal process.

RECOMMENDATION FOR DISPOSITION

In light of Respondent's very recent admission to the Bar at the time of these events, that in the fall of 1998 he did not have a more experienced lawyer to assist him on the case, that he is admitting that his actions were wrong, and he has received a punishment from the College, the Office of Disciplinary Counsel and Respondent recommend that no sanction be imposed by the West Virginia Supreme Court. *Compare, Lawyer Disciplinary Board v. Jarrell*, 206 W. Va. 236, 523 S.E.2d 552 (1999) (Court determined that in light of the circumstances as a whole, a sanction was not appropriate).

Instead, the Supreme Court should caution Respondent to make sure that his methods of obtaining information in the future are in compliance with the Rules of Professional Conduct. A caution is not discipline.

Respondent also agrees, and should be ordered by the Court to, pay \$400 toward the Lawyer Disciplinary Board's costs in this matter.

FURTHER STIPULATIONS

The Respondent recognizes that the Hearing Panel Subcommittee has the discretion to accept these stipulations of fact but to recommend an outcome different than that recommended above, or may reject the stipulations in whole or in part and may

3. Respondent was retained to represent Mr. Perez sometime around the date of the indictment.
4. Other than a few matters Respondent had handled as fiduciary commissioner since his recent admission to the Bar, this was Respondent's first case or was one of his first cases. At this time, during the fall of 1998, Respondent was a solo practitioner with no staff and with no experienced lawyer to provide guidance.
5. On November 13, 1998, Respondent telephoned the Glenville State College Registrar's Office and requested that Anita Phillip's transcript be sent to him. This is the transcript which contains the list of courses she has taken and the grades she has received.
6. The employee at Glenville State College who received this request, Denise Ellyson, entered into her computer that the transcript was issued to "advisor - Hough." Ms. Ellyson would testify that Respondent's words were asking for the "advising transcript." Respondent would testify that ^{he} did not use the word "advising" when making the transcript request, and that he would not ordinarily have phrased it that way. Ms. Ellyson sent Mr. Hough the transcript.
7. It is undisputed that Respondent did not tell Ms. Ellyson that the transcript was to be used for a pending criminal case.
8. Respondent was not Ms. Phillip's advisor, although in the past she had inquired about possibly joining a paralegal program he ran.
9. Respondent's principal purpose in obtaining the transcript was to defend his client Wikie Perez in the criminal case.

STATE OF WEST VIRGINIA, to-wit:

I, ROBIN GOFF, do hereby certify that the foregoing transcript was duly transcribed by me for the purpose specified in the caption hereof.

I further certify that I am neither attorney or counsel for, nor related to or employed by, any of the parties to the action in which this action is taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties or financially interested in the action.

Given under my hand this 3rd day of May, 2001.

Typist _____

Robin Goff

1 Board have an opportunity to deliberate and discuss
2 this matter. Unless there might be some request for it,
3 I could just maybe call somebody back and let you know
4 what's going on or what we think of it. Does that
5 sound like a reasonable procedure?

6 MR. DOUGLAS: Yes. Do you want the two
7 lawyers to hang up and they you all are going to stay
8 on this line?

9 CHAIRPERSON SWEENEY: Pretty much. Those are
10 my thoughts. That sound okay with you, Cheryl?

11 MS. CONNELLY: Yes.

12 CHAIRPERSON SWEENEY: Glen, does that sound
13 like a plan?

14 MR. WALKER: Yes. It's a plan.

15 CHAIRPERSON SWEENEY: Okay. All right.
16 Well, let's do that and when we get done, we can hang
17 up and I'll probably just -- It would be all right,
18 Jim? Do you have any objection if I just call Amie
19 back and fill her in and then we can take it from
20 there?

21 MR. DOUGLAS: Absolutely not, Mr. Sweeney. I
22 mean, I know this might lead into an extended
23 discussion. Do you have any idea about how long this

1 involves. I mean, stealing from somebody's trust
2 account with 30 days out of law school as opposed to
3 having a mistake of this nature, I don't think that is
4 comparable in any way, shape or form.

5 CHAIRPERSON SWEENEY: Okay.

6 MS. CONNELLY: Amie, what's your thought on
7 that?

8 MS. JOHNSON: I don't know.

9 CHAIRPERSON SWEENEY: Because we might be in
10 a position to have to justify it, at some point in
11 time, when the Supreme Court looks at it. That's just
12 a point of curiosity I raised.

13 MS. JOHNSON: Just my personal opinion is
14 that the Supreme Court probably would not issue a very
15 severe sanction in this instance, in light of what he
16 did. Certainly if he'd embezzled or something like
17 that -- Hopefully this is more of a remedial nature.
18 Mr. Hough will be cautioned and I hope, you know, he's
19 taken something away from this and I believe that the
20 court would approve of remedial theory behind this.

21 CHAIRPERSON SWEENEY: Okay.

22 MR. DOUGLAS: I tend to agree with that. I
23 mean, I think sanctions don't necessarily have to be

1 transcript. That's not in our stipulations because Mr.
2 Douglas and I disagree somewhat on these points. You
3 know, if we did go to a hearing, my witnesses would
4 disagree and would say that it was not proper, at that
5 time, to get the transcript for this purpose.

6 I also want to put on the record that even if
7 the Registrar's Office did not have strict policies and
8 it was sort of loose, that still wouldn't justify the
9 actions taken by a lawyer. And that this method of
10 obtaining information did violate and was not the
11 proper way to do it.

12 The reason that I've agreed to this outcome
13 and it is the second part to Mr. Douglas's argument,
14 that the mitigating factors here just don't justify a
15 sanction, I don't believe.

16 CHAIRPERSON SWEENEY: Okay. Are we, do you
17 think, headed down the road that relatively every green
18 lawyer is entitled to one free violation?

19 MR. DOUGLAS: I don't think so.

20 MS. JOHNSON: No. No.

21 CHAIRPERSON SWEENEY: Sort of like we've did
22 that with Gerald and now we're using Gerald to do it
23 here. I'm just curious. If there really was a

1 conscious of the privacy rights of the third party. At
2 least it can arguably be said to the public at large.

3 Moreover, Mr. Hough was submitted -- I think
4 you remember, Mr. Sweeney, we initially opposed a
5 deposition and then we reversed our position and agreed
6 to do the deposition and he has, in essence, if I can
7 just paraphrase it, he admitted, "Hey, I was green as
8 grass. In those days, I didn't know a whole lot.
9 Given the circumstances as it were then and transpose
10 them to now, I wouldn't do that again. I just filed
11 up." There wasn't any malevolence here or anything of
12 that nature.

13 So we tend to think that all things
14 considered that the recommended disposition here would
15 be the appropriate one, including the fact that we
16 contributed radically up to \$400 on the expenses
17 incurred by the Office of Disciplinary Counsel.

18 CHAIRPERSON SWEENEY: What are those expenses
19 at the present time, Ms. Johnson?

20 MS. JOHNSON: They are more than \$400 but I
21 don't have the final figure yet because I don't have
22 the transcript from Mr. Hough's deposition. It's
23 probably going to be \$700 - \$800 range. It's about

1 There's no evidence to indicate anywhere that his
2 principle or substantial purpose in obtaining these
3 transcripts was to embarrass, delay or burden a third
4 person. And the evidence, or what would be reported to
5 be evidence, being the transcripts, were used to
6 violate the legal rights of such person. That would be
7 of a more gray area but still I would tend to think
8 there would be some motivation there that the
9 substantial purpose was to violate the right of a third
10 person.

11 I realize this is all subject to argument and
12 subject to interpretation but that would have been our
13 approach.

14 The second part of why I think this is an
15 appropriate disposition, has to do with a lot of
16 factors that were mentioned by Ms. Johnson. One is
17 that my client had been admitted by West Virginia State
18 Bar precisely one month before this occurred. He was
19 admitted on October 13, 1998. This event happened
20 November 13, 1998.

21 The other thing is that he lives and works in
22 Gilmer County, and although you'll have to realize
23 we're speaking in relative terms here because I'm in

1 MR. DOUGLAS: Yes. I believe it is, with two
2 facets with two of what I'll call sub-headings. One is
3 the underlying merits of the action. I think that my
4 client would testify and, in fact, did testify at a
5 deposition on April 25, 2001 that at the time that this
6 event occurred being November 13, 1998, that there was
7 no defined policy or at least policing of policies or
8 the enforcement of policies, with respect to uses for
9 which a transcript could be made that were not
10 blatantly inappropriate.

11 In another words, obviously I think everybody
12 in the academic community, his testimony would be would
13 recognize that you don't get transcript of a student at
14 Glenville State College, even in 1998, and publish them
15 in their local newspaper. But if you would have used
16 them for another purpose which is more or less inhouse
17 or you had access to them for purposes of, what he
18 considered to be substantial justice in a criminal
19 case, there was no clear set policy on that. If there
20 were, it was not enforced and certainly with the
21 requests of the transcript, all the protocols were not
22 observed at that time.

23 Also it would be our position, too, that

1 with your client, it's true, is it not, that this
2 matter could be considered, in the event of future
3 complaints regarding Mr. Hough, as a past conduct or
4 almost analogous to enhancement or prior events
5 penalties that might result from certain criminal
6 matters.

7 MR. DOUGLAS: I think what you're referring
8 to is pattern of practice allegation.

9 CHAIRPERSON SWEENEY: Correct.

10 MR. DOUGLAS: I would tend to think and maybe
11 I stand to be corrected by all four of you, but my
12 understanding of that has been there has to be an
13 anastate in finding of some type of discipline except
14 for in a case of like nature. In another words, this
15 situation happened again or something very close to it
16 factually, that it could form a basis for pattern of
17 practice. But since a caution is what this is,
18 basically is not discipline, I would not think it would
19 be an enhancing factor. Now, maybe I'm wrong on that
20 but that's the way I see it. Am I in error on that?

21 CHAIRPERSON SWEENEY: In addition to the
22 pattern of practice, Ms. Johnson, are there times when
23 prior complaints, even though they might not be related

1 State College. He obtained a transcript for the
2 alleged victim in the criminal case where he was
3 defending the defendant. He used the transcript in the
4 course of the case, or attempted to use it the course
5 of the case. Later the case was dismissed.

6 Mr. Hough is admitting that the actions he
7 took in getting the transcript and using them were
8 wrong, but in light of the mitigating factors that he
9 was a new lawyer, he was sanctioned by the college for
10 what he did. He did not have another lawyer more
11 experienced who could have helped him at this time. In
12 light of the conduct, this is the first complaint he's
13 ever received and the only complaint he's ever
14 received.

15 We recommend that he not be formally
16 disciplined, although there is a finding that he was
17 wrong. Instead he should be cautioned that in the
18 future, his methods of obtaining information should
19 comply with the Rules of Professional Conduct. In
20 light of his first offense, I think that that would be
21 an appropriate outcome.

22 CHAIRPERSON SWEENEY: Now, Ms. Johnson, of
23 course, and Jim, you might want to address this along

1 CHAIRPERSON SWEENEY: We're here today
2 telephonically for a hearing with regard to the matter
3 of Gerald Hough, I.D. No. 99-02-303, Supreme Court No.
4 28794. It's the Hearing Panel's understanding that
5 there are certain stipulations of fact and joint
6 recommendations of the Office of Disciplinary Counsel
7 and respondent which have been entered into and the
8 parties anticipate would be tendered and filed in these
9 proceedings; is that correct?

10 MS. JOHNSON: Yes, Sir.

11 MR. DOUGLAS: That is correct so far with Mr.
12 Hough.

13 CHAIRPERSON SWEENEY: And let the record
14 reflect that the Board Members have received faxed
15 copies of those proposals herefor and prior, I think,
16 to Mr. Walker's signing back on in these proceedings,
17 there was an interlineation made on paragraph 6, on
18 page 2 of those stipulations, line 4. It says that the
19 second sentence in that paragraph would read,
20 "Respondent would testify that he did not use the
21 advising, etc."

22 All right. And furthermore, that the
23 stipulations of fact are submitted in part to develop a

APPEARANCES

On behalf of the Office of Disciplinary Counsel:

AMIE JOHNSON, ESQUIRE
Lawyer Disciplinary Counsel
Suite 1710, Huntington Bank Building
Charleston, West Virginia 25301

On behalf of the Respondent:

JAMES W. DOUGLAS, ESQUIRE
181 B. Main Street
Sutton, West Virginia 26601

Also present:

JACKIE SCHULTZ, Recorder

BEFORE THE HEARING PANEL SUBCOMMITTEE
STATE OF WEST VIRGINIA

IN RE: GERALD HOUGH, a member of
The West Virginia State Bar

I.D. No.: 99-02-303
Supreme Court No. :28794

CERTIFICATE OF SERVICE

This is to certify that I, **Amie L. Johnson**, Disciplinary Counsel for the Office of Disciplinary Counsel, have this day, the 26th day of April, 2001, served a true copy of the foregoing "**DISCIPLINARY COUNSEL'S RESPONSE TO MOTION TO DISMISS**" upon members of the Hearing Panel Subcommittee and upon James W. Douglas, counsel for Respondent, Gerald Hough, by mailing the same via United States Mail, with sufficient postage, to the following address:

James W. Douglas, Esquire
181-B Main Street
Sutton, West Virginia 26601

Timothy L. Sweeney, Esquire
Post Office Box 340
St. Marys, West Virginia 26170

Cheryl L. Connelly, Esquire
Post Office Box 1835
Huntington, West Virginia 25719

Glenn A. Walker, CPA
Post Office Box 1646
Morgantown, West Virginia 26507



Amie L. Johnson [Bar No. 6623]

FILE COPY

**BEFORE THE HEARING PANEL SUBCOMMITTEE
OF THE
LAWYER DISCIPLINARY BOARD
STATE OF WEST VIRGINIA**

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FROM FILE**

**IN RE: GERALD HOUGH, a member of
 The West Virginia State Bar**

**I.D. No.: 99-02-303
Supreme Court No.: 28794**

DISCIPLINARY COUNSEL'S RESPONSE TO MOTION TO DISMISS

Respondent Hough has been charged with violating Rules 4.1(a), 4.4, and 8.4(c) of the Rules of Professional Conduct. Respondent has moved to dismiss the allegations of violating one of these rules, specifically, Rule 4.4. Rule 4.4 provides:

Rule 4.4. Respect for rights of third persons.

In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person.

Respondent was charged with violating this rule because he obtained the Complainant Anita Wiseman's confidential grades transcript from her college and attempted to use it for the purpose of representing a criminal defense client whom she accused of sexual assault. Respondent obtained this transcript in such a manner which lead college officials to believe he was Complainant's academic advisor at the college and that the transcript would be used for advising purposes.

Respondent argues that Respondent did not violate this rule because the Complainant Anita Wiseman testified in her deposition that she believed Respondent's purpose in obtaining the transcript to help his client Wilkie Perez and not to embarrass or burden her. Respondent's Motion to Dismiss fails.

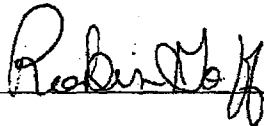
STATE OF WEST VIRGINIA, to-wit:

I, ROBIN GOFF, do hereby certify that the foregoing transcript was duly transcribed by me for the purpose specified in the caption hereof.

I further certify that I am neither attorney or counsel for, nor related to or employed by, any of the parties to the action in which this action is taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties or financially interested in the action.

Given under my hand this 12th day of April, 2001.

Typist

A handwritten signature in cursive script, appearing to read "Robin Goff", is written over a horizontal line. The signature is written in dark ink and is positioned to the right of the word "Typist".

1 there and you watch me. I'm going to read it now. I
2 can't see too close anymore but I hope I can make it
3 out. "The respondent's sole purpose for obtaining
4 complainants college transcript was to aid in the
5 defense of the aforesaid criminal action of which the
6 plaintiff was the victim." That's your allegation?

7 A. Correct.

8 Q. All right. Do you believe that? Again, since
9 you've verified this. That was his sole purpose for
10 getting the transcript was to help Wilkie Perez out?

11 A. That's correct.

12 Q. No other purpose?

13 A. No. No other purpose.

14 Q. Okay. Well, do you believe that he got this
15 transcript for the purpose of embarrassing you or to
16 just help Wilkie out?

17 A. Just to help Wilkie out.

18 Q. Not to embarrass you?

19 A. No.

20 Q. All right. Do you believe that he got this
21 transcript to delay you from doing something else or
22 just to help Wilkie out?

23 A. Just to help Wilkie out.

CERTIFICATE OF SERVICE

I, JAMES WILSON DOUGLAS, the undersigned attorney do hereby certify that a true copy of the foregoing Motion to Dismiss was deposited in the regular United States Mail, in an envelope properly stamped and addressed to the following:

Amie L. Johnson
Office of Disciplinary Counsel
Suite 1710, Huntington Bank Building
900 Lee Street, East
Charleston, West Virginia 25301

Timothy L. Sweeny, Esquire
P. O. Box 340
St. Marys, West Virginia 26170

Cheryl Connelly, Esq.
P. O. Box 1835
Huntington, West Virginia 25719

Glen Walker, CPA
P. O. Box 1646
Morgantown, West Virginia 26507

on this 23rd day of April, 2001.

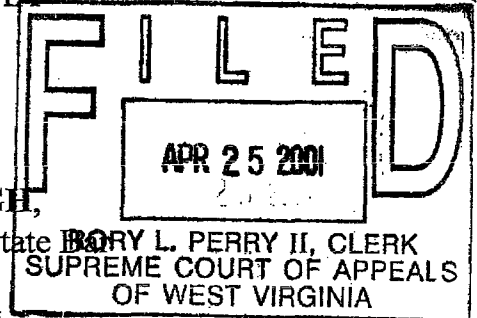

JAMES WILSON DOUGLAS

FILE COPY

BEFORE THE LAWYER DISCIPLINARY BOARD
STATE OF WEST VIRGINIA

I.D. No. 99-02-303
Sup. Ct. No. 28794

In Re: **GERALD B. HOUGH**,
a Member of the West Virginia State Bar



MOTION TO DISMISS

Comes now the Respondent, **GERALD B. HOUGH**, by his attorney, James Wilson Douglas, and moves this honorable hearing panel to dismiss the count alleging an infraction of Rule 4.4, RCP, as the same appears on Page 3., paragraph 17 of the December 9, 2000 Statement of Charges, and Respondent does assign as his grounds, in support thereof, the following:

1. That the Complainant, Anita Philips Wiseman, admitted in her deposition of April 4, 2001 that she did not believe that the Respondent (assuming, *arguendo*.) obtained her confidential academic records for no substantive purpose other than to embarrass, delay or burden her or otherwise obtain evidence in violation of her legal rights. See pages 91 and 92, attached hereto and made a part hereof by and for reference;

2. That no other witness or document heretofore disclosed, will substantiate the Rule 4.4 violation allegation; and,

3. For such other reasons as may appear upon the hearing of this Motion.

FILE COPY

**BEFORE THE HEARING PANEL SUBCOMMITTEE
OF THE
LAWYER DISCIPLINARY BOARD
STATE OF WEST VIRGINIA**

**DO NOT REMOVE
FROM FILE**

IN RE: **GERALD HOUGH, a member of
The West Virginia State Bar**

**I.D. No.: 99-02-303
Supreme Court No.: 28794**

TO: **James W. Douglas, Esquire
181B Main Street
Sutton, West Virginia 26601**

NOTICE OF DEPOSITION

PLEASE TAKE NOTICE that, pursuant to the West Virginia Rules of Civil Procedure and Rule 3.9 of the Rules of Lawyer Disciplinary Procedure, the undersigned will take the deposition of **Gerald Hough**, at the Law Office of James W. Douglas, 181B Main Street, Sutton, West Virginia. The deposition of Mr. Hough will begin at 9:00 a.m. on April 25, 2001, and will continue until completed. The deposition will be taken before a notary public and recorded by mechanical means pursuant to Rule 3.9 of the Rules of Lawyer Disciplinary Procedure.

Dated this 16th day of April, 2001.

**Respectfully submitted,
Office of Disciplinary Counsel
By Counsel**

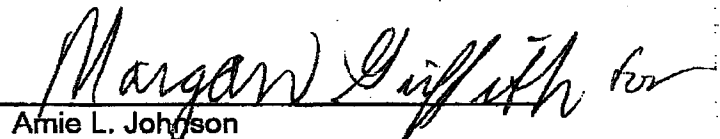


**Amie L. Johnson, WVSB No. 6623
Lawyer Disciplinary Counsel
Office of Lawyer Disciplinary Counsel
900 Lee Street, East, Suite 1710
Charleston, West Virginia 25301
(304) 558-7999**

CERTIFICATE OF SERVICE

This is to certify that I, **Amie L. Johnson**, Disciplinary Counsel for the Office of Disciplinary Counsel, have this day, April 12, 2001, served a true copy of the foregoing "**Office of Disciplinary Counsel's Supplemental Discovery**", upon James W. Douglas, Esquire, Counsel for Respondent Gerald B. Hough, by mailing the same, United States Mail with sufficient postage, to the following address:

James W. Douglas, Esquire
181B Main Street
Sutton, West Virginia 26601

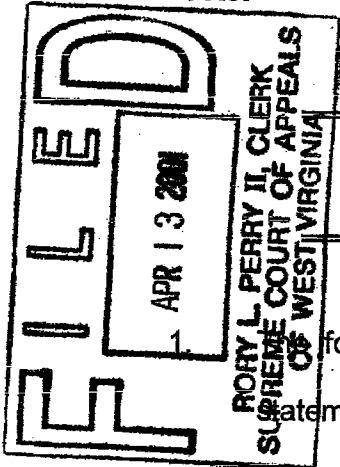

Margaret Griffith for
Amie L. Johnson

FILE COPY

**BEFORE THE LAWYER DISCIPLINARY BOARD
STATE OF WEST VIRGINIA**

In Re: GERALD B. HOUGH, an active member of
The West Virginia State Bar

I.D. No.: 99-02-303
Supreme Court No.: 28794



Office of Disciplinary Counsel's Supplemental Discovery

Following is a supplemental list of documents, possible exhibits and any statements in the possession or under the control of Disciplinary Counsel. Copies of these documents are attached.

- A) Email from Gerry Hough to Denise Ellyson, Subject Anita Phillips Transcript, dated Wednesday, February 7, 2001.
- B) Letter to Professor Hough from Denise Ellyson, dated February 12, 2001.

Disciplinary Counsel continues to reserve the right to supplement this exhibit list as discovery progresses and to use at the hearing any document in Respondent's disclosures.

2. At this time, Disciplinary Counsel continues not to anticipate using an expert witness at the hearing, however, Disciplinary Counsel reserves the right to disclose an expert witness as discovery progresses. Similarly, Disciplinary Counsel does not possess any results of any reports of physical or mental examinations or scientific tests or experiments. However, should Disciplinary Counsel obtain these they will be provided to Respondent.

BEFORE THE HEARING PANEL SUBCOMMITTEE OF THE LAWYER DISCIPLINARY BOARD/STATE OF WEST VIRGINIA
LAWYER DISCIPLINARY CASE SUBPOENA DUCES TECUM

IN RE: Gerald Hough, a member of
The West Virginia State Bar

I.D. No.: 99-02-303
Supreme Court No. 28794

TO: [If the list of the persons/entities subpoenaed is too numerous to fit in this area, type "See Attached List" and attach list, titled "Persons/Entities Subpoenaed."]

Denise Ellyson
Office of Records and Admissions
200 High Street
Glennville State College
Glennville, WV 26351

YOU ARE HEREBY COMMANDED [mark all that apply]

to appear before the Hearing Panel Subcommittee of the Lawyer Disciplinary Board at the place, date and time specified below to
_____ testify in the taking of a deposition in the above-styled case; or
 testify in a hearing in the above-styled case;

_____ to produce and permit inspection of and copying of designated books, documents or tangible things in your possession, custody or control, as follows:
[If the number of items is too numerous to fit in this area, type "See Attached List- Production/Inspection" and attach list, titled "Production/Inspection".]

_____ to permit inspection of premises located at place, date and time specified below.

Place of Appearance/Inspection:

Days Inn Conference Center
Flatwoods, West Virginia

Date of Appearance/Inspection:

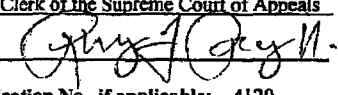
May 1, 2001

Time of Appearance/Inspection:

10:00 a.m.

Issued by: Rory L. Perry, II

Title: Clerk of the Supreme Court of Appeals

Signature: 

Bar Identification No., if applicable: 4120

Date Issued: 4-16-2001

Please state the name and office address of the attorney requesting this subpoena:

Amie L. Johnson [Bar No. 6623]
Lawyer Disciplinary Counsel
Office of Disciplinary Counsel
900 Lee Street East, Suite 1710
Charleston, West Virginia 25301
(304) 558-7999

W. Va. R. Civ. P. 45(c). *Place of the examination.* - A deponent may be required to attend an examination only in the county in which the deponent resides or is employed or transacts business in person, or at such other convenient place as is fixed by an order of the Court [Hearing Panel Subcommittee].

W. Va. R. Civ. P. 45(d). *Protection of persons subject to subpoenas.* - (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The Court [Hearing Panel Subcommittee] on behalf of which the subpoena was issued may enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings, and a reasonable attorney's fee. (2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial. (B) Subject to paragraph (e)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the Court [Hearing Panel Subcommittee] by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded. (3)(A) On timely motion, the Court [Hearing Panel Subcommittee] by which a subpoena was issued shall quash or modify the subpoena if it (i) fails to allow reasonable time for compliance; (ii) requires a person to travel for a deposition to a place other than the county in which that person resides or is employed or transacts business in person or at a place fixed by order of the Court [Hearing Panel Subcommittee]; (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or (iv) subjects a person to undue burden. (B) If a subpoena (i) requires disclosure of a trade secret or other confidential research development, or commercial information, or (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the Court [Hearing Panel Subcommittee] may order appearance or production only upon specified conditions.

W. Va. R. Civ. P. 45(e). *Duties in responding to subpoena.* - (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand. (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

BEFORE THE HEARING PANEL SUBCOMMITTEE OF THE LAWYER DISCIPLINARY BOARD/STATE OF WEST VIRGINIA
LAWYER DISCIPLINARY CASE SUBPOENA DUCES TECUM

IN RE: **Gerald Hough, a member of
The West Virginia State Bar**

I.D. No.: 99-02-303
Supreme Court No. 28794

TO: [If the list of the persons/entities subpoenaed is too numerous to fit in this area, type "See Attached List" and attach list, titled "Persons/Entities Subpoenaed."]

**Shelly DeMarino, Esquire
1033 Lauren Drive
Bridgeport, WV 26330**

YOU ARE HEREBY COMMANDED [mark all that apply]

to appear before the Hearing Panel Subcommittee of the Lawyer Disciplinary Board at the place, date and time specified below to
_____ testify in the taking of a deposition in the above-styled case; or
 testify in a hearing in the above-styled case;

_____ to produce and permit inspection of and copying of designated books, documents or tangible things in your possession, custody or control, as follows:
[If the number of items is too numerous to fit in this area, type "See Attached List- Production/Inspection" and attach list, titled "Production/Inspection".]

_____ to permit inspection of premises located at place, date and time specified below.

Place of Appearance/Inspection:

Days Inn Conference Center
Flatwoods, West Virginia

Date of Appearance/Inspection:

May 1, 2001

Time of Appearance/Inspection:

10:00 a.m.

Issued by: Rory L. Perry, II

Title: Clerk of the Supreme Court of Appeals

Signature: 

Bar Identification No., if applicable: 4120

Date Issued: 4-10-2001

Please state the name and office address of the attorney requesting this subpoena:

Amie L. Johnson [Bar No. 6623]
Lawyer Disciplinary Counsel
Office of Disciplinary Counsel
900 Lee Street East, Suite 1710
Charleston, West Virginia 25301
(304) 558-7999

W. Va. R. Civ. P. 45(c). Place of the examination. - A deponent may be required to attend an examination only in the county in which the deponent resides or is employed or transacts business in person, or at such other convenient place as is fixed by an order of the Court [Hearing Panel Subcommittee].

W. Va. R. Civ. P. 45(d). Protection of persons subject to subpoenas. - (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The Court [Hearing Panel Subcommittee] on behalf of which the subpoena was issued may enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings, and a reasonable attorney's fee. (2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial. (B) Subject to paragraph (e)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the Court [Hearing Panel Subcommittee] by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded. (3)(A) On timely motion, the Court [Hearing Panel Subcommittee] by which a subpoena was issued shall quash or modify the subpoena if it (i) fails to allow reasonable time for compliance; (ii) requires a person to travel for a deposition to a place other than the county in which that person resides or is employed or transacts business in person or at a place fixed by order of the Court [Hearing Panel Subcommittee]; (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or (iv) subjects a person to undue burden. (B) If a subpoena (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the Court [Hearing Panel Subcommittee] may order appearance or production only upon specified conditions.

W. Va. R. Civ. P. 45(e). Duties in responding to subpoena. - (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand. (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

BEFORE THE HEARING PANEL SUBCOMMITTEE OF THE LAWYER DISCIPLINARY BOARD/STATE OF WEST VIRGINIA
LAWYER DISCIPLINARY CASE SUBPOENA DUCES TECUM

IN RE: Gerald Hough, a member of
The West Virginia State Bar

I.D. No.: 99-02-303
Supreme Court No. 28794

TO: [If the list of the persons/entities subpoenaed is too numerous to fit in this area, type "See Attached List" and attach list, titled "Persons/Entities Subpoenaed."]

Dr. Debbie Simon
Vice President
Glenville State College
Glenville WV 26351

YOU ARE HEREBY COMMANDED [mark all that apply]

to appear before the Hearing Panel Subcommittee of the Lawyer Disciplinary Board at the place, date and time specified below to
_____ testify in the taking of a deposition in the above-styled case; or
 testify in a hearing in the above-styled case;

_____ to produce and permit inspection of and copying of designated books, documents or tangible things in your possession, custody or control, as follows:
[If the number of items is too numerous to fit in this area, type "See Attached List- Production/Inspection" and attach list, titled "Production/Inspection".]

_____ to permit inspection of premises located at place, date and time specified below.

Place of Appearance/Inspection:

Days Inn Conference Center
Flatwoods, West Virginia

Date of Appearance/Inspection:

May 1, 2001

Time of Appearance/Inspection:

10:00 a.m.

Issued by: Rory L. Perry, II

Title: Clerk of the Supreme Court of Appeals

Signature: [Handwritten Signature]

Bar Identification No., if applicable: 4120

Date Issued: 4-10-2001

Please state the name and office address of the attorney requesting this subpoena:

Amie L. Johnson [Bar No. 6623]
Lawyer Disciplinary Counsel
Office of Disciplinary Counsel
900 Lee Street East, Suite 1710
Charleston, West Virginia 25301
(304) 558-7999

W. Va. R. Civ. P. 45(c). *Place of the examination.* - A deponent may be required to attend an examination only in the county in which the deponent resides or is employed or transacts business in person, or at such other convenient place as is fixed by an order of the Court [Hearing Panel Subcommittee].

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W. Va. R. Civ. P. 45(e). *Duties in responding to subpoena.* - (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand. (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

BEFORE THE LAWYER DISCIPLINARY BOARD
STATE OF WEST VIRGINIA

I.D. No. 99-02-303

Sup. Ct. No. 28794

In Re: **GERALD B. HOUGH,**
a Member of the West Virginia State Bar

CIVIL CASE SUBPOENA

TO: **Anita Wiseman, Post Office Box 207, Montrose, West Virginia, 26283**

YOU ARE HEREBY COMMANDED:

X to appear at the place, date and time specified below to

X testify in the taking of a deposition in the above-styled case;

Place of Appearance/Inspection

**Law Office of James Wilson Douglas
181 B Main Street
Sutton, West Virginia**

Date of Appearance/Inspection

Wednesday, March 14, 2001

Time of Appearance/Inspection

1:00 p.m.

Issued by: James Wilson Douglas, L.C.

Title: Attorney at Law

Signature: 

Bar Identification: 1050

Date Issued: February 22, 2001

WVRCP 45(c). *Place of the Examination* - A deponent may be required to attend an examination only in the County in which the deponent resides or is employed or transacts business in person, or at such other convenient place as is fixed by an Order of Court.
WVRCP 45(d). *Protection to persons subject to subpoenas* - (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid undue burden or expense on a person subject to that subpoena. The Court on behalf of which the subpoena was issued may enforce this duty and impose upon the party of attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings, and a reasonable attorney's fee. (2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents and tangible things, and inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial. (B) Subject to paragraph (e)(2) of this rule, a person commanded to produce and permit inspection and copying may, within fourteen days after service of the subpoena or before the time specified for compliance if such time is less than fourteen days after service,

CERTIFICATE OF SERVICE

I, JAMES WILSON DOUGLAS, the undersigned attorney, do hereby certify that a true copy of the foregoing Notice of Deposition was deposited in the regular United States Mail, in an envelope properly stamped and addressed to the following:

Office of the Clerk
Supreme Court of Appeals
1900 Kanawha Boulevard, East
State Capitol, Building 1, Room E-317
Charleston, West Virginia 25305

and

Amie L. Johnson
Office of Disciplinary Counsel
Suite 1710, Huntington Bank Building
900 Lee Street, East
Charleston, West Virginia 25301

and

Anita Wiseman
Post Office Box 207
Montrose, West Virginia 26283

on this 22nd day of February, 2001.

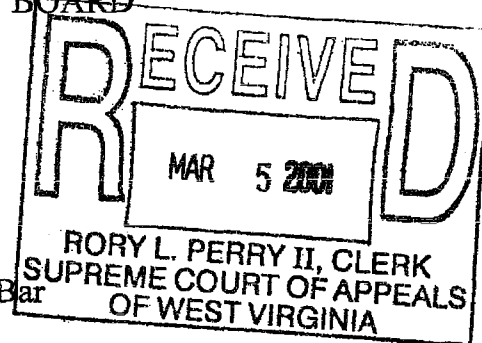


JAMES WILSON DOUGLAS

BEFORE THE LAWYER DISCIPLINARY BOARD
STATE OF WEST VIRGINIA

I.D. No. 99-02-303
Sup. Ct. No. 28794

In Re: **GERALD B. HOUGH**,
a Member of the West Virginia State Bar



CERTIFICATE OF SERVICE

I, **JAMES WILSON DOUGLAS**, the undersigned attorney, do hereby certify that a true copy of the foregoing Reply to Discovery was deposited in the regular United States Mail, in an envelope properly stamped and addressed to the following:

Office of the Clerk
Supreme Court of Appeals
1900 Kanawha Boulevard, East
State Capitol, Building 1, Room E-317
Charleston, West Virginia 25305

and

Amie L. Johnson
Office of Disciplinary Counsel
Suite 1710, Huntington Bank Building
900 Lee Street, East
Charleston, West Virginia 25301

on this 2nd day of March, 2001.


JAMES WILSON DOUGLAS

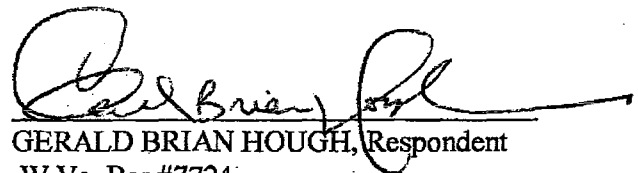
Respondent served as director of that new program, and it was Respondent's duty to advise students who were considering a transfer into that program by examining transcripts, high school records, and other pertinent data for appropriate directions, individually tailored to the students' needs. It was the common, accepted practice to obtain the students' transcripts from the registrar's office.

Paragraph No. 7: Admitted in part and denied in part. The most recent transcript obtained by Respondent was for the purpose of defending Respondent's client and for disqualifying the prosecutor from this cause of action. The registrar's office did not ask my purpose for its use; I did not represent myself as her advisor either. I merely asked for a student's transcript - the most recent transcript of Complainant, who made serious allegations against an innocent male student. Other items were obtained from college employees in the same fashion. I did contact Complainant's professors, Dr. Will Oliver and Dr. Lori Kepford, in the same fashion, to obtain syllabi of the courses taken by Complainant, any observations they wished to offer about her character, class performance, etc. The Registrar's Office, Professors, and Complainant's friends were never misled by me in my efforts to investigate the accuser of my client (Complainant).

Paragraph No. 8: Neither admitted nor denied, as Respondent does not have all the pertinent information upon which to base either an admission or a denial.

Paragraph No. 9: Denied.

Further affiant saith not.


GERALD BRIAN HOUGH, Respondent
W.Va. Bar #7724
601 Walnut Street; Glenville, WV 26351