

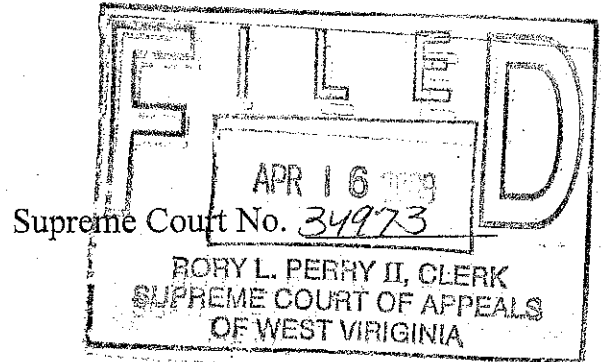
IN THE SUPREME COURT OF APPEALS OF THE  
STATE OF WEST VIRGINIA

OFFICE OF DISCIPLINARY COUNSEL,  
Petitioner,

v.

JOSEPH P. ALBRIGHT, JR., a member of  
The West Virginia State Bar

Respondent.



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PETITION FOR RULE TO SHOW CAUSE

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Now comes the petitioner, the Office of Disciplinary Counsel, by Rachael L. Fletcher Cipoletti, Chief Lawyer Disciplinary Counsel, and petitions this Court to issue a "Rule to Show Cause" why Respondent Joseph P. Albright, Jr. should not be held in contempt of this Court's Order entered January 10, 2007. The Office of Disciplinary Counsel requests that Respondent's license to practice law be immediately suspended until such time that Respondent is in full compliance with this Honorable Court's Order.

In support of said petition, the Office of Disciplinary Counsel states the following:

1. On or about January 10, 2007, this Honorable Court issued an Order wherein the Court ordered provisions that included the following:

...(3) the respondent is ordered to complete the matter for Mrs. Ramsey and shall provide a status report to the Office of Disciplinary Counsel every three months following this Court's

ruling on this matter until such time as he concludes Mrs. Ramsey's matter.

[Attachment A].

2. On or about March 29, 2007, the Office of Disciplinary Counsel sent Respondent a letter directing him to provide the status of the Estate of Clyde Curtis Carter (hereinafter referred to as "Estate matter"). [Attachment B].
3. On or about April 10, 2007, Respondent sent a letter to the Office of Disciplinary Counsel advising that he had drafted a suit for Declaratory Judgment to file with the Circuit Court of Wood County. Respondent stated that the suit would seek to have the Court declare to whom the funds held by the Fiduciary Commissioner should be distributed. Respondent also advised that the suit would seek to have a report filed by the Fiduciary Commissioner. [Attachment C and D].
5. On or about July 9, 2007, the Office of Disciplinary Counsel received a letter from Mrs. Ramsey advising that Respondent had yet to resolve the Estate matter. [Attachment E].
6. On or about July 10, 2007, the Office of Disciplinary Counsel sent Respondent's counsel, Sherri D. Goodman, Esquire, a letter requesting a status of the Estate matter within ten days. [Attachment F].
7. On or about July 20, 2007, Respondent provided a copy of a Petition to Compel Distribution of Funds by Fiduciary Commissioner and Petition for Declaratory Judgment he had planned to file with the court. [Attachment G].

8. On or about September 17, 2007, Mrs. Ramsey sent a letter to the Office of Disciplinary Counsel stating that she received a letter dated July 20, 2007, along with the copy of the Petition from Respondent. Mrs. Ramsey stated that she then responded by letter dated July 30, 2007, with questions about the petition, but had received no response from Respondent. [Attachment H].
9. On or about September 20, 2007, the Office of Disciplinary Counsel sent Ms. Goodman a letter indicting that Mrs. Ramsey had advised that she was waiting for a response to her July 30, 2007 correspondence. [Attachment I].
10. On or about October 5, 2007, the Office of Disciplinary Counsel sent a letter to Ms. Goodman again inquiring about the status of the Estate matter. [Attachment J].
11. On or about October 10, 2007, Ms. Goodman advised the Office of Disciplinary Counsel by email that Respondent had scheduled a hearing on the Estate matter for November 1, 2007, and had provided notice to the Ramseys. [Attachment K].
12. On or about October 22, 2007, Ms. Goodman sent an email to the Office of Disciplinary Counsel stating that Respondent had not filed the Petition to Compel Distribution of Funds by Fiduciary Commissioner and Petition for Declaratory Judgment, but would wait to do so after the scheduled hearing, which had been rescheduled for November 8, 2007. Respondent provided the Office of Disciplinary Counsel copies of hearing notices he sent to the parties in the Ramsey matter. [Attachment L and M].

14. On or about January 23, 2008, the Office of Disciplinary Counsel sent an email to Ms. Goodman requesting the status of the Estate matter. Ms. Goodman replied on or about January 24, 2008, indicating that she was attempting to ascertain whether the County Commission needed to make a decision or if Respondent needed to prepare an order. Ms. Goodman stated that she would advise the Office of Disciplinary Counsel as soon as the information became available. [Attachment N].
15. On or about January 25, 2008, Ms. Goodman sent an email to the Office of Disciplinary Counsel stating that Respondent had advised her that he had completed the necessary steps and was awaiting a decision from the County Commission to finalize the Estate matter. [Attachment O].
16. On or about April 4, 2008, Wood County Commissioner Rick Modesitt, advised the Office of Disciplinary Counsel that the proposed order submitted by Respondent had been rejected by the County Commission. [Attachment P]
17. On or about June 9, 2008, the Office of Disciplinary Counsel sent an email to Ms. Goodman inquiring the status of the Estate matter. [Attachment Q].
18. Mr. Modesitt provided the Office of Disciplinary Counsel with a letter dated June 12, 2009, to Respondent which indicated that he had been previously advised that the proposed order from the November 7, 2007 hearing had been rejected by the County Commission. The letter further indicated that Respondent had not yet submitted a corrected order and asked him to provide the same, along with a complete accounting

of the estate from January 6, 1986 to present. The letter requested that Respondent respond by June 26, 2008. [Attachment R].

19. On or about September 18, 2008, the Office of Disciplinary Counsel sent an email to Ms. Goodman inquiring the status of the Estate matter. On or about September 22, 2008, Ms. Goodman advised that she had spoken with Respondent, who stated that he was planning to distribute funds from the Estate withing the next ten days. [Attachment S].
20. On or about September 19, 2008, Mr. Modesitt provided the Office of Disciplinary Counsel a copy of a letter to Respondent which indicated that on July 29, 2008, Two Thousand, Four Hundred and Six Dollars and Thirty Two Cents (\$2,406.32) from the Estate was placed in his account and again requested that he provide an accounting of the estate. [Attachment T].
21. On or about September 26, 2008, the Office of Disciplinary Counsel sent a copy of the County Commission's letter to Respondent to Ms. Goodman and asked that she provide the status of the Estate matter immediately. [Attachment U].
22. On or about October 14, 2008, Ms. Goodman sent an email to the Office of Disciplinary Counsel stating that she had left a message for Respondent requesting the status of the disbursements of the Estate. [Attachment V].
23. After not receiving a status update in the Estate matter, in or about February of 2009, the Office of Disciplinary Counsel advised Ms. Goodman that if the Estate matter was

not resolved within 20 days Disciplinary Counsel would file the instant petition seeking a Rule to Show Cause be issued.

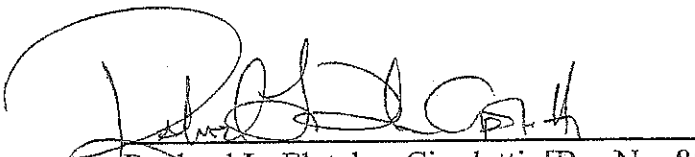
24. On or about March 3, 2009, Ms. Goodman sent an email to the Office of Disciplinary Counsel and advised that Respondent had not returned her phone call from the previous week and that she would send him a letter directing him to provide the status of the Estate. She further requested that the Office of Disciplinary Counsel wait to file the petition until after Respondent had received her March 3, 2009 letter. [Attachment W].

25. To date, no further information has been provided by Respondent about the status of the Estate matter.

26. Upon inquiry to the Probate Office of Wood County by the Office of Disciplinary Counsel, as of April 15, 2009, the Estate matter was still open.

**WHEREFORE**, the Office of Disciplinary Counsel requests that this Court issue a Rule to Show Cause why Respondent should not be found in contempt and why the Office of Disciplinary Counsel should not be afforded the relief requested.

THE OFFICE OF DISCIPLINARY COUNSEL  
By Counsel,



Rachael L. Fletcher Cipoletti [Bar No. 8806]  
Chief Lawyer Disciplinary Counsel  
Office of Disciplinary Counsel  
2008 Kanawha Boulevard, East  
Charleston, West Virginia 25311  
304-558-7999

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**CERTIFICATE OF SERVICE**

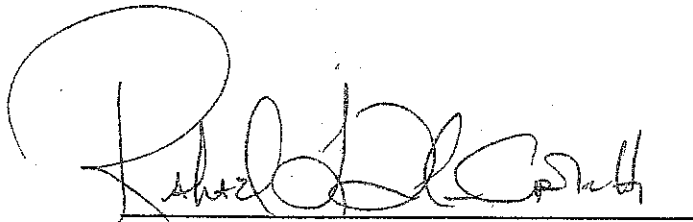
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This is to certify that I, **Rachael L. Fletcher Cipoletti**, Chief Lawyer Disciplinary Counsel for the Office of Disciplinary Counsel, have this day, the 16<sup>th</sup> of April 2009, per Ms. Goodman's request served a true copy of the foregoing "**PETITION FOR RULE TO SHOW CAUSE**" upon Respondent and Respondent's Counsel Sherri D. Goodman, Esquire, by mailing the same via United States Mail, with sufficient postage, to the following addresses:

Joseph P. Albright, Jr., Esquire  
Post Office Box 166  
Parkersburg, West Virginia 26102

Sherri D. Goodman, Esquire  
Post Office Box 1149  
Charleston, West Virginia 25324-1149



Rachael L. Fletcher Cipoletti

**EXHIBITS**  
**ON**  
**FILE IN THE**  
**CLERK'S OFFICE**