

No. 14-0365 – *Lawyer Disciplinary Board v. Howard J. Blyler*

FILED

June 3, 2016

Chief Justice Ketchum, dissenting:

released at 3:00 p.m.
RORY L. PERRY II, CLERK
SUPREME COURT OF APPEALS
OF WEST VIRGINIA

I agree with the discipline recommended by the hearing panel.

Lawyer Blyler was inattentive to the confiscation of his client's money by the State. His inattentive conduct was caused by caring for his wife who was dying from Alzheimer's disease. He did not have the financial resources to hire others to provide her with full time, in-home care that she required.

The majority is requiring Lawyer Blyler to pay back the approximately \$47,000 he owes to the estate. At the same time, the majority is taking away his opportunity to earn an income by suspending his law license. These are self-defeating sanctions that defy common sense. Even the complaining party agrees that Lawyer Blyler should be permitted to continue to practice so that restitution can be made.

I dissent.