

SUPREME COURT OF APPEALS OF WEST VIRGINIA

Lawyer Disciplinary Board v. Sigwart, 216 W. Va. 212

605 S.E.2d 587 (2004) · No. No. 30727 · Decided December 2, 2004

SUMMARY

The Supreme Court of Appeals of West Virginia held James F. Sigwart in contempt for failing to comply with a prior disciplinary order and supervision agreement. The court immediately suspended his law license until he achieved full compliance with the order and agreement.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Per Curiam
JURISDICTION	West Virginia
DECIDED	December 2, 2004
DOCKET	No. 30727
DISPOSITION	other
PROCEDURAL POSTURE	The Lawyer Disciplinary Board petitioned the Supreme Court of Appeals of West Virginia to hold Sigwart in contempt and immediately suspend his law license for violating the court's prior disciplinary order and an accompanying supervision agreement.
STANDARD OF REVIEW	The court independently determined whether the undisputed evidence established noncompliance with its prior order and supervision agreement and whether contempt and license suspension were appropriate sanctions.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Lawyer Disciplinary Board v. James F. Sigwart, II

TOPICS

remedies

appellate procedure

PRACTICE AREAS

legal ethics

attorney discipline

contempt

QUESTIONS PRESENTED

1. Whether Sigwart violated the court's June 25, 2003 disciplinary order and accompanying supervision agreement.
2. Whether Sigwart's noncompliance constituted contempt of the Supreme Court of Appeals of West Virginia.
3. Whether immediate suspension of Sigwart's law license until compliance was an appropriate sanction.

HOLDINGS

1. The Supreme Court of Appeals of West Virginia has authority to punish a party for contempt of an order it entered, and its orders must be promptly obeyed when it acts within its jurisdiction.
2. Sigwart was in contempt for failing to comply with the June 25, 2003 order and supervision agreement, and immediate suspension of his law license until full compliance was an appropriate sanction.

KEY QUOTATIONS

“This Court is the final arbiter of legal ethics problems and must make the ultimate decisions about public reprimands, suspensions or annulments of attorneys' licenses to practice law.” (589)

“When this Court acts within its jurisdiction, its orders shall be promptly obeyed, or contempt is a proper sanction.” (589)

“This Court views compliance with its orders relating to the practice of law to be among a lawyer's highest professional responsibilities” (589)

FACTUAL BACKGROUND

In a June 25, 2003 order, the court reprimanded Sigwart and required supervised employment, counseling or therapy concerning personal and alcohol-related issues, cooperation with the Office of Disciplinary Counsel, and reimbursement of disciplinary costs. Although a supervision agreement was executed, reports showed that Sigwart had not begun counseling, stopped attending meetings with his supervisor, and failed to respond to disciplinary officials' letters and telephone calls. The evidence also indicated that he failed to pursue a client's complaint diligently, resulting in dismissal and expiration of the statute of limitations.

PROCEDURAL HISTORY

The court had previously reprimanded Sigwart and ordered supervision, counseling, cooperation with disciplinary authorities, and payment of proceeding costs. After reports documented his failure to comply with the supervision requirements and his failure to respond to the Office of Disciplinary Counsel, the Board filed a contempt petition. The court granted the petition, found Sigwart in contempt, and immediately suspended his license until he fully complied with the prior order and supervision agreement.

DISPOSITION

other

CASES CITED

- Committee on Legal Ethics of the West Virginia State Bar v. Blair, 174 W. Va. 494, 327 S.E.2d 671 (1984)
- State ex rel. Walker v. Giardina, 170 W. Va. 483, 294 S.E.2d 900 (1982)
- United Mine Workers of America v. Faerber, 179 W. Va. 73, 365 S.E.2d 353 (1986)
- State ex rel. Robinson v. Michael, 166 W. Va. 660, 276 S.E.2d 812 (1981)
- Committee on Legal Ethics of the West Virginia State Bar v. Charonis, 186 W. Va. 59, 410 S.E.2d 418 (1991)
- Committee on Legal Ethics of the West Virginia State Bar v. Farber, 191 W. Va. 667, 447 S.E.2d 602 (1994)
- Office of Lawyer Disciplinary Counsel v. Cunningham, 200 W. Va. 339, 489 S.E.2d 496 (1997)

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