

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on January 30, 2020, the following order was made and entered:

Lawyer Disciplinary Board,
Petitioner

vs.) Nos. 18-0344 and 18-0589

Courtney L. Ahlborn, a member of
The West Virginia State Bar,
Respondent

FILED

FEB 10 2020

OFFICE OF
DISCIPLINARY COUNSEL

ORDER

On December 30, 2019, the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, by its Chair James R. Akers, II, pursuant to Rule 3.10 of the Rules of Lawyer Disciplinary Procedure, filed its written recommended disposition in these matters, recommending the following sanctions:

- (1) Suspension of respondent's law license for a period of six months, with all six months deferred, while respondent is immediately placed on a two-year probationary period subject to the conditions set forth below;
- (2) Two years of supervised practice by an active attorney in respondent's geographic area. That attorney must be in good standing with the West Virginia State Bar and agreed upon by Office of Lawyer Disciplinary Counsel ("ODC"). The goal of the supervised practice is to improve the quality and effectiveness of respondent's law practice to the extent that respondent's sanctioned behavior is not likely to recur. It is also strongly encouraged that respondent seek practice in a group setting;
- (3) Compliance with respondent's five-year monitoring agreement she entered into with the West Virginia Judicial and Lawyer Assistance Program ("WVJLAP") on

June 20, 2019, as contained in the record in Volume I Exhibit 16. This includes, among other things, conditions of compliance with the continuing care recommendations for treatment and monitoring with Dr. Rachel Sowards, regular medication management by Dr. Sowards, random drug testing by WVJLAP and continued individual therapy with Patty Groom; and

(4) Respondent must pay the costs of these proceedings pursuant to Rule 3.15 of the Rules of Lawyer Disciplinary Procedure.

Thereafter, on January 8, 2020, the respondent, Courtney L. Ahlborn, by counsel, J. Michael Benninger, Benninger Law, PLLC, filed her consent to the recommendation. The Office of Lawyer Disciplinary Counsel, by Renée N. Frymyer, Lawyer Disciplinary Counsel, filed its consent to the recommendation on January 9, 2020.

Upon consideration and review, the Court is of the opinion to and does hereby concur with and does hereby approve the recommended disposition of the Hearing Panel Subcommittee of the Lawyer Disciplinary Board. It is therefore ORDERED that:

(1) Respondent's license to practice law in the State of West Virginia shall be and is suspended for a period of six months, with the entirety of the suspension deferred and respondent is immediately placed on a two-year probationary period subject to the conditions and limitations as set forth herein;

(2) Respondent's practice of law shall be supervised for a two-year period by an attorney who practices in respondent's geographic area, who is in good standing with the West Virginia State Bar, and agreed upon by the respondent and the ODC, with the goal of improving the quality and effectiveness of respondent's practice of law to the extent that respondent's sanctioned behavior is not likely to reoccur;

(3) Respondent shall remain compliant with all conditions of the five-year monitoring agreement she entered into with the WVJLAP on June 20, 2019;

(4) Should the respondent fail to comply with any condition of the two-year probationary period or the monitoring agreement entered into with the WVJLAP,

the supervising attorney and/or WVJLAP are directed to advise the ODC immediately in writing; and

(5) Respondent shall pay the costs of these proceedings pursuant to Rule 3.15 of the Rules of Lawyer Disciplinary Procedure.

Service of a copy of this order upon the respondent, Courtney L. Ahlborn, the Office of Disciplinary Counsel, and the West Virginia State Bar shall constitute sufficient notice of the contents herein.

Chief Justice Tim Armstead did not participate in the consideration or decision of this matter.

A True Copy

Attest: /s/ Edythe Nash Gaiser
Clerk of Court

