

FILED

APR 11 1988

W. H. H. H. H.

PER CURIAM

Committee on Legal Ethics of the
West Virginia State Bar

No. 18219 v.

Sherman Lambert, a member of the
West Virginia State Bar

In this proceeding the Committee on Legal Ethics of the West Virginia State Bar has filed a petition in this Court praying for an order requiring the respondent to submit to examination to determine his mental capacity to practice law. A rule to show cause was issued by this Court on December 22, 1987 and made returnable on January 12, 1988.

The respondent is a member of the West Virginia State Bar and is a resident of Charles Town, West Virginia. The Committee's petition and request that the respondent undergo medical examination are based upon information that the respondent has undergone severe mood changes, been late or failed to appear at court proceedings, shown financial irresponsibility including but not limited to a magistrate court conviction on a worthless check charge, shown a lack of attention to his office practice, given apparent misrepresentations to account for his absences, failed to turn over certain settlement proceeds to the client involved and denied any internal cause of his problems. In addition, the respondent's professional conduct has, for a period in excess of one year, been such that the circuit judge of his circuit deems him to be unqualified for appointment to

criminal cases. The respondent has also been sanctioned for frivolous actions in civil cases.

Under Article VI, Section 26 of the By-Laws of the West Virginia State Bar, a procedure is set up for the suspension of the license of attorneys who are found to be emotionally disabled to the extent they cannot effectively function in the practice of law. The procedure for determining whether an attorney is disabled is found in Section 26(b) which provides in part:

Whenever the Investigative Panel or Hearing Panel shall petition the court to determine whether an attorney is incapacitated from continuing the practice of law by reason of mental infirmity or illness or because of addiction to drugs or intoxicants, the court may take or direct such action as it deems necessary or proper to determine whether the attorney is so incapacitated, including the examination of the attorney by such qualified medical experts as the court shall designate.

The Committee's allegations in this proceeding are undisputed and the respondent has failed to show cause why an order should not be entered requiring him to submit to examination to determine his capacity to practice law. Therefore, the Court is of the opinion to, and does hereby, grant the Committee's petition.

It is, therefore, Considered and Ordered that the Chairman of the Committee on Legal Ethics of the West Virginia State Bar shall submit to this Court the name of a physician deemed by him to be competent for the purposes of this proceeding and who has agreed to serve in such capacity and at such time the Clerk of this Court shall enter an

order directing the respondent to appear at the appointed time and place for such examination. Such examination is to be done on behalf of the Court and the appointed physician is to make his written report thereof to the Court, addressed to the Clerk, Supreme Court of Appeals of West Virginia, State Capitol, Charleston, West Virginia, 25305 but the physician is directed to submit the bill for his services in this behalf to the West Virginia State Bar, State Capitol, Charleston, West Virginia, 25305 for payment pending final taxation of costs in this proceeding.

Service of a copy of this order upon the respondent by certified mail, written receipt requested, shall constitute due notice to him of the contents hereof.

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 18th day of May, 1988, the following order was made and entered.

Committee on Legal Ethics of
The West Virginia State Bar, Complainant

vs.) No. 18219

Sherman Lambert, a member of
The West Virginia State Bar, Respondent

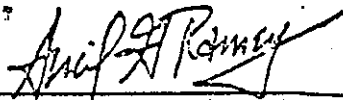
On a former day, to-wit, May 9, 1988, came the Committee on Legal Ethics of The West Virginia State Bar, by Jack M. Marden and Cynthia Santoro Gustke, its attorneys, and presented to the Court its petition praying that respondent Sherman Lambert's license to practice law in the State of West Virginia be suspended for the reason that respondent failed to report for examination as ordered by this Court on April 12, 1988.

Upon consideration whereof, the Court is of opinion that respondent Sherman Lambert's license to practice law in the State of West Virginia should be suspended indefinitely pending his petition for reinstatement.

Accordingly, it is therefore Adjudged and Ordered that the license and authority of the respondent, Sherman Lambert, to practice law in the State of West Virginia, be, and the same is hereby suspended until further order of this Court.

Service of a copy of this order upon the respondent by certified mail, return receipt requested, shall constitute sufficient notice of the contents hereof.

A True Copy

Attest 
Clerk, Supreme Court of Appeals