

At a Regular Term of the Supreme Court of Appeals, continued
and held at Charleston, Kanawha County, on the 12th day of March,
1986, the following order was made and entered, to-wit:

Brotherton, Justice

FILED

Committee on Legal Ethics
of The West Virginia State Bar

MAR 12 1986

No. 17040

Thomas Ray Parks, a member
of The West Virginia State Bar

CLERK OF THE
SUPREME COURT OF APPEALS
OF WEST VIRGINIA

This is a legal ethics disciplinary proceeding pursuant to Article 6 of the By-laws of the West Virginia State Bar, against Thomas Ray Parks. On February 4, 1986, a complaint was filed against Mr. Parks, alleging that he had forged a judge's signature on an order. The Committee on Legal Ethics found Mr. Parks to be guilty of the charges, and on February 4, 1986, this Court ordered that Mr. Parks show cause why an order suspending him from the practice of law and requiring him to pay the costs and expense of this proceeding should not be entered.

On August 27, 1985, a worker in the clerk's office brought an order in the case of "In re: Change of name of Michael George Lowe; Civil Action No. 85-P-103" to the attention of the Honorable J. Ned Grubb, Judge of the Seventh Judicial Circuit of the State of West Virginia, suspecting the judge's signature on that order to be forged. Judge Grubb determined that the signature was a forgery and requested to meet with the attorney in the case, Mr. Parks. After two meetings with Judge Grubb, Mr. Parks admitted to the forgery and turned himself in to the State Bar.

Mr. Parks has been a licensed attorney since 1967. Before this incident his behavior has been exemplary. At the time of the forgery Mr. Parks was suffering from serious emotional problems, precipitated by recent adverse financial reversals, domestic discord, and other family problems. Mr. Parks' emotional

problems were complicated immensely by excessive consumption of alcohol. At the date of the hearing Mr. Parks was undergoing psychotherapy with the assistance of June S. Church, Ph.D., a qualified psychologist practicing in Logan County, West Virginia, and undergoing superficial treatment for problems associated with alcohol abuse.

Forging a judge's signature to an order is a very serious ethical offense. Situations where an attorney has actively tried to subvert the judicial system of this State have always brought strict discipline from this Court. See, e.g., In re: Barron, 155 W.Va. 98, 181 S.E.2d 273 (1971) (bribery of a juror); Committee on Legal Ethics v. Pence, 216 S.E.2d 236 (W.Va. 1975) (fraudulent deposit slip used as evidence). A deception of this sort violates DR 1-102(A) (4) (5) and (6) and DR 7-102(A) (8) of the Code of Professional Responsibility. If there were no mitigating circumstances to this case, this Court would bury Mr. Parks' license at the bottom of the deepest hole. There are, however, several mitigating circumstances.

1. The forgery benefited neither Mr. Parks nor his client. The forgery was made on an order granting a name change. Such relief is routinely granted and indeed, in this case, Judge Grubb signed an identical order to the one that was forged as a routine matter.

2. Mr. Parks has admitted his crime and appears to be truly repentant.

3. Mr. Parks was an alcoholic and under severe emotional distress at the time of the forgery.

We find these circumstances to be in mitigation of the crime. However, the strongest mitigating factor, that of alcoholism and emotional distress, is also a double-edged sword.

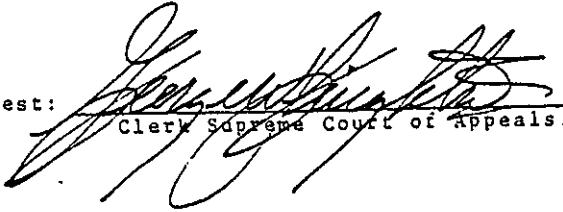
Here we are presented with a case where the attorney before us is admittedly so unstable due to these factors that he signed the judge's name to a routine order. A person of such instability is not fit to practice law.

We, therefore, Order that the license of Thomas Ray Parks be, and the same hereby is, suspended indefinitely, pursuant to Article 6, § 26(B) of the Constitution of the West Virginia State Bar, until the Committee on Legal Ethics returns to this Court with a plan for the rehabilitation of Mr. Parks, which they are ordered to do within thirty days after the entry of this order. Upon our review of this plan, we will further rule on when Mr. Parks will again be allowed to practice law in this State. Until then, our ruling on this disciplinary proceeding will be held in abeyance.

The Clerk of this Court is directed to certify a copy of this order to the Secretary of The West Virginia State Bar, and to mail a duly attested copy of this order to the respondent, with return receipt requested, and to counsel of record in this proceeding.

A True Copy

Attest:


Clerk Supreme Court of Appeals