

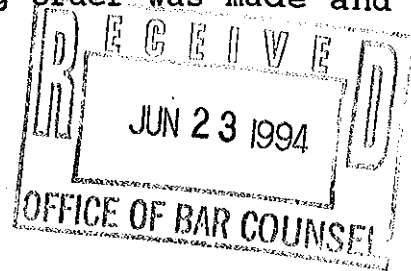
STATE OF WEST VIRGINIA

At a Regular term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 20th day of May, 1994, the following order was made and entered:

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

vs.) No. 22131

Eugene Simmons, a suspended member of The West Virginia State Bar, Respondent



The Court today handed down a prepared order issuing a public reprimand of the respondent, Eugene Simmons, a suspended member of The West Virginia State Bar, and requiring respondent to pass the Multi-State Professional Responsibility Examination prior to petitioning for reinstatement. It is further ordered that the respondent reimburse the Committee on Legal Ethics of The West Virginia State Bar for the costs and expenses incurred in the investigation and hearing of the above-captioned matter in the amount of Two Thousand Twenty-Two Dollars and Seventy-Nine Cents (\$2,022.79).

Service of an attested copy of this order upon the respondent shall constitute notice of the contents herein.

A True Copy

A handwritten signature in dark ink, appearing to read "Anita J. Ramsey", written over a horizontal line.

Attest:

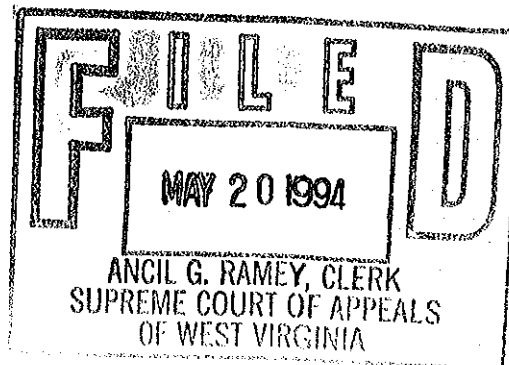
Clerk, Supreme Court of Appeals

Per Curiam

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

No. 22131 v.

Eugene Simmons, a suspended member of
the West Virginia State Bar,
Respondent



This matter came on for hearing on April 12, 1994. The parties waived oral argument. The respondent, Eugene Simmons, a suspended member of the West Virginia State Bar, advised this Court that he was willing to accept the recommendation of the Committee on Legal Ethics of the West Virginia State Bar (Committee), except for the payment of its costs. The Committee's recommendation was that the respondent be given a public reprimand and that he be required to pass the Multi-State Professional Responsibility Examination before he applies for reinstatement to the Bar as a result of a previous suspension.¹ The Committee further recommended that the respondent pay its costs incurred in this proceeding.

The Committee found that the respondent violated DR 6-101(A) (3) of the Code of Professional Responsibility when he failed to prepare final orders in forty-two criminal cases before leaving

¹The respondent was given a six-month suspension in Committee on Legal Ethics v. Simmons, 184 W. Va. 183, 399 S.E.2d 894 (1990).

the Office of Prosecuting Attorney of Pocahontas County. Furthermore, the respondent failed to submit several orders for arraignments, changes of plea, and pretrial or status conferences in the same forty-two cases.² A violation of Rule 1.16(d) of the Rules of Professional Conduct was found because the respondent did not timely return a client's file in 1989 after the client terminated his representation.³

After reviewing these matters, we issue a public reprimand to the respondent for the foregoing ethical violations. We also order that prior to petitioning for reinstatement to the practice of law from his previous suspension the respondent shall pass the Multi-State Professional Responsibility Examination. Finally, we order that the respondent pay the costs incurred by the Committee in this proceeding, which have been set at \$2,022.79.

²This conduct occurred in December of 1988. DR 6-101(A)(3) was in effect at that time and required that a "lawyer shall not: * * * (3) [n]eglect a legal matter entrusted to him."

³The current Rules of Professional Conduct became effective January 1, 1989. Rule 1.16(d) requires an attorney, after termination of representation, to surrender "papers and property to which the client is entitled[.]"