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STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 29th of January, 2004, the following order was made and entered:

Office of Disciplinary Counsel, Petitioner

vs.) No. 31099

David S. Harless, a member of The West Virginia State Bar, Respondent

On a former day, to-wit, January 27, 2004, came the Office of Disciplinary Counsel, by Lawrence J. Lewis, its counsel, and presented to the Court, pursuant to Rule 3.23(a) of the Rules of Lawyer Disciplinary Procedure, its petition seeking the immediate and indefinite administrative suspension of the license to practice law in the State of West Virginia of the respondent, David S. Harless, a member of The West Virginia State Bar; requesting that this Court order the respondent to submit to an examination by a qualified medical expert as designated by the Office of Disciplinary Counsel; execute such appropriate authorizations as are necessary for the release of his medical, psychiatric and/or psychological records to the examining expert; direct the medical expert to conduct such examinations, tests and evaluations that are necessary to determine whether respondent is suffering any medical, mental or emotional condition which renders him disabled from continuing the practice of law, and that the medical expert report the findings to the Office of Disciplinary Counsel, which office shall advise the Court and respondent's counsel of said findings and provide said report under seal to the Court and to respondent's counsel; that respondent surrender his West Virginia State Bar membership

card to the Office of Disciplinary Counsel; and requesting that any other complaints filed against the respondent be held in abeyance until further order of the Court.

Upon consideration whereof, the Court is of opinion to and doth hereby grant said petition. It is therefore ordered that the respondent's license to practice law in the State of West Virginia be, and it hereby is, **suspended**, indefinitely.

It is further ordered that the respondent shall submit to an examination by a qualified medical expert designated by the Office of Disciplinary Counsel, and execute the appropriate authorizations as are necessary for the release of his medical, psychiatric and/or psychological records to the examining expert. The medical expert shall conduct such examination, tests and evaluations as are necessary to determine whether respondent is suffering any medical, mental or emotional condition which renders him disabled from continuing the practice of law, and that the medical expert report the findings to the Office of Disciplinary Counsel, which office shall advise the Court and respondent's counsel of said findings and provide said report under seal to the Court and to respondent's counsel.

It is further ordered that respondent be, and he hereby is, directed to surrender his West Virginia State Bar membership card to the Office of Disciplinary Counsel until further order of the Court.

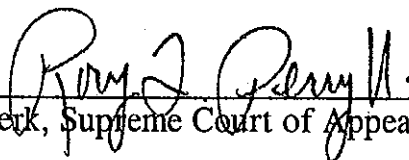
It is further ordered that all disciplinary matters pending against respondent are held in abeyance until further order of the Court.

It is finally ordered that based upon the representation of the Office of Disciplinary Counsel that it is not necessary for the appointment of counsel in this matter to protect any client's interests, no such appointment is made.

Service of a copy of this order upon the respondent and the Office of Disciplinary Counsel shall constitute sufficient notice of the contents herein.

A True Copy

Attest:


Clerk, Supreme Court of Appeals