

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 16th day of January, 1997, the following order was made and entered:

Office of Lawyer Disciplinary
Counsel, Petitioner

vs.) No. 23238

David R. Karr, Sr., a member of The
West Virginia State Bar, Respondent

On a former day, to-wit, January 13, 1997, came the petitioner, the Office of Lawyer Disciplinary Counsel, by Sherri D. Goodman, Chief Lawyer Disciplinary Counsel, and presented to the Court its motion in writing to dismiss the petition filed by the Office of Lawyer Disciplinary Counsel on the 20th day of December, 1995, for the reasons stated therein.

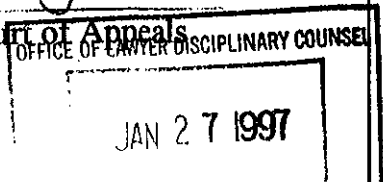
Upon consideration whereof, the Court is of opinion to and doth hereby sustain said motion. It is therefore considered and ordered by the Court that this action be, and the same hereby is, dismissed from the docket of this Court; all of which is ordered to be certified to the Office of Lawyer Disciplinary Counsel and to David Karr, Sr., Esq.

Service of a copy of this order upon all parties herein shall constitute sufficient notice of the contents.

A True Copy

Attest:

Cecilia Bowling
Interim Clerk, Supreme Court of Appeals



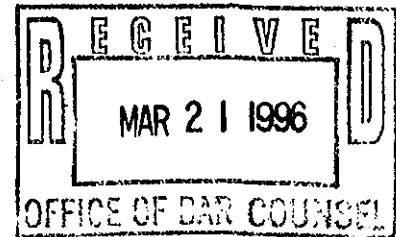
STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 15th day of February, 1996, the following order was made and entered:

Office of Lawyer Disciplinary
Counsel, Petitioner

vs.) No. 23238

David R. Karr, Sr., a member of The
West Virginia State Bar, Respondent



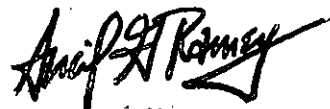
The Court today handed down a prepared order in the above-captioned proceeding approving a stipulated administrative agreement and supervision plan by the parties, as modified by the Court. It is therefore ordered that the respondent, David R. Karr, Sr., a member of The West Virginia State Bar, (1) remain alcohol free; (2) attend intensive out-patient treatment for two months with established continuing care activities and counselling afterwards for six months; (3) attend at least three AA meetings weekly with maintenance of an attendance log to be reviewed monthly during counseling visits; (4) acquire an AA sponsor and home-group site to facilitate continuing support, relapse prevention and maintenance of sobriety with commitment for abstinence; (5) maintain treatment under Dr. Jerome Massenburg; (6) have law practice supervised for a period of six months in exchange for a six-month stay of the pending disability petition, at which time the Court may require that the period of supervision be extended for an additional six months or may take such other action as may be appropriate; (7) meet weekly with the supervising attorney and provide to said attorney on a weekly basis the following: (a) list of any calls not returned for more than three days; (b) list of any correspondence unanswered in seven days; (c) list of any complaints respondent receives from clients or from the Office of Disciplinary Counsel; (d) list of any requests for files which have not been fulfilled in fourteen

days; and (e) daily calendar listing appointments, hearings, and deadlines. It is further ordered that at the end of the six-month period commencing with the entry of the agreement with the supervising attorney and respondent, the Office of Disciplinary Counsel shall file with this Court a report stating its recommendation as to whether (1) the underlying petition should be dismissed; or, (2) the period of supervision should be extended, with or without other conditions; or, (3) the pending petition is to be pursued by the Office of Disciplinary Counsel, with or without amendment. In the event respondent fails to keep any of the terms of this agreement or supervision plan, the Office of Disciplinary Counsel may forthwith petition the Supreme Court of Appeals of West Virginia for an administrative suspension pursuant to Rule 3.23(b), which may be granted by the Court, with or without further hearing, as the Court shall determine. It is finally ordered that the respondent and Office of Disciplinary Counsel shall be deemed to have consented to the modifications listed herein unless either party shall file an objection thereto with this Court within ten days after the entry of this order. If an objection is filed, this order shall be deemed stayed until further order of the Court.

Service of a copy of this order upon all parties by certified mail, return receipt requested, shall be deemed sufficient notice of the contents herein.

A True Copy

Attest:



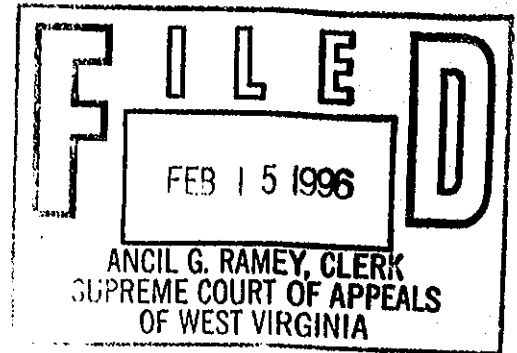
Clerk, Supreme Court of Appeals

Per Curiam

Office of Lawyer Disciplinary Counsel
of the West Virginia State Bar,

No. 23238 v.

David R. Karr, Sr., a Member of the
West Virginia State Bar



The Office of Disciplinary Counsel of the West Virginia State Bar and David R. Karr, Sr., a member of the West Virginia State Bar, request that this Court approve a stipulated administrative action to deal with Mr. Karr's disability caused by alcoholism. This Court had previously filed an order on October 6, 1995, requiring Mr. Karr to undergo an examination to determine his fitness to practice law. See Office of Disciplinary Counsel v. Karr, No. 23024 (W. Va. filed October 6, 1995) (per curiam order). On December 20, 1995, Disciplinary Counsel apprised this Court of the results of that evaluation and requested Mr. Karr's administrative suspension. After receiving Disciplinary Counsel's petition, we required Mr. Karr to undergo a psychiatric evaluation and on January 4, 1996, entered a rule to show cause why Mr. Karr should not be administratively suspended, which rule was returnable on February 6, 1996.

On February 6, 1996, the parties agreed to an administrative action whereby Mr. Karr agrees to undergo intensive treatment for his alcoholism and to have his practice of law supervised for six months in exchange for a six-month stay of the pending disability petition under Rule 3.23(b) of the Rules of Lawyer Disciplinary Procedure (hereinafter the Agreement, which is attached hereto with the supervision plan as Exhibit A).

Based on our review of the parties' agreement, we find that generally the agreement is very fair to Mr. Karr and reasonably protective of the public interest. However, we find that certain details of the supervision plan and agreement must be modified to protect adequately the public interest. Therefore, we approve of the supervision plan with the following modifications:

(1) Add the following sentence to paragraph one: "It is understood that the Court may require that the period of supervision be extended for an additional six months or take such other action as may be appropriate;" and

(2) Revise paragraph six to require Mr. Karr to provide to his supervising lawyer on a weekly basis a list of, first, any calls not returned within three (3) business days, and second, any correspondence not answered within seven (7) days. The other requirements of paragraph six are not modified.

Based on the supervision plan, as modified, we accept the agreement subject to the following modifications:

(1) Amend paragraph five to provide: "At the end of the six-month period commencing with the entry of the Agreement with Supervising Lawyer and Respondent, the

Office of Disciplinary Counsel shall file with this Court a report stating its recommendation as to whether: (1) the underlying petition should be dismissed; or, (2) the period of supervision should be extended, with or without other conditions; or, (3) the pending petition is to be pursued by the Office of Disciplinary Counsel, with or without amendment."

(2) Amend paragraph six to provide: "In the event Respondent fails to keep any of the terms of this agreement or supervision plan, the Office of Disciplinary Counsel may forthwith petition the West Virginia Supreme Court of Appeals for an administrative suspension pursuant to Rule 3.23(b) of the Rules of Lawyer Disciplinary Procedure, which may be granted by the Court, with or without further hearing, as the Court shall determine."

It is, therefore, Adjudged and Ordered that the supervision plan, as modified, and the agreement, as modified, are accepted by this Court. Mr. Karr and Disciplinary Counsel shall be deemed to have consented to the modifications listed herein unless any such party shall file an objection thereto with this Court within ten (10) days after the entry of this Order. If an objection is filed, the Order shall be deemed stayed until further Order of the Court is made and entered.

It is so ordered.

**BEFORE THE LAWYER DISCIPLINARY BOARD
STATE OF WEST VIRGINIA**

**In re: *David R. Karr, Sr., a member of
The West Virginia State Bar***

Sup. Ct. No. 23024

STIPULATED ADMINISTRATIVE ACTION

COMES NOW the Office of Disciplinary Counsel by its counsel Janice B. Binder and the Respondent David Karr Sr. and hereby submit the stipulated administrative action as follows:

1. The Respondent shall begin intensive treatment in accordance with the recommendations of Dr. Jerome Massenburg, to wit:

- to remain alcohol free;
- to attend intensive out-patient treatment for two (2) months with established continuing care activities and counselling afterwards for six (6) months;
- attendance at 3 AA meetings weekly with maintenance of an attendance log to be reviewed monthly during counseling visits; and
- acquisition of an AA sponsor and home-group site to facilitate continuing support, relapse prevention, and maintenance of sobriety with commitment for abstinence.

2. The Respondent is referred to Dr. Massenburg for said treatment;

3. The Respondent will practice under the supervision of attorney Kennad L. Skeen for six months beginning with the date of this agreement as more fully set out in the Supervision Agreement and Plan attached hereto;

4. The matter of the Petition for Administrative Suspension is stayed for six months from the date of this agreement;

5. At the end of the said six month period this matter will proceed on the Petition; and

6. In the event that Respondent fails to keep any of the terms of this agreement the Respondent will be administratively suspended forthwith.

WHEREFORE Respondent enters these stipulations upon counsel and advice.

Respondent and Disciplinary Counsel have read, understand and agree to these Stipulations. The Stipulations contain the entire agreement and there are no promises, stipulations, offers or any type of inducements by the parties hereto or by any other person. The parties have entered the Stipulations of their own free will without any fraud, duress or any manner of coercion.


Janice B. Binder
Disciplinary Counsel

Date

02, 06, 96


David R. Karr, Sr., Esquire
Respondent

Date

2 / 6 / 96

**OFFICE OF LAWYER DISCIPLINARY COUNSEL
STATE OF WEST VIRGINIA**

**IN RE: David R. Karr, Sr., a member of
The West Virginia State Bar**

Sup. Ct. No. 23024

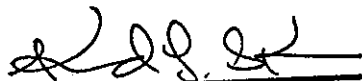
PLAN OF SUPERVISION

1. The West Virginia Supreme Court of Appeals ordered David R. Karr, Sr., Respondent herein, to submit to supervised practice pursuant Rule 3.15(4) of the Rules of Lawyer Disciplinary Procedure for a period of six (6) months from entry of the Agreement with Supervising Lawyer and Respondent.
2. Respondent must make a diligent, good faith effort to improve the following during the supervision period:
 - to remain alcohol free;
 - to attend intensive out-patient treatment for two (2) months with established continuing care activities and counselling afterwards for six (6) months;
 - attendance at 3 AA meetings weekly with maintenance of an attendance log to be reviewed monthly during counseling visits; and
 - acquisition of an AA sponsor and home-group site to facilitate continuing support, relapse prevention, and maintenance of sobriety with commitment for abstinence.
3. The Lawyer Disciplinary Board has agreed that **Kennad Lee Skeen**, Esquire will be the Supervising Lawyer.
4. Supervisor will initially meet with Respondent on or before February 9, 1996, to review Respondent's practice for the purpose of forming a plan of improvement ("plan"). The attached and incorporated form shall be used during the initial meeting and the last meeting of the supervised period. Supervisor is not limited by the form and may ask for more information.

5. The plan for improvement shall state the goals to be obtained, the means the goals will be obtained, the manner the new behavior will be monitored and a way in which attainment of the goal may be verified.¹
6. Respondent agrees to provide to the supervisor on a weekly basis the following:
 - List of any calls not returned for more than seven days;
 - List of any correspondence unanswered in 14 days;
 - List of any complaints Respondent received from clients or the Office of Disciplinary Counsel;
 - List of any requests for files which have not be fulfilled in 14 days;
 - Weekly meetings with supervisor and daily telephone conversations; and
 - Daily calendar listings, appointments, hearings, and deadlines.
7. Respondent is to submit on a monthly basis a list of his/her open cases which list shows the case name, the nature of the case, the last date work was done on the file, the work that is needed in order for the file to be closed and significant dates including but not limited to deadlines for filing a complaint, deadlines for discovery and dates for hearings.
8. Supervisor will personally meet with Respondent to monitor Respondent's progress, discuss problems in Respondent's practice, discuss each part of the plan for improvement, review documentation which verifies Respondent's progress, review documents submitted by Respondent on a monthly basis and review the weekly reports. Supervisor and Respondent shall set a time and place for the monthly meetings.
9. Supervisor will submit a monthly report to the Office of Disciplinary Counsel which will summarize the contacts with Respondent in the past month and include any instances when Respondent has failed to abide by the supervision plan.

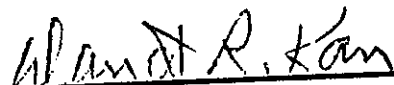
¹ For example, the goal may be for Respondent not to miss court dates. The means may be to obtain a docketing system. Weekly reports may be used to monitor whether Respondent is regularly using the new docketing system. Whether the goal was reached within the supervisory period may be verified by contacting the judicial bodies before which Respondent regularly appears.

The foregoing constitutes the Plan of Supervision for David R. Karr, Sr. Respondent and the Supervising Lawyer acknowledge that they have read the entire plan and agree to abide and/or comply with all of its terms, provisions and recommendations. Furthermore, Respondent and the Supervising Lawyer acknowledge and understand that should they fail to comply with the terms of the plan they may be subject to disciplinary action.



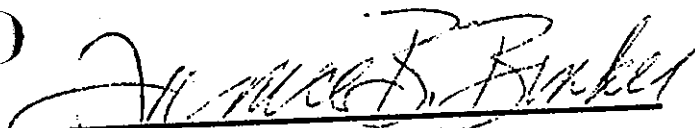
Kennad Lee Skeen, Esquire
Supervisor

Date 2 / 7 / 96



David R. Karr, Sr., Esquire
Respondent

Date 2 / 6 / 96



Janice B. Binder
Disciplinary Counsel

Date 12 / 06 / 96