

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 3rd of September, 2014, the following order was made and entered:

In Re: Petition for Reinstatement of Gregory G. Michael

No. 11-1069



On July 18, 2011, the petitioner, Gregory G. Michael, at that time appearing *pro se*, filed his Petition for Reinstatement of his license to practice law in the State of West Virginia. Thereafter, the Hearing Panel Subcommittee of the Lawyer Disciplinary Board filed its written recommended disposition and the petitioner, by his counsel Sherri D. Goodman, filed his consent to the recommendation. After review, the Court directed the parties to submit further evidence in support of the petitioner's fitness to engage in the practice of law and on November 13, 2013, the petitioner, by counsel, filed evidence with the Court. By order entered on November 20, 2013, this Court remanded the matter to the Hearing Panel Subcommittee of the Lawyer Disciplinary Board for the taking of additional evidence specifically addressing the issue of petitioner's psychological fitness to engage in the practice of law. This matter was held in abeyance pending the Hearing Panel Subcommittee's resolution and recommendation.

On July 3, 2014, the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, by Paul T. Camilletti, its chairperson, filed its Report and Recommendation on Remand Regarding the Reinstatement Petition, recommending that the petitioner be reinstated to the practice of law subject to following conditions: (1) that petitioner be placed on probation for a period of two years; (2) that petitioner employ an office manager, specifically Jane Reynolds, to assist him with the management of his law office during the probationary period; (3) that petitioner's

practice be supervised for a period of two years by an attorney, approved by the Hearing Panel Subcommittee, who actively practices in the 19th Judicial Circuit or Marion County and who has significant experience in representing indigent clients and maintaining a solo or small firm practice; (4) that petitioner's practice be limited to court-appointed work in the 19th Judicial Circuit of West Virginia; (5) that petitioner be required to give 45 hours of service to the Lawyers Assistance Program focusing on his experience with depression, the issues that arose from caretaking for his mother; and his failure to recognize the same; (6) that petitioner undergo monthly counseling for the period of probation, with reports submitted by the provider on a quarterly basis to the Office of Disciplinary Counsel, and that Dr. Chobe, or another psychiatrist if she is no longer available, perform an assessment of petitioner at the end of the first year and second year of probation; (7) that petitioner abstain from any and all alcohol use; and (8) that petitioner pay the costs of the reinstatement proceeding.

Thereafter, on July 16, 2014, the petitioner, by counsel, filed his written consent and request for adoption of the recommendation of the Hearing Panel Subcommittee. On August 1, 2014, the Office of Disciplinary Counsel, by Rachael L. Fletcher Cipoletti, Chief Lawyer Disciplinary Counsel, filed its statement of no objection to the recommendation of the Hearing Panel Subcommittee.

Upon review and consideration of the recommendation of the Hearing Panel Subcommittee, together with the record in this case, the Court is of the opinion to and does grant the petition for reinstatement, subject to the terms and conditions as set forth herein. It is therefore ordered that petitioner, Gregory G. Michael, be, and he hereby is, reinstated to the practice of law, subject to probation for a period of two years, beginning on the date of this order, with the following terms and conditions: (1) petitioner shall employ Jane Reynolds as his

office manager to assist him with the management of his law office during the two-year probation period; (2) during the two-year probation period petitioner's practice of law shall be supervised by an attorney in good standing with the West Virginia State Bar who actively practices in the 19th Judicial Circuit or Marion County, who has significant experience in representing indigent clients and maintaining a solo or small firm practice, and who is acceptable to the Office of Disciplinary Counsel; (3) petitioner shall limit his practice of law to court-appointed work in the 19th Judicial Circuit of West Virginia during the period of probation; (4) petitioner shall participate as a volunteer and member of the Lawyers Assistance Program for a total of 45 hours of service, to be completed during the two-year period of probation, focusing on his experience with depression, the issues that arose from caretaking for his mother, and his failure to recognize the same; (5) petitioner shall attend monthly counseling sessions at Fairmont Psychiatric Services during the two-year probation period, with reports submitted by the provider on a quarterly basis to the Office of Disciplinary Counsel, and Dr. Chobe, or another psychiatrist if she is no longer available, shall perform an assessment of petitioner at the end of the first year and second year of probation; (6) petitioner shall refrain from any and all alcohol consumption; and (7) petitioner shall pay the costs incurred during the reinstatement proceeding.

If petitioner commits a substantial violation of the Rules of Professional Conduct, his probationary admission shall be immediately revoked by the Court. If petitioner violates any of the terms and conditions of this order, his probationary admission shall be immediately revoked by the Court.

Service of an attested copy of this order shall constitute sufficient notice of its contents.

A True Copy

Attest: /s/ Rory L. Perry II, Clerk of Court

