

SEP 23 2010

OFFICE OF
DISCIPLINARY COUNSEL

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 September 2010, the following order was made and entered:

Lawyer Disciplinary Board, Petitioner

v.) No. 34259

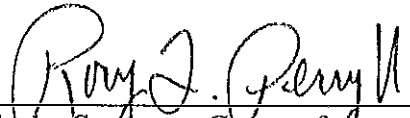
John M. Cavendish, a member of The West
Virginia State Bar, Respondent

The Court, having maturely considered the record, the written recommended disposition filed by the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, and the oral argument and briefs of counsel thereon, doth hereby suspend the license to practice law in the State of West Virginia of the respondent, John M. Cavendish, for a period of three years for violating Rules 1.15 and 8.4(c) of the Rules of Professional Conduct. It is further ordered that that the Respondent make full restitution to Daniels Capital Corporation in the amount of Sixty-Two Thousand Five Hundred Eighty-Nine and 31/100 Dollars (\$62,589.31) prior to petitioning for reinstatement; (3) that prior to petitioning for reinstatement, Respondent pay the costs of these proceedings in the amount of \$ 4,412.78, pursuant to Rule 3.15 of the Rules of lawyer Disciplinary Proceeding; (4) that prior to petitioning for reinstatement, that the Respondent undergo a psychological and/or medical examination by a doctor and/or psychologist to be agreed upon by the Office of Disciplinary Counsel and said doctor certify that the Respondent is fit to practice law, both physically and mentally; and (5) that upon successful petition for reinstatement, Respondent must undergo supervised practice for a period of one (1) year; all of which is ordered to be certified to the parties herein.

The syllabus of points adjudicated, prefixed to the written opinion aforesaid, prepared Per Curiam, was concurred in by Chief Justice Davis and Justices Benjamin and McHugh. Justice Workman and Ketchum dissent and reserve the right to file dissenting opinions.

A True Copy

Attest:


Clerk, Supreme Court of Appeals