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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 20th of November, 2013, the following order was made and entered:

In Re: Dennie S. Morgan Jr.'s Petition for Reinstatement of his License to Practice Law

No. 13-0114

On February 5, 2013, came the petitioner, Dennie S. Morgan, Jr., a suspended member of The West Virginia State Bar, pursuant to Rule 3.32 of the Rules of Lawyer Disciplinary Procedure, and presented to the Court his petition for reinstatement of his license to practice law in the State of West Virginia.

Thereafter, on November 1, 2013, came the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, by J. Miles Morgan, its chairperson, recommending that the petitioner be reinstated to the practice of law subject to the following conditions: (1) that petitioner's practice be supervised for a period of two years by an attorney agreed upon between the Office of Disciplinary Counsel and petitioner. Petitioner shall meet with his supervising attorney every two weeks. The office practice plan be based upon the Report of Barron K. Henley, Esq., and include the implementation of those proposed changes to petitioner's office management as suggested by the Report. Petitioner shall have Barron K. Henley review and evaluate his office practices as soon as practicable. The goal of the supervised practice will be to improve the quality and effectiveness of petitioner's law practice to the extent that petitioner's sanctioned behavior is not likely to recur; (2) that petitioner arrange for Barron K. Henley, Esq. to phone petitioner for an after care phone call three months after the commencement of his supervised practice and prepare a written report to be submitted to the Office of Disciplinary Counsel to ascertain the degree of progress of the changes to his law office management; (3) that petitioner

arrange for Barron K. Henley, Esq. to phone petitioner for an after care phone call six months after the commencement of his supervised practice and prepare a second written report to be submitted to the Office of Disciplinary Counsel to ascertain the degree of progress of the changes to his law office management, and to ensure that any additional issues from the three month report are adequately addressed; (4) that petitioner have his trust account audited for two years and provide such audit to the Office of Disciplinary Counsel; (5) that petitioner reimburse the Lawyers Fund for Client Protection Committee \$1600.00 for their payment to Adrian Thomas regarding her application for funds concerning petitioner's representation of her prior to petitioner's reinstatement because of the previous Supreme Court's ruling in *Lawyer Disciplinary Board v. Simmons*, 202 W.Va. 654, 505 S.E.2d 717 (1998); (6) that prior to reinstatement, petitioner be required to pay his dues to the West Virginia State Bar and complete all required CLE's pursuant to Rule 3.32(f) of the West Virginia Rules of Lawyer Disciplinary Procedure; and (7) that petitioner be ordered to reimburse the Lawyer Disciplinary Board the costs of these reinstatement proceedings pursuant to Rule 3.15 of the Rules of Law Disciplinary Procedure prior to petitioner's reinstatement because of the previous Supreme Court's ruling in *Lawyer Disciplinary Board v. Simmons*, 202 W.Va. 654, 505 S.E.2d 717 (1998).

Thereafter, on November 8, 2013, came the Office of Disciplinary Counsel, by Jessica H. Donahue Rhodes, Lawyer Disciplinary Counsel, and stated to the Court that it has no objection to the recommendations made by 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 said petition for reinstatement, subject to the terms and conditions set forth herein. It is therefore ordered that petitioner, Dennie S. Morgan, Jr., be, and he hereby is, reinstated to the practice of law, subject to the following terms and conditions: 1) petitioner's practice shall be supervised for a two-year period by an attorney agreed upon between the Office of Disciplinary Counsel and

petitioner, with the goal to improve the quality and effectiveness of petitioner's law practice to the extent that petitioner's sanctioned behavior is not likely to recur. Petitioner shall meet with his supervising attorney every two weeks; (2) petitioner shall have Barron K. Hensley, Esq. review and evaluate his office practices as soon as practicable, and implement an office practice plan that is based upon the Report of Barron K. Henley, Esq. and includes the proposed changes to petitioner's office management suggested by the Report; (3) Petitioner shall arrange for Barron K. Henley, Esq. to phone petitioner for after-care phone calls three months and six months after the commencement of his supervised practice and prepare written reports to be submitted to the Office of Disciplinary Counsel to ascertain the degree of progress of the changes to his law office management and to ensure that any additional issues are adequately addressed; (4) petitioner shall have his trust account and all accounts of his law practice business audited for two-year period and provide copies of such audits to the Office of Disciplinary Counsel; (5) petitioner shall reimburse the Lawyers Fund for Client Protection Committee \$1600.00 for the payment to Adrian Thomas regarding her application for funds concerning petitioner's prior representation of her; (6) prior to reinstatement, petitioner shall satisfy the required state bar membership fees and mandatory continuing legal education requirements pursuant to Rule 3.32(f) of the Rules of Lawyer Disciplinary Procedure; and (7) petitioner shall reimburse the Lawyer Disciplinary Board the costs of these reinstatement proceedings pursuant to Rule 3.15 of the Rules of Law Disciplinary.

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

