

SEP - 9 2019

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on September 5, 2019, the following order was made and entered:

OFFICE OF
DISCIPLINARY COUNSEL

IN RE: PETITION FOR REINSTATEMENT OF CARL J. DASCOLI, JR.

No. 18-1031

ORDER

On November 28, 2018, the petitioner, Carl J. Dascoli, Jr., an annulled member of the West Virginia State Bar, filed a petition for reinstatement of his license to practice law in the State of West Virginia pursuant to Rule 3.33 of the Rules of Lawyer Disciplinary Procedure.

On August 12, 2019, the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, by its Chair Henry W. Morrow, Jr., presented to the Court its written report and recommendation, recommending that the petitioner's license to practice law in the State of West Virginia be reinstated subject to the following conditions:

1. Petitioner's practice be supervised for a period of two years following his reinstatement pursuant to written agreement between petitioner, his supervisor, and the Office of Disciplinary Counsel ("ODC"). The agreement shall, among other matters, require the supervising attorney to: meet at least twice per month with petitioner and have complete access to petitioner's files, calendar, trust account and medical files. Petitioner shall execute HIPAA releases for ODC and the supervising attorney. The supervising attorney shall file monthly reports with ODC and respond to inquiries by ODC. Petitioner shall be candid and cooperative with the supervising attorney and shall follow his or her recommendations and directives;
2. Petitioner be required to enter into a monitoring agreement with the West Virginia Judicial and Lawyer Assistance Program ("WVJLAP") for a period of two years, at his own expense but without the condition that he complete a separate physical and psychiatric evaluation prior to entering the agreement, with the duty placed upon

WVJLAP to immediately report to the ODC and petitioner's supervising attorney if petitioner fails to maintain compliance with the monitoring program;

3. That petitioner fully comply with the back-to-work program as managed by the Social Security Administration and adhere to all regulations thereto;
4. Prior to reinstatement, petitioner be required to pay his dues to the West Virginia State Bar and complete all required continuing legal education hours; and
5. Petitioner be ordered to reimburse the Lawyer Disciplinary Board the costs of these reinstatement proceedings pursuant to Rule 3.15 of the Rules of Lawyer Disciplinary Procedure.

Thereafter, on August 15, 2019, the petitioner, Carl J. Dascoli, Jr., filed his consent to the recommendation. The ODC, by Renée N. Frymyer, Lawyer Disciplinary Counsel, filed its consent to the recommendation on August 21, 2019.

Upon consideration, the Court is of the opinion to and does hereby adopt the recommendation of the Hearing Panel Subcommittee and the petition for reinstatement is granted with certain conditions, as set forth herein. Justice Jenkins disqualified.

It is therefore ORDERED that the petitioner, Carl J. Dascoli, Jr., shall be, and he hereby is, reinstated to the practice of law in the State of West Virginia subject to the following conditions:

1. Petitioner's practice of law shall be supervised for a period of two years following reinstatement pursuant to written agreement between petitioner, his supervising attorney, and the ODC. The written agreement shall include, but is not limited to, the following stipulations:
 - (a) The supervising attorney shall meet at least twice per month with petitioner and have complete access to petitioner's files, calendar, trust account, and medical files;
 - (b) Petitioner shall execute Health Insurance Portability and Accountability Act releases for the ODC and the supervising attorney;
 - (c) The supervising attorney shall file monthly reports with the ODC and respond to any inquiries from the ODC; and
 - (d) Petitioner shall be candid and cooperative with the supervising attorney and shall follow any recommendations and directives received from the supervising attorney;

2. Petitioner shall enter into a monitoring agreement with the West Virginia Judicial and Lawyer Assistance Program (“WVJLAP”) for a period of two years, at his own expense, but without the condition that he complete a separate physical and psychiatric evaluation prior to entering the agreement, with the duty placed upon WVJLAP to immediately report to the ODC and petitioner’s supervising attorney if petitioner fails to maintain compliance with the monitoring program;
3. That petitioner shall fully comply with the back-to-work program as managed by the Social Security Administration and adhere to all regulations thereto;
4. Prior to reinstatement, petitioner shall pay his dues to the West Virginia State Bar and complete all required continuing legal education hours; and
5. Petitioner shall pay the costs of these reinstatement proceedings pursuant to Rule 3.15 of the Rules of Lawyer Disciplinary Procedure.

Service of a copy of this order upon the petitioner, the Office of Disciplinary Counsel, and the West Virginia State Bar shall constitute sufficient notice of the contents herein.

A True Copy

Attest: /s/ Edythe Nash Gaiser
Clerk of Court

