

At a Regular term of the Supreme Court of Appeals continued and held at Charleston, West Virginia, on the 16th day of October, 1985, the following order was made and entered. to-wit:

Brotherton, Justice

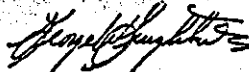
Committee on Legal Ethics  
of The West Virginia State Bar

No. 16787 v.

Thomas Linkous,  
a member of The West Virginia State Bar

FILED

OCT 16 1985

  
CLERK OF THE SUPREME COURT  
OF APPEALS OF WEST VIRGINIA

The respondent in this proceeding, Thomas Linkous, an attorney licensed to practice law in the State of West Virginia, was charged by the Committee on Legal Ethics of The West Virginia State Bar with neglecting the interests of a client, Mrs. Olivia P. Clark, in violation of DR 6-101 of the West Virginia Code of Professional Responsibility. The Committee, after conducting a hearing, has concluded that the charges are supported by the facts of the case and has recommended that the respondent's license to practice law be suspended for a period of ninety days.

The papers before the Court indicate that in November, 1980, Mrs. Clark retained the respondent to assist her in obtaining deeds to two parcels of real estate which she had purchased at a tax sale. W.Va. Code, 11A-3-21, and the following sections, required Mrs. Clark, or her attorney, to perform certain acts between October 31, 1980, and December 31, 1980, in order to perfect her title to the parcels and to receive the deeds. The respondent Linkous did not complete the acts required by the Code. As a result of his inaction, Mrs. Clark lost her claim to the real estate. The respondent did, however, attempt to correspond with Mrs. Clark, to arrange a conference with her, and to work out an arrangement to compensate her for her loss.

After reviewing the record, the Court is of the opinion that the Committee has met its burden of proving the charges against the respondent by full, clear and preponderating evidence. See Committee on Legal Ethics v. Daniel, 160 W.Va. 388, 235 S.E.2d 369 (1977). Clearly, by failing to do what he was retained to do, and by failing to perform acts necessary to promote his client's interests, the respondent did not act competently as required by DR 6-101.

The responsibility for imposing sanctions for violation of legal ethical standards rests with this Court. Committee on Legal Ethics v. Blair, No. 16368 (W.Va. October 17, 1984). In imposing sanctions, the Court, rather than endeavoring to establish uniform standards of disciplinary action, has considered the facts and circumstances of each case in determining what action, if any, is appropriate. Committee on Legal Ethics v. Mullins, 159 W.Va. 647, 226 S.E.2d 427 (1976).

After careful consideration of the serious nature of the respondent's offense and the fact that he attempted to mitigate the effects of it, the Court is of the opinion that suspending the respondent's license to practice law for thirty days and requiring him to pay the costs of the disciplinary proceedings against him would be the appropriate sanctions in this matter.

It is, therefore, Adjudged and Ordered that the license and authority of the respondent, Thomas Linkous, to practice law in the State of West Virginia be, and the same hereby is, suspended for a period of thirty days, effective at the close of business on Monday, October 21, 1985. It is further Adjudged and Ordered that the respondent pay \$121.97, the costs of the

disciplinary proceedings against him, to The West Virginia State Bar.

The Clerk of this Court is directed to certify a copy of this order to the Secretary of The West Virginia State Bar, and to mail a duly attested copy of this order to the respondent, with return receipt requested, and to counsel of record in this proceeding.

A True Copy

Attest: \_\_\_\_\_  
Clerk Supreme Court of Appeals