

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 22nd of May, 2008, the following order was made and entered:

In Re: Petition for Reinstatement of John A. Scott

No. 33293

On a former day, to-wit, January 12, 2007, came the petitioner, John A. Scott, by S. Sean Murphy, Murphy Legal Solutions PLLC, his attorney, and presented to the Court his petition for reinstatement of his license to practice law in the State of West Virginia, as set forth therein.

Thereafter, on March 14, 2008, came the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, by John R. Lukens, its chairperson, and presented to the Court its written recommendation regarding the reinstatement petition; recommending that the petitioner's request for reinstatement be granted with the following conditions: (1) petitioner's practice shall be supervised for a period of two years following his reinstatement, pursuant to a written agreement between petitioner, his supervisor, and the Office of Disciplinary Counsel. Provided that petitioner continue to share office space with attorney Sean Murphy, 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 and trust account. The supervising attorney shall file monthly reports with the Office of Disciplinary Counsel and respond to inquiries by the Office of Disciplinary Counsel. Petitioner shall be candid and cooperative with the

supervising attorney and shall follow his recommendations and directives. Petitioner shall not be reinstated until this agreement is executed by all parties; (2) petitioner be ordered to pay the expenses incurred in the investigation of the matter leading to his suspension in the amount of \$8,040.43, these expenses to be paid in installments over a 60 month period, with the repayment plan incorporated into his supervision agreement; (3) prior to reinstatement, petitioner shall pay his required dues to the West Virginia State Bar, complete the required continuing legal education hours, and in addition thereto, complete an addition six hours of continuing legal education in the area of Legal Ethics for a period of two years following his successful reinstatement to the practice of law; (4) based on the totality of the circumstances, including, but not limited to, the psychological history of petitioner, petitioner must continue to undergo, for a period of at least two years, comprehensive psychological counseling with a licensed mental health professional and compliance with prescribed medications, and provide a report to Disciplinary Counsel at the end of each six month period; 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, these expenses also to be paid in installments over a 60 month period, with the repayment plan incorporated into his supervision agreement.

Upon consideration whereof, the Court is of opinion to and doth hereby grant said petition for reinstatement with the specific conditions as set forth in the recommendation of the Hearing Panel Subcommittee, as well as the following conditions: (1) that

petitioner show his diagnosed Bipolar II Disorder is under control prior to reinstatement of his law license; and (2) that prior to reinstatement the petitioner provide proof that he has adequate legal malpractice coverage.

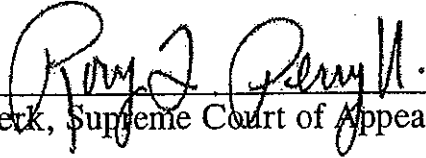
It is therefore ordered that the license to practice law in the State of West Virginia of the petitioner, John A. Scott, be, and it hereby is reinstated, with the following conditions: (1) petitioner's practice shall be supervised for a period of two years following his reinstatement, pursuant to a written supervision agreement between petitioner, his supervisor, and the Office of Disciplinary Counsel. 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 and trust account. The supervising attorney shall file monthly reports with the Office of Disciplinary Counsel and respond to inquiries by the Office of Disciplinary Counsel. Petitioner shall be candid and cooperative with the supervising attorney and shall follow the recommendations and directives of the supervising attorney. Petitioner shall not be reinstated until this agreement is executed by all parties; (2) petitioner be ordered to pay the expenses incurred in the investigation of the matter leading to his suspension in the amount of \$8,040.43, these expenses to be paid in installments over a 60 month period, with the repayment plan incorporated into his supervision agreement; (3) prior to reinstatement, petitioner shall pay his required dues to the West Virginia State Bar, complete the required continuing legal education hours, and in addition thereto, complete an additional six hours of continuing legal education in the area of Legal Ethics for each

period of two years following his successful reinstatement to the practice of law; (4) based on the totality of the circumstances, including, but not limited to, the psychological history of petitioner, petitioner must continue to undergo, for a period of at least two years, comprehensive psychological counseling with a licensed mental health professional, comply with prescribed medications, and the mental health professional shall provide a report to Disciplinary Counsel at the end of each six month period during the two years; (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, these expenses also to be paid in installments over a 60 month period, with the repayment plan incorporated into his supervision agreement; (6) petitioner shall provide medical proof that his diagnosed Bipolar II Disorder is under control prior to reinstatement of his law license; and (7) that prior to reinstatement the petitioner shall provide proof that he has adequate legal malpractice coverage.

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

A True Copy

Attest:


Clerk, Supreme Court of Appeals