

RECEIVED
NOV 15 2007

STATE OF WEST VIRGINIA

BY:.....

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 7th of November, 2007, the following order was made and entered:

Lawyer Disciplinary Board, Petitioner

vs.) No. 33331

Danny W. Barie, a member of The West
Virginia State Bar, Respondent

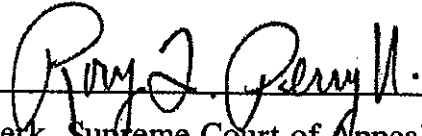
On a former day, to-wit, September 19, 2007, came the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, by David W. Frame, its chairperson, pursuant to Rule 3.10 of the Rules of Lawyer Disciplinary Procedure, and presented to the Court its written recommended disposition in this matter, recommending that: (1) the respondent be suspended from the practice of law for a period of 90 days, at the conclusion of which he may be automatically reinstated, pursuant to Rule 3.31 of the Rules of Lawyer Disciplinary Procedure, if he has otherwise satisfied the other sanctions imposed herein; (2) the respondent immediately pay restitution of \$3,000 to Charlotte J. Cline-Gess, plus interest at 9.75% from June 1, 2006; (3) the respondent complete nine hours of CLE in ethics for the 2006-2008 reporting period in addition to such ethics hours he is otherwise required to complete to maintain his active license to practice, said additional nine hours to be completed before he is reinstated; (4) that, upon reinstatement, respondent's private practice be supervised for a period of one year; and (5) respondent pay the costs of this disciplinary proceeding.

Upon consideration whereof, the Court is of opinion to and doth hereby adopt as ordered herein the written recommended disposition of the Hearing Panel Subcommittee of the Lawyer Disciplinary Board. It is therefore ordered that: (1) the respondent be, and he hereby is, suspended from the practice of law for a period of 90 days, at the conclusion of which he may be automatically reinstated, pursuant to Rule 3.31 of the Rules of Lawyer Disciplinary Procedure, if he has otherwise satisfied the other sanctions imposed herein; (2) the respondent shall immediately reimburse \$3,000 to Charlotte J. Cline-Gess, plus interest at 9.75% from June 1, 2006; (3) the respondent shall complete nine hours of CLE in ethics for the 2006-2008 reporting period in addition to such ethics hours he is otherwise required to complete to maintain his active license to practice, said additional nine hours to be completed before he is reinstated; (4) that, upon reinstatement, respondent's private practice shall be supervised for a period of one year; and (5) pursuant to Rule 3.15 of the Rules of Lawyer Disciplinary Procedure, respondent shall pay the costs of this disciplinary proceeding. Justice Starcher and Justice Albright would issue a reprimand rather than the 90 day suspension, and concur with the remainder of the sanctions.

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

A True Copy

Attest:


Clerk, Supreme Court of Appeals