

STATE OF WEST VIRGINIA

DEC 18 1994
OFFICE OF BAR COUNSEL

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 9th day of December, 1993, the following order was made and entered:

The Committee on Legal Ethics of The West Virginia State Bar, Complainant

vs.) No. 21979

Pamela Pell Gordon, a member of The West Virginia State Bar, Respondent

The Court today handed down a prepared order suspending the respondent's, Pamela Pell Gordon, license to practice law in the State of West Virginia indefinitely.

Service of a copy of this order upon the respondent by certified mail, return receipt requested, shall constitute sufficient notice of the contents hereof.

A True Copy



Attest: _____

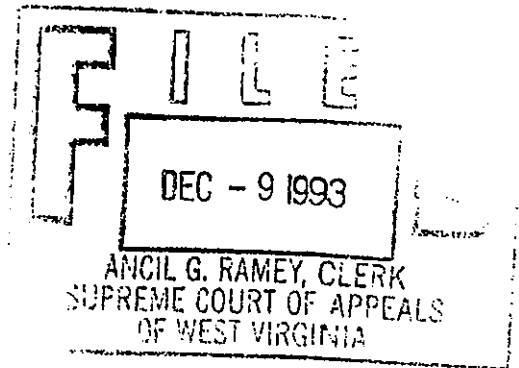
Clerk, Supreme Court of Appeals

Per Curiam:

The Committee on Legal Ethics of
the West Virginia State Bar

No. 21979 v.

Pamela Pell Gordon



In this legal ethics proceeding, the Committee on Legal Ethics of the West Virginia State Bar claims that the respondent, Pamela Pell Gordon, a member of the Bar, has become mentally incapacitated and that she is incapable of practicing law. The Committee has recommended that the respondent's license to practice law be suspended indefinitely until such time as she provides proof that she has a present ability to practice law. After reviewing the documents presented, as well as the guidelines bearing on this question, this Court accepts the Committee's recommendation and indefinitely suspends the respondent from practicing law in the State of West Virginia.

The documents filed in this proceeding indicate that a petition for the involuntary commitment of the respondent has been filed before the Marshall County Mental Hygiene Commission. A temporary hearing has been conducted on the petition and, at that hearing, a physician who examined the respondent testified that she exhibited confusion, hostility, and delusional thinking. At the conclusion of the hearing, the respondent was ordered temporarily

confined for a period not to exceed thirty days, pending a final determination of competency.

The respondent has also been criminally charged in Marshall County for trespassing and for harassing a priest. At a hearing on the criminal charges, the respondent had a vacant look, and her attorney had difficulty communicating with her. That matter has been continued by agreement of the parties.

The Committee on Legal Ethics has additionally indicated that the respondent has recently been demonstrating poor legal performance and that she has failed to demonstrate an awareness of certain fundamental principles.

In the interest of protecting the public, the Committee on Legal Ethics has suggested that the respondent's license to practice law be temporarily suspended until such time as she demonstrates that she is capable of practicing law.

In conjunction with this matter, this Court notes that Article VI, § 26 of the By-Laws of the West Virginia State Bar provides:

(a) Where an attorney has been judicially declared incompetent or involuntarily committed to a mental hospital, the supreme court of appeals, upon proper proof of the fact, shall enter an order suspending such attorney from the practice of law effective immediately and for an indefinite period until the further order of the court. A copy of

such order shall be served upon such attorney, his committee, and/or the director of the mental hospital in such manner as the court may direct.

The Court has also repeatedly indicated that:

In a court proceeding initiated by the Committee on Legal Ethics of the West Virginia State Bar . . . the burden is on the Committee to prove, by full, preponderating and clear evidence, the charges contained in the Committee's complaint.

Syllabus point 1, in part, Committee on Legal Ethics v. Lewis, 156 W.Va. 809, 197 S.E.2d 312 (1973); see also, Committee on Legal Ethics v. Six, 181 W.Va. 52, 380 S.E.2d 219 (1989); Committee on Legal Ethics v. Thompson, 177 W.Va. 752, 356 S.E.2d 628 (1987); Committee on Legal Ethics v. Daniel, 160 W.Va. 388, 235 S.E.2d 369 (1977); and Committee on Legal Ethics v. Pietranton, 143 W.Va. 11, 99 S.E.2d 15 (1957).

In the present proceeding, this Court believes that the Committee on Legal Ethics has proved by full, preponderating, and clear evidence that the respondent has, unfortunately, become mentally incapacitated, and that she has been temporarily committed to a mental institution, and that the circumstances, as well as the By-Laws of the West Virginia State Bar, require that she be indefinitely suspended from the practice of law until such time as she provides adequate proof to the Committee on Legal Ethics that she has a present ability to practice law.

It is, therefore, Adjudged and Ordered that the respondent, Pamela Pell Gordon, be, and she hereby is, suspended from the practice of law in the State of West Virginia until further order of this Court.