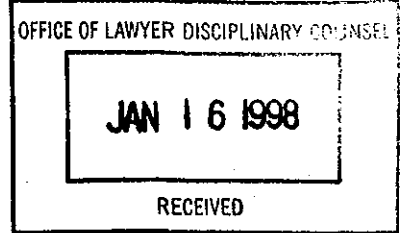


STATE OF WEST VIRGINIA
IN THE SUPREME COURT OF APPEALS
IN VACATION

Lawyer Disciplinary Board, Respondent

vs.) No. 23660

Dennis Hugh Curry, a former member of The
West Virginia State Bar, Petitioner



On a former day, to-wit, August 23, 1996, came the petitioner, Dennis Hugh Curry, a former member of The West Virginia State Bar, by Furbee, Amos, Webb & Critchfield, and Kenneth R. Miller, his attorneys, pursuant to Rule 3.33(b), Rules of Lawyer Disciplinary Procedure, and presented to the Court his petition for the reinstatement of his license to practice law in the State of West Virginia. Thereafter, on the 5th day of September, 1996, this Court referred the aforesaid petition for reinstatement to the Lawyer Disciplinary Board for review and recommendation.

On the 21st day of November, 1997, came the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, by David J. Romano, its chairperson, pursuant to Rule 3.33(c), Rules of Lawyer Disciplinary Procedure, and presented to the Court its written recommended disposition recommending that petitioner's license to practice law in the State of West Virginia be reinstated with the following conditions: (1) petitioner be required to file his tax returns for calendar years 1994, 1995 and 1996 with the Hearing Panel Subcommittee and with the Office of Disciplinary Counsel; (2) petitioner be required to attend, if at all possible, all of the 1997 Mountaineer Continuing Legal Education Series

available in Morgantown through The West Virginia State Bar/West Virginia College of Law Continuing Legal Education Programs with petitioner required to attend those continuing legal education series concerning areas of the law other than property law with a particular effort to attend the continuing legal education seminar regarding updates on the law; (3) petitioner, upon completion of the Mountaineer Continuing Legal Education Series, be required to certify to the Hearing Panel Subcommittee of the Lawyer Disciplinary Board and to the Office of Disciplinary Counsel, evidence of the completion of the required continuing legal education and be required to include the date and time of the continuing legal education and description of the continuing legal education course or courses attended along with the number of continuing legal education credit hours obtained; (4) petitioner be required to attend The West Virginia State Bar 1998 Annual Meeting, and be required to certify same to the Hearing Panel Subcommittee of the Lawyer Disciplinary Board and to the Office of Disciplinary Counsel, and in the event petitioner is unable to attend the aforesaid meeting, be required to substitute a similar educational meeting and notify the Office of Disciplinary Counsel of the change; (5) require petitioner's practice of law to be monitored by George R. Higinbotham, an attorney licensed to practice law in the State of West Virginia, for a period of six months following reinstatement; and (6) petitioner be required to reimburse the Lawyer Disciplinary Board for the costs and expenses incurred in the investigation of this matter in the amount of Five Hundred Six Dollars and Sixty-Nine Cents (\$506.69).

There having been received neither concurrence nor objection from either the petitioner or the Office of Disciplinary Counsel, pursuant to Rule 3.33(c), Rules of Lawyer Disciplinary Procedure, the Court is of opinion to and doth hereby adopt the

written recommended disposition of the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, and doth hereby reinstate the license to practice law in the State of West Virginia of the petitioner, Dennis Hugh Curry, effective this date, with the following conditions: (1) petitioner shall file his tax returns for calendar years 1994, 1995 and 1996 with the Hearing Panel Subcommittee of the Lawyer Disciplinary Board and with the Office of Disciplinary Counsel; (2) petitioner shall attend, if at all possible, all of the 1997 Mountaineer Continuing Legal Education Series available in Morgantown through The West Virginia State Bar/West Virginia College of Law Continuing Legal Education Programs and shall attend those continuing legal education series concerning areas of the law other than property law with a particular effort to attend the continuing legal education seminar regarding updates on the law; (3) petitioner, upon completion of the Mountaineer Continuing Legal Education Series, shall certify to the Hearing Panel Subcommittee of the Lawyer Disciplinary Board and to the Office of Disciplinary Counsel, evidence of the completion of the required continuing legal education and shall include the date and time of the continuing legal education and the description of the continuing legal education course or courses attended along with the number of continuing legal education credit hours obtained; (4) petitioner shall attend The West Virginia State Bar 1998 Annual Meeting, and shall certify same to the Hearing Panel Subcommittee of the Lawyer Disciplinary Board and to the Office of Disciplinary Counsel. In the event petitioner is unable to attend the aforesaid meeting, petitioner shall substitute a similar educational meeting and shall notify the Office of Disciplinary Counsel of the change; (5) petitioner's practice of law shall be monitored by George R. Higinbotham, an attorney licensed to practice law in the State of West Virginia,

for a period of six months following reinstatement; and (6) petitioner shall reimburse the Lawyer Disciplinary Board for the costs and expenses incurred in the investigation of this matter in the amount of Five Hundred Six Dollars and Sixty-Nine Cents (\$506.69).

Service of a copy of this order upon all parties shall constitute sufficient notice of the contents herein.

DONE IN VACATION of the Supreme Court of Appeals, this 8th day of January, 1998.

Honorable Robin Jean Davis, Chief Justice

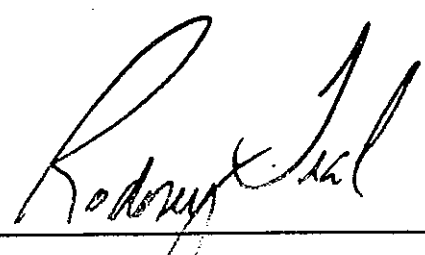
Honorable Margaret L. Workman

Honorable Larry V. Starcher

Honorable Elliott E. Maynard

Received the foregoing order this 8th day of January, 1998, and entered the same in Order Book No. 126.

A True Copy

Attest:  _____

FILE COPY

FILED

BEFORE THE WEST VIRGINIA SUPREME COURT OF APPEALS
LAWYER DISCIPLINARY BOARD

NOV 21 1997

**DO NOT REMOVE
FROM FILE**

IN RE: DENNIS HUGH CURRY, member
of The West Virginia State Bar

CLERK OF THE SUPREME COURT OF
APPEALS OF WEST VIRGINIA
Supreme Court No. 23660
I.D. No. 96-03-289

REPORT AND RECOMMENDATION OF LAWYER DISCIPLINARY SUBCOMMITTEE

On the 18th day of August, 1997, the Subcommittee Panel of the Lawyer Disciplinary Board consisting of David J. Romano, Chairperson, Ann E. Snyder, Esquire, and Sister Mona Farthing, took evidence from witnesses and received exhibits regarding the "*Petition of Dennis High Curry for Reinstatement of License to Practice Law*". Upon review and consideration of all of the evidence, the Subcommittee Panel does make the following findings and recommendations with respect to this matter.

1) That the Petitioner, Dennis Hugh Curry, formerly a member of the West Virginia State Bar was present and testified at this reinstatement proceeding, and that in accordance with his testimony, he has been employed continuously at least since 1987 functioning as a landman in abstracting titles;

2) That since the Petitioner's release from custody, he has not violated any law or engaged in any conduct that would be deemed unprofessional under the Rules of Professional Responsibility;

3) That a review of Petitioner's sentence and parole with the Federal authorities indicates that he has completed all requirements to be discharged from further supervision, and that since that time, a criminal records check with the West Virginia

State Police indicated no other infractions, as well as such fact being corroborated by the Petitioner at this hearing;

4) That the Petitioner has kept abreast of current law in West Virginia with regard to property law and has also attempted to keep abreast in other areas of the law although his competency in other areas of the law is not at the same level as his competency in property law with particular emphasis in coal, oil, and gas;

5) That the Office of Disciplinary Counsel made a complete and thorough investigation with regard to the factors set forth in, In Re: Brown, 273 S.E.2d 567 (W.Va. 1980) as it relates to Petitioner's request for reinstatement, including: publication of a request for comment on Petitioner's application for reinstatement in both the Fairmont and Morgantown, West Virginia, newspapers of general circulation; contacting both of the Judges of the Circuit Court of Marion County where Petitioner was practicing at the time of his disbarment; the receipt and review of comments from various attorneys practicing in Marion County and in other parts of West Virginia, and from other individuals living in and about Marion County; as well as receiving comments from other individuals familiar with the Petitioner; and review of other matters that would be relevant to this proceeding;

6) That Petitioner's financial stability and resources appear adequate so as not to place him in an immediate financial strain if reinstated. Petitioner has also agreed to submit tax returns for calendar years 1994 through 1996;

7) That Petitioner's integrity and moral character to resume the practice of law was supported by ample witnesses having knowledge of his integrity and moral character, including Judge Fred L. Fox; Robert Hall, former Assistant State Fire Marshall; George R. Higinbotham, practicing attorney in Fairmont; Harold Dana Courtney, Jr., business associate; Rudolph P. Duranti, Jr., practicing attorney in Ravenswood; and, Roger D. Curry, practicing attorney in Fairmont, and brother of the Petitioner; as well as corroborating letters and information submitted from other individuals all of which have been made exhibits in this proceeding;

8) That the Office of Disciplinary Counsel candidly represented to the Subcommittee that based upon all of its investigation, no adverse information or witnesses were discovered other than one former disgruntled client who refused to appear at this proceeding;

9) That the Office of Disciplinary Counsel represented that it did not oppose the granting of Petitioner's request for reinstatement of his law license subject to Lawyer Disciplinary Counsel's request that certain parameters be established by the Subcommittee to help assure Petitioner's competency in the areas of the law other than property law;

10) The Subcommittee finds that the Petitioner does possess at the present time the requisite integrity and moral character to resume the practice of law, having demonstrated this

by his conduct and efforts in the last ten years since his disbarment;

11) The Subcommittee finds that the Petitioner needs additional continuing legal education in areas of the law other than property law;

12) The Subcommittee finds that subject to the specific requirements set forth in this recommendation, that the Petitioner should be reinstated as a member of good standing to the West Virginia State Bar upon completion of the following matters:

a) That as a condition precedent to being reinstated that the Petitioner shall file with the Subcommittee and the Lawyer Disciplinary Counsel tax returns for calendar years 1994, 1995, and 1996, which will be made exhibits in this matter and which will demonstrate his gainful employment during those years and to confirm that such returns were filed;

b) As a further condition precedent, that Petitioner will attend, if at all possible, all of the 1997 Mountaineer Continuing Legal Education Series available in Morgantown through the West Virginia State Bar/West Virginia College of Law Continuing Legal Education Programs with Petitioner to attend those Continuing Legal Education Series concerning areas of the law other than property law with a particular effort to attend the Continuing Legal Education Seminar regarding update on the law;

c) That Petitioner shall upon completion of the Mountaineer Continuing Legal Education Series certify to the

Subcommittee Chairperson and Lawyer Disciplinary Counsel evidencing completion of the required Continuing Legal Education and shall include the date and time of the Continuing Legal Education and the description of the Continuing Legal Education course attended and the number of Continuing Legal Education credit hours obtained;

d) That Petitioner shall also attend the West Virginia State Bar Annual Meeting to be held in 1998, although this shall not be a condition precedent to reinstatement of his license, and Petitioner shall also certify the same to the Subcommittee Chairperson and Disciplinary Counsel; in the event that Petitioner is unable for scheduling or other reasons to attend the West Virginia State Bar Annual Meeting, Petitioner may substitute another similar educational meeting given in this State of similar kind and degree, and shall so notify Disciplinary Counsel's office of the necessary change;

e) That Petitioner be monitored by a West Virginia licensed attorney for a period of six months after his reinstatement; the Subcommittee has been advised that George R. Higinbotham of Fairmont will act as Petitioner's mentor for the six month period and Mr. Higinbotham will provide advice and guidance on an as needed basis to the Petitioner with regard to Petitioner's re-entering the practice of law; Mr. Higinbotham shall advise the Office of Disciplinary Counsel of any matter involving the Petitioner deemed to be an ethical violation or any matter prejudicial to Petitioner's practice of law; Mr. Higinbotham should

at least once a week meet or speak with Petitioner to keep abreast of Petitioner's current status and his practice.

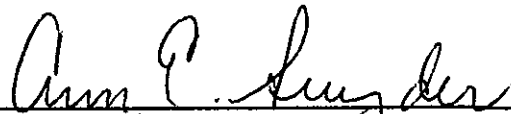
f) That as a condition precedent to reinstatement Petitioner shall pay the reasonable costs of the investigation and this reinstatement proceeding as assessed by the Lawyer Disciplinary Board which has been determined to be \$506.69, and in the event there is any dispute or disagreement over the amount assessed, the same shall be submitted to Subcommittee for resolution.



DAVID J. ROMANO, ESQUIRE
Chairperson,
Hearing Panel Subcommittee
Lawyer Disciplinary Board

November 20, 1997

Date



ANN E. SNYDER
Hearing Panel Subcommittee
Lawyer Disciplinary Board

November 12, 1997

Date



SISTER MONA FARTHING
Hearing Panel Subcommittee
Lawyer Disciplinary Board

November 10, 1997

Date