

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 9th of March, 2005, the following order was made and entered:

Lawyer Disciplinary Board, Complainant

vs.) No. 31799

Reggie R. Bailey, a member of The West
Virginia State Bar, Respondent

On a former day, to-wit, January 11, 2005, came the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, by John W. Bennett, 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, stipulated and agreed to by the parties, recommending that: (1) the respondent be reprimanded; (2) the respondent be ordered to undergo one year of supervised practice. The Supervisor would be nominated by respondent and approved by the Office of Disciplinary Counsel with a written agreement between the supervisor, respondent and the Office of Disciplinary Counsel; (3) the respondent meet with Mr. Stout by no later than November 23, 2004 to determine whether the attorney-client relationship will continue; (4) the respondent properly withdraw from Mr. Stout's post-conviction proceedings or perfect the filing of the amended writ of habeas corpus on his behalf no later than January 18, 2005; (5) the respondent maintain legal malpractice insurance or provide written notice of good cause to the Office of Disciplinary Counsel if this cannot be complied with; (6) the respondent properly file a written verified response to the outstanding ethics complaint in Nutter v. Bailey (ID No. 04-03-262); (7)

the respondent be ordered to complete an additional ten hours of continuing legal education in the area of legal ethics and office management, beyond respondent's current requirements, or, in the alternative, that he take and successfully complete such other business and/or office management class as approved by the Office of Disciplinary Counsel; (8) the respondent agree that willfull failure to fully and timely respond to ethics complaints during his one year of supervised practice will result in a motion seeking respondent's immediate ninety day suspension from the practice of law by the Office of Disciplinary Counsel to the West Virginia Supreme Court of Appeals; and (9) the respondent be ordered to reimburse the Lawyer Disciplinary Board the costs of these proceedings in the amount of \$713.35 within one year of receipt of this order.

Upon consideration whereof, the Court is of opinion to and doth hereby adopt the stipulated written recommended disposition of the Hearing Panel Subcommittee of the Lawyer Disciplinary Board with the exception that recommendations No. 3 and 4 are moot in light of circuit court's February 24, 2005 order. It is therefore ordered that: (1) the respondent be, and he hereby is, reprimanded; (2) the respondent shall undergo one year of supervised practice. The Supervisor to be nominated by respondent and approved by the Office of Disciplinary Counsel with a written agreement between the supervisor, respondent and the Office of Disciplinary Counsel; (3) the respondent shall maintain legal malpractice insurance or provide written notice of good cause to the Office of Disciplinary Counsel if this cannot be complied with; (4) the respondent shall properly file a written verified response to the outstanding ethics complaint in Nutter v. Bailey (ID No. 04-03-262); (5) the respondent shall complete an additional ten hours of continuing legal

education in the area of legal ethics and office management, beyond respondent's current requirements, or, in the alternative, take and successfully complete such other business and/or office management class as approved by the Office of Disciplinary Counsel; (6) the respondent agrees that willful failure to fully and timely respond to ethics complaints during his one year of supervised practice will result in a motion seeking respondent's immediate ninety day suspension from the practice of law by the Office of Disciplinary Counsel to the West Virginia Supreme Court of Appeals; and (7) the respondent is ordered to reimburse the Lawyer Disciplinary Board the costs of these proceedings in the amount of \$713.35 within one year of receipt of this order.

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

A True Copy

Attest:


Clerk, Supreme Court of Appeals