

CORRECTED ORDER

OFFICE OF LAWYER DISCIPLINARY COUNSEL

4 2005

RECEIVED

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 5th of July, 2005, the following order was made and entered:

Lawyer Disciplinary Board, Petitioner

vs.) No. 32230

J. Perry Manypenny, a member of The West
Virginia State Bar, Respondent

On a former day, to-wit, June 9, 2005, came the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, by Charlene A. Vaughan, 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 to by the parties, recommending that: (1) the respondent be admonished; (2) the respondent pay restitution in the form of a \$3,000 refund to the complainant; (3) the respondent sign and follow a plan of supervised practice for a period of one year with a supervising attorney of the respondent's choice to meet with the respondent twice a month, said supervisor to be approved by the Office of Disciplinary Counsel and be available to respond to inquiries by the Office of Disciplinary Counsel. The plan shall include a system for using written fee agreements, keeping time on an hourly basis even for matters being handled for a flat fee and documenting oral communications between lawyer and client.; (4) the respondent shall complete an additional six hours of Continuing Legal Education within the next two years specifically in office management, over and above that already required; and (5) pursuant to Rule 3.15

of the Rules of Lawyer Disciplinary Procedure, respondent pay the costs of this disciplinary proceeding in the amount of \$481.90.

On the 17th day of June, 2005, came the respondent, J. Perry Manypenny, by Sherri D. Goodman, his attorney, and presented to the Court that he has no objection to the recommendations of the Hearing Panel Subcommittee.

Finally, on the 21st day of June, 2005, came the Office of Disciplinary Counsel, by Rachael L. Fletcher, its attorney, and presented to the Court that it has no objection to the recommendations of the Hearing Panel Subcommittee.

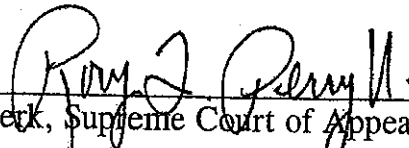
Upon consideration whereof, the Court is of opinion to and doth hereby adopt the stipulated written recommended disposition of the Hearing Panel Subcommittee of the Lawyer Disciplinary Board. It is therefore ordered that: (1) the respondent be, and he hereby is admonished; (2) the respondent pay restitution in the form of a \$3,000 refund to the complainant; (3) the respondent sign and follow a plan of supervised practice for a period of one year with a supervising attorney of the respondent's choice to meet with the respondent twice a month, said supervisor to be approved by the Office of Disciplinary Counsel and be available to respond to inquiries by the Office of Disciplinary Counsel. The plan shall include a system for using written fee agreements, keeping time on an hourly basis even for matters being handled for a flat fee and documenting oral communications between lawyer and client.; (4) the respondent complete an additional six hours of Continuing Legal Education within the next two years specifically in office management, over and above that already required; and (5) pursuant to Rule 3.15 of the

Rules of Lawyer Disciplinary Procedure, respondent pay the costs of this disciplinary proceeding in the amount of \$481.90.

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

A True Copy

Attest:


Clerk, Supreme Court of Appeals