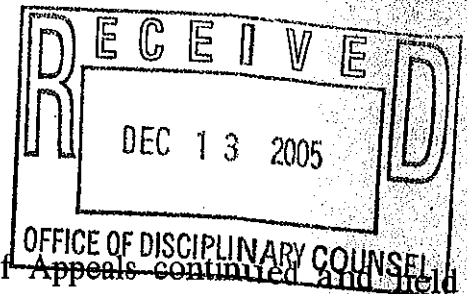


STATE OF WEST VIRGINIA



At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 29<sup>th</sup> of November, 2005, the following order was made and entered:

Lawyer Disciplinary Board, Complainant

vs.) No. 31008

Steven L. Miller, a suspended member of The  
West Virginia State Bar, Respondent

On a former day, to-wit, October 24, 2005, came the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, by Timothy L. Sweeney, 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 suspended from the practice of law in the State of West Virginia for a period of two years and six months, effective from the entry of this Court's opinion in the prior proceedings which was January 23, 2002; (2) the respondent must successfully petition the Supreme Court for reinstatement at the conclusion of his suspension period and must demonstrate good character and fitness to practice. The respondent must prove by expert medical testimony that any medical or psychiatric conditions he suffers would not impair his ability to practice before reinstatement. Such medical experts are to be selected and compensated by respondent but must be approved by the Office of Disciplinary Counsel. The respondent must provide reports to Disciplinary Counsel, prior to reinstatement, to show that he is seeking treatment and abiding by the treatment plans set forth by the medical experts ; (3) The respondent must,

after reinstatement, undergo supervised practice for a period of three years. The supervisor to be nominated by the respondent and approved by the Office of Disciplinary Counsel. The supervised practice is to be governed by a written agreement between the supervisor, respondent and Office of Disciplinary Counsel, which agreement would require that the supervisor be physically present and physically supervise respondent a minimum of five hours per week. The supervisor must provide regular reports to the Office of Disciplinary Counsel and answer all inquiries from the Office of Disciplinary Counsel about the respondent. Should respondent and Office of Disciplinary Counsel not agree on the identity of the supervisor or the contents of the supervision agreement, then the Hearing Panel Subcommittee which presided over the reinstatement proceeding shall decide; (4) the respondent, following reinstatement, must have an office review performed within two months of reinstatement, where an expert on law office practices would suggest policies, procedures, forms, etc., for the respondent and his practice. This review would involve all aspects of respondent's office, but must especially focus on trust account procedures and methods of timely completely work. Respondent must implement the reviewer's recommendations; (5) for a period of five years after reinstatement, respondent must undergo an annual audit of every trust account he maintains. The audit is to be performed by a certified public accountant who is not respondent's regular business accountant and is not on respondent's staff. The respondent must fully comply with the accountant's request for information, and copies of the audit reports shall be provided to the Office of Disciplinary Counsel; and (6) pursuant to Rule 3.15 of the Rules of Lawyer Disciplinary Procedure, respondent shall pay the costs of this disciplinary proceeding.

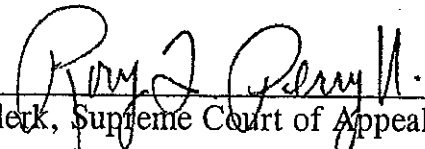
Upon consideration whereof, the Court is of opinion to and doth hereby adopt the stipulated written recommended disposition of the Hearing Panel Subcommittee of the Lawyer Disciplinary Board. It is therefore ordered that: (1) the respondent be suspended from the practice of law in the State of West Virginia for a period of two years and six months, effective from the entry of this Court's opinion in the prior proceedings which was January 23, 2002; (2) the respondent must successfully petition the Supreme Court for reinstatement at the conclusion of his suspension period and must demonstrate good character and fitness to practice. The respondent must prove by expert medical testimony that any medical or psychiatric conditions he suffers would not impair his ability to practice before reinstatement. Such medical experts are to be selected and compensated by respondent but must be approved by the Office of Disciplinary Counsel. The respondent must provide reports to Disciplinary Counsel, prior to reinstatement, to show that he is seeking treatment and abiding by the treatment plans set forth by the medical experts ; (3) The respondent must, after reinstatement, undergo supervised practice for a period of three years. The supervisor to be nominated by the respondent and approved by the Office of Disciplinary Counsel. The supervised practice is to be governed by a written agreement between the supervisor, respondent and Office of Disciplinary Counsel, which agreement would require that the supervisor be physically present and physically supervise respondent a minimum of five hours per week. The supervisor must provide regular reports to the Office of Disciplinary Counsel and answer all inquiries from the Office of Disciplinary Counsel about the respondent. Should respondent and Office of Disciplinary Counsel not agree on the identity of the supervisor or the contents of the supervision

agreement, then the Hearing Panel Subcommittee which presided over the reinstatement proceeding shall decide; (4) the respondent, following reinstatement, must have an office review performed within two months of reinstatement, where an expert on law office practices would suggest policies, procedures, forms, etc., for the respondent and his practice. This review would involve all aspects of respondent's office, but must especially focus on trust account procedures and methods of timely completely work. Respondent must implement the reviewer's recommendations; (5) for a period of five years after reinstatement, respondent must undergo an annual audit of every trust account he maintains. The audit is to be performed by a certified public accountant who is not respondent's regular business accountant and is not on respondent's staff. The respondent must fully comply with the accountant's request for information, and copies of the audit reports shall be provided to the Office of Disciplinary Counsel; and (6) pursuant to Rule 3.15 of the Rules of Lawyer Disciplinary Procedure, respondent shall pay the costs of this disciplinary proceeding.

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

A True Copy

Attest: \_\_\_\_\_

  
Clerk, Supreme Court of Appeals