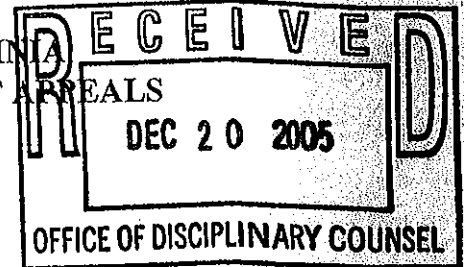


STATE OF WEST VIRGINIA
IN THE SUPREME COURT OF APPEALS
IN VACATION



Lawyer Disciplinary Board,

vs.) No. 31713

Theodore R. Dues, Jr., a member of The West Virginia
State Bar, Respondent

The Court, having maturely considered the written recommended disposition filed with this Court on the 30th day of October, 2001, by the Office of Disciplinary Counsel, pursuant to Rule 3.10 of the Rules of Lawyer Disciplinary Procedure, recommending that the respondent, Theodore R. Dues, Jr., (1) be suspended from the practice of law for eighteen months; (2) that he establish, as a condition of reinstatement, that he is mentally and emotionally fit to practice law; (3) that upon reinstatement he be supervised in the practice of law for two years; (4) that he make restitution to various former clients in an amount that totals \$13,000.00; (5) that he reimburse the State Bar Client Protection Fund \$5,500.00; and (6) that he pay the costs of this disciplinary proceeding in the amount of \$1,968.16 incurred in the investigation of this matter, for violating Rules 1.1, 1.3, 1.4, 1.15(b) and (c), 1.16(a)(2) and (d), 8.1(b), and 8.4(c) and (d) of the Rules of Professional Conduct, and the oral argument and briefs of counsel thereon, doth hereby decline to adopt the recommendation of the Hearing Panel Subcommittee of the Lawyer Disciplinary Board.

The following sanctions are hereby imposed upon Mr. Dues: (1) public reprimand; (2) that for a period of twenty-four months his practice of law shall be restricted solely to work as a mental hygiene commissioner; (3) that he shall be supervised during this period by the

Chief Judge of the Circuit Court of Kanawha County; (4) that as a condition of returning to the full practice of law at the end of the twenty-four month period, he must provide the Office of Disciplinary Counsel with written documentation from a mental health provider indicating that his diagnosed severe depression is under control; (5) that he make restitution to various former clients in an amount that totals \$13,000.00; (6) that he reimburse the State Bar Client Protection Fund \$5,500.00; and (7) that he pay the costs of this disciplinary proceeding in the amount of \$1,968.16.

The syllabus of points adjudicated, prefixed to the written opinion aforesaid, prepared by Justice Davis, was concurred in by Chief Justice Albright and Justices Starcher and Maynard. Justice Benjamin dissents and reserves the right to file a dissenting opinion.

DONE IN VACATION of the Supreme Court of Appeals, this 19th day of December 2005.

Honorable Joseph P. Albright, Chief Justice

Honorable Robin Jean Davis

Honorable Larry V. Starcher

Honorable Elliott E. Maynard

Honorable Brent D. Benjamin

Received the foregoing order this 19th day of December 2005, and entered the same in Order Book No. 155.

A True Copy

Attest:

Roy L. Perry II.
Clerk, Supreme Court of Appeals