

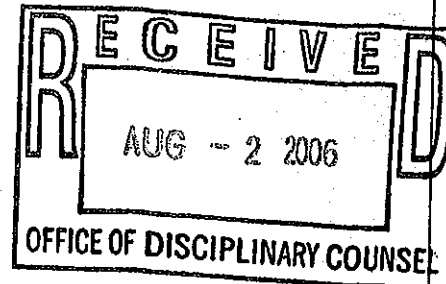
STATE OF WEST VIRGINIA
IN THE SUPREME COURT OF APPEALS

IN VACATION

Lawyer Disciplinary Board, Petitioner

vs.) No. 32761

Eugene M. Simmons, Defendant



The Court, having maturely considered the record and the briefs of counsel and oral argument thereon, doth hereby order that the license to practice law in the State of West Virginia of the respondent, Eugene M. Simmons, a member of The West Virginia State Bar, be, and it hereby is, suspended for a period of twenty days for violating Rules 1.3, 1.4(a), and 1.4(b) of the Rules of Professional Conduct, with reinstatement to follow in accordance with rule 3.31 of the Rules of Lawyer Disciplinary Procedure. The respondent (1) shall make restitution to Mrs. Rosetti, in the amount of \$1,000.00, to Messrs. McKeever in the amount of \$4,000.00 and to Mr. Stone in the amount of \$1,000.00 by August 28, 2006; (2) shall have his practice supervised for one year following reinstatement; (3) shall complete six hours of continuing legal education in office management and three hours of CLE in ethics, over and above the three hours required and the additional hours of CLE shall be completed prior to the conclusion of the period of supervised practice; and (4) respondent shall pay the costs incurred in this disciplinary proceeding in the amount of \$1,070.21.

The syllabus of points adjudicated, prefixed to the written opinion aforesaid, prepared Per Curiam, was concurred in by Chief Justice Davis and Justices Starcher, Maynard, Albright and Benjamin.

DONE IN VACATION of the Supreme Court of Appeals, this 31st day of July 2006.

Honorable Robin Jean Davis, Chief Justice

Honorable Larry V. Starcher

Honorable Elliott E. Maynard

Honorable Joseph P. Albright

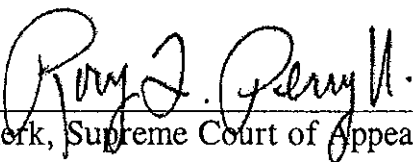
Honorable Brent D. Benjamin

Received the foregoing order this 31st day of July 2006, and entered the same in Order

Book No. 156.

A True Copy

Attest:


Clerk, Supreme Court of Appeals