

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 8th day of March, 2001, the following order was made and entered:

Lawyer Disciplinary Board,
Complainant

vs.) No. 28023

Harry W. Moore, Jr., a suspended
member of The West Virginia State
Bar, Respondent

On a former day, to-wit, February 26, 2001, came the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, by Timothy L. Sweeney, its chairperson, pursuant to Rule 3.12 of the Rules of Lawyer Disciplinary Procedure, and presented to the Court its Findings of Fact, Conclusions of Law and Recommendation in the above-captioned proceeding, finding that the respondent, Harry W. Moore, Jr., a suspended member of The West Virginia State Bar, violated Rules 1.3, 1.4(a), 1.4(b), 1.16(a)(2), 8.1(b) and 8.4(d) of the Rules of Professional Conduct, and recommending that the respondent: (1) seek intensive out-patient treatment with Dr. David Clayman of Charleston, West Virginia, regarding his use of alcohol and controlled substances, said treatment to include counseling to address the psychological or personality issues identified by Dr. Clayman in his letter of April 10, 2000, and by Mr. Dickison in his letter of August 3, 2000, all at respondent's expense; (2) abide by all recommendations made by Dr. Clayman and any of Dr. Clayman's staff; (3) remain indefinitely suspended from the practice of law due to an impairment; (4) be permitted to petition for reinstatement on or after January 1, 2001, which process to be expedited by the Office of Disciplinary

Counsel; (5) not be required to file a reinstatement questionnaire; (6) in order to be reinstated, prove by the testimony of his medical provider, supported by medical evidence, that he is fit to return to the practice of law, and sign a release allowing the Office of Disciplinary Counsel to review the record of his treatment and results of testing, and to discuss his treatment with the medical provider; (7) upon reinstatement, be required to practice law under the supervision of another attorney for one year, said supervising attorney to be selected by the respondent and approved by the Office of Disciplinary Counsel. In the event of disagreement on the selection of a supervising attorney, the decision to be made by the Hearing Panel Subcommittee of the Lawyer Disciplinary Board. During supervision, the supervising attorney be required to meet at least weekly with the respondent, have complete access to respondent's files and calendar, file monthly reports with the Office of Disciplinary Counsel and respond to inquiries by the Office of Disciplinary Counsel. The respondent be required to be candid and cooperative with the supervising attorney and follow the recommendations and directions of the supervising attorney; (8) following reinstatement, be required to continue to abide by the supervising attorney's recommendations and directives; (9) be required to pay the default judgment obtained by James and/or Melissa Wright; (10) be required to make a partial refund to Mary Duncan; (11) be required to provide complete copies of any files not already provided to James and/or Melissa Wright, Sandra Thornburg, Mary Duncan and Ronald Crum; (12) be required to provide complete files to all clients who have open cases with the assistance of two attorney receivers appointed by the Circuit Court of Marshall County; and (13) be required to reimburse the Lawyer Disciplinary Board for the costs and

expenses incurred in the investigation of this matter, with a reasonable payment plan to be worked out with the Office of Disciplinary Counsel, with said payments to begin after respondent returns to the practice of law. The aforesaid report also advised the Court of the agreement of the Office of Disciplinary Counsel and the respondent thereto.

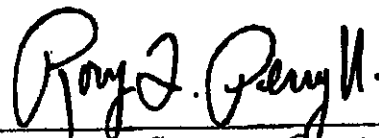
Upon consideration whereof, the Court is of opinion to and doth hereby adopt the written recommendation of the Hearing Panel Subcommittee of the Lawyer Disciplinary Board. It is therefore ordered that the respondent: (1) seek intensive out-patient treatment with Dr. David Clayman of Charleston, West Virginia, regarding his use of alcohol and controlled substances, said treatment to include counseling to address the psychological or personality issues identified by Dr. Clayman in his letter of April 10, 2000, and by Mr. Dickison in his letter of August 3, 2000, all at respondent's expense; (2) shall abide by all recommendations made by Dr. Clayman and any of Dr. Clayman's staff; (3) shall remain indefinitely suspended from the practice of law due to an impairment; (4) shall be permitted to petition for reinstatement on or after January 1, 2001, which process shall be expedited by the Office of Disciplinary Counsel; (5) shall not be required to file a reinstatement questionnaire; (6) in order to be reinstated, shall prove by the testimony of his medical provider, supported by medical evidence, that he is fit to return to the practice of law, and shall sign a release allowing the Office of Disciplinary Counsel to review the record of his treatment and results of testing, and to discuss his treatment with the medical provider; (7) upon reinstatement, shall practice under the supervision of another attorney for one year, said supervising attorney to be selected by the respondent and approved by the Office of Disciplinary Counsel. In the event of disagreement on the

selection of a supervising attorney, the decision shall be made by the Hearing Panel Subcommittee of the Lawyer Disciplinary Board. During supervision, the supervising attorney shall meet at least weekly with the respondent, have complete access to his files and calendar, file monthly reports with the Office of Disciplinary Counsel and respond to inquiries by the Office of Disciplinary Counsel. The respondent shall be candid and cooperative with the supervising attorney and shall follow the recommendations and directions of the supervising attorney; (8) following reinstatement, shall continue to abide by the supervising attorney's recommendations and directives; (9) shall pay the default judgment obtained by James and/or Melissa Wright; (10) shall make a partial refund to Mary Duncan; (11) shall provide complete copies of any files not already provided to James and/or Melissa Wright, Sandra Thornburg, Mary Duncan and Ronald Crum; (12) shall provide complete files to all clients who have open cases with the assistance of two attorney receivers appointed by the Circuit Court of Marshall County; and (13) shall reimburse the Lawyer Disciplinary Board for the costs and expenses incurred in the investigation of this matter, with a reasonable payment plan to be worked out with the Office of Disciplinary Counsel, said payments to begin after respondent returns to the practice of law.

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

A True Copy

Attest:



Clerk, Supreme Court of Appeals