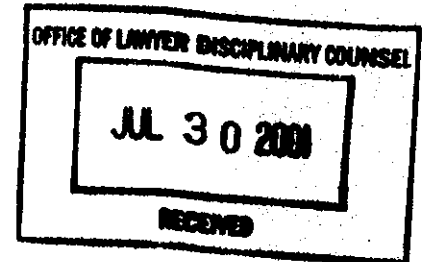


STATE OF WEST VIRGINIA
IN THE SUPREME COURT OF APPEALS
IN VACATION

Lawyer Disciplinary Board, Complainant

vs.) No. 28854

James M. Casey, a member of The West
Virginia State Bar, Respondent



On a former day, to-wit, July 2, 2001, came the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, by Joyce H. Morton, its chairperson, pursuant to Rule 3.10 of the Rules of Lawyer Disciplinary Procedure, and presented to the Court its *Findings of Fact, Conclusions of Law and Recommendation* recommending that the respondent, James M. Casey, a member of The West Virginia State Bar, be required to: (1) practice law under the supervision of a supervising attorney for one and one-half years, with supervision to cover every area of his practice, the supervising attorney having access to respondent's staff, case files, calendar and other office materials, with the respondent required to: (a) keep the supervising attorney advised of the status of all of his cases and comply with requests for information from the Office of Disciplinary Counsel; (b) comply with a written supervision agreement entered into between the respondent, the Office of Disciplinary Counsel and the supervising attorney; and (c) file quarterly reports with the Office of Disciplinary Counsel addressing his progress in the supervision and his implementation of the recommendations from the office review set forth in the second recommendation hereafter. The Office of Disciplinary Counsel and the respondent agree that R. Michael Shaw, Esq., may serve as the supervising attorney,

and in the event Mr. Shaw is either unwilling or unavailable, the respondent may suggest another supervising attorney to serve with the approval of the Office of Disciplinary Counsel, with the Hearing Panel Subcommittee of the Lawyer Disciplinary Board making the decision if the Office of Disciplinary Counsel and the respondent cannot agree; (2) have an office review performed of his office policies and procedures and be required to implement the reviewer's recommendations, with the review to be completed within thirty days of entry of the Supreme Court order in this matter. The review should focus upon calendaring, scheduling, a "tickler" system, mail handling, returning telephone calls and advising clients of the status of cases, procedures for insuring work is completed, office equipment and supply needs, and other similar matters intended to improve the operation of respondent's office. Further, the reviewer's recommendations be required to be issued in a written report which shall be given to the supervising attorney and the Office of Disciplinary Counsel, with all information learned during the review available to the supervising attorney and the Office of Disciplinary Counsel. Cynthia S. Gustke, Esq., is acceptable to the respondent and to the Office of Disciplinary Counsel to serve as the reviewer. In the event Ms. Gustke is unavailable, another reviewer may be selected by the respondent with the approval of the Office of Disciplinary Counsel, with the Hearing Panel Subcommittee of the Lawyer Disciplinary Board making the decision in the event the respondent and the Office of Disciplinary Counsel cannot agree;

(3) the respondent be required to reimburse the Lawyer Disciplinary Board for the costs and expenses incurred in the investigation of this matter in the amount of Three Hundred Twenty-Nine Dollars and Five Cents (\$329.05). The Hearing Panel Subcommittee of the

Lawyer Disciplinary Board recommended that Count IV (I.D. No. 00-02-010) be dismissed.

Upon consideration whereof, the Court is of opinion to and doth hereby adopt the recommendations of the Hearing Panel Subcommittee of the Lawyer Disciplinary Board. It is therefore ordered that the respondent: (1) practice law under the supervision of a supervising attorney for one and one-half years, with supervision to cover every area of his practice, the supervising attorney having access to respondent's staff, case files, calendar and other office materials, wherein the respondent shall: (a) keep the supervising attorney advised of the status of all of his cases and comply with requests for information from the Office of Disciplinary Counsel; (b) comply with a written supervision agreement entered into between him, the Office of Disciplinary Counsel and the supervising attorney; and (c) file quarterly reports with the Office of Disciplinary Counsel addressing his progress in his supervision and in his implementation of the recommendations from the office review set forth in the second recommendation hereafter. R. Michael Shaw, Esq., may serve as the supervising attorney, and in the event Mr. Shaw is either unwilling or unavailable, the respondent may suggest another supervising attorney to serve with the approval of the Office of Disciplinary Counsel, with the Hearing Panel Subcommittee of the Lawyer Disciplinary Board making the decision if the Office of Disciplinary Counsel and the respondent cannot agree; (2) have an office review performed of his office policies and procedures and implement the reviewer's recommendations, with the review to be completed within thirty days of entry of this order. The review shall focus upon calendaring, scheduling, a "tickler" system, mail

handling, returning telephone calls and advising clients of the status of cases, procedures for insuring work is completed, office equipment and supply needs, and other similar matters intended to improve the operation of respondent's office. Further, the reviewer's recommendations shall be issued in a written report which shall be provided to the supervising attorney and the Office of Disciplinary Counsel, with all information learned during the review available to the supervising attorney and the Office of Disciplinary Counsel. Since Ms. Cynthia S. Gustke is acceptable to the respondent and to the Office of Disciplinary Counsel as the reviewer, in the event Ms. Gustke is unavailable, another reviewer may be selected by the respondent with the approval of the Office of Disciplinary Counsel, with the Hearing Panel Subcommittee of the Lawyer Disciplinary Board making the decision if the respondent and the Office of Disciplinary Counsel cannot agree; and (3) the respondent shall reimburse the Lawyer Disciplinary Board for the costs and expenses incurred in the investigation of this matter in the amount of Three Hundred Twenty-Nine Dollars and Five Cents (\$329.05), for violating Rules 1.3, 1.4(a) and 8.1(b) of the Rules of Professional Conduct in Count I (I.D. No. 98-01-181); Rule 1.3 of the Rules of Professional Conduct in Count II (I.D. No. 99-01-178); and Rules 1.3 and 1.4(a) of the Rules of Professional Conduct in Count III (I.D. No. 99-01-310). Count IV (I.D. No. 00-02-010) is hereby dismissed.

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

DONE IN VACATION of the Supreme Court of Appeals, this the 25th day of July, 2001.

Honorable Warren R. McGraw, Chief Justice

Honorable Robin Jean Davis

Honorable Larry V. Starcher

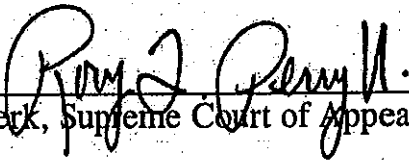
Honorable Elliott E. Maynard

Honorable Joseph P. Albright

Received the foregoing order this 25th day of July, 2001, and entered
the same in Order Book No. 142.

A True Copy

Attest:


Clerk, Supreme Court of Appeals