

OCT 18 2001

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 4th day of October, 2001, the following order was made and entered:

Lawyer Disciplinary Board,
Respondent

vs.) No. 23275

E. Dennis White, Jr., a former member of
The West Virginia State Bar, Petitioner

On the 5th day of September, 2001, came the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, by Nancy C. Hill, its chairperson, pursuant to Rule 3.33(c) of the Rules of Lawyer Disciplinary Procedure, and presented to the Court its *Findings of Fact and Recommended Disposition* in the above-captioned proceeding recommending that the license to practice law in the State of West Virginia of the petitioner be reinstated with the following conditions: petitioner shall (1) never act as a broker for or arrange any loan on behalf of any individual or entity, whether that individual or entity be a lender or borrower, never borrow money from any client other than a lending institution, and may not handle, except under supervision as provided in this order, client trust funds for a period of five years; (2) complete twenty-four units of continuing legal education, including six hours of ethics before he is reinstated; (3) satisfy the claims of Mary Ann Yeager, Brian Massie and Phillip Herrold before his reinstatement; (4) have in place a plan of supervised practice for a period of five years from the date of reinstatement. The supervising attorney must be familiar with the areas of law in which petitioner practices, must be involved in all matters handled by

petitioner, whether legal or financial in nature, and must be provided such access, as may be necessary, to petitioner's professional and personal financial information, sufficient to enable such supervising attorney to monitor petitioner's full compliance with #1 of these conditions. Petitioner's supervising attorney shall meet the approval of the Office of Disciplinary Counsel and petitioner shall be responsible for drafting a supervision plan with the Office of Disciplinary Counsel's approval, including criteria to ensure close monitoring of petitioner's compliance with #1 of these conditions; (5) have his office and client escrow accounts audited annually by a CPA for a period of five years from the date of reinstatement with the findings and recommendations of such audits submitted each year to the Office of Disciplinary Counsel; (6) reimburse the Lawyer Disciplinary Board for the costs and expenses incurred in this matter; and (7) have his license to practice law in the State of West Virginia suspended immediately upon a showing to the Supreme Court of Appeals that he has violated #1 of these conditions.

Thereafter, on the 19th day of September, 2001, came the respondent, E. Dennis White, Jr., by Thomas W. Smith, his attorney, pursuant to Rule 3.33(c) of the Rules of Lawyer Disciplinary Procedure, and presented to the Court his written statement indicating no objection thereto. Finally, on the 21st day of September, 2001, came the Office of Disciplinary Counsel, by Lawrence J. Lewis, Chief Disciplinary Counsel, pursuant to Rule 3.33(c) of the Rules of Lawyer Disciplinary Procedure, and presented to the Court its written statement indicating no objection thereto.

Upon consideration whereof, the Court is of opinion to and doth hereby adopt the written recommendations of the Hearing Panel Subcommittee of the

Lawyer Disciplinary Board in the above-captioned proceeding. It is therefore ordered that the license to practice law in the State of West Virginia of the respondent, E. Dennis White, Jr., be, and it hereby is, reinstated, effective this date. It is further ordered that the petitioner shall (1) never act as a broker for or arrange any loan on behalf of any individual or entity, whether that individual or entity be a lender or borrower, never borrow money from any client other than a lending institution, and shall not handle, except under supervision as provided in this order, client trust funds for a period of five years; (2) complete twenty-four units of continuing legal education, including six hours of ethics before he is reinstated; (3) satisfy the claims of Mary Ann Yeager, Brian Massie and Phillip Herrold before his reinstatement; (4) have in place a plan of supervised practice for a period of five years from the date of reinstatement. The supervising attorney shall be familiar with the areas of law in which petitioner practices, shall be involved in all matters handled by petitioner, whether legal or financial in nature, and shall be provided such access, as may be necessary, to petitioner's professional and personal financial information, sufficient to enable the supervising attorney to monitor petitioner's full compliance with #1 of these conditions. The petitioner's supervising attorney shall meet the approval of the Office of Disciplinary Counsel and petitioner shall draft a supervision plan with the Office of Disciplinary Counsel's approval, including criteria to ensure close monitoring of his compliance with #1 of these conditions; (5) have his office and client escrow accounts audited annually by a CPA for a period of five years from the date of reinstatement with the findings and recommendations of such audits submitted each year to the Office of Disciplinary Counsel; (6) reimburse the Lawyer

Disciplinary Board for the costs and expenses incurred in this matter in the amount of Seven Thousand Nine Hundred Seventy Dollars and Fifty-Nine Cents (\$7,970.59), which reimbursement may be made through a payment plan set forth and approved by the Office of Disciplinary Counsel; and (7) have his license to practice law in the State of West Virginia suspended immediately upon a showing to this Court that he has violated #1 of these conditions. Justice Albright deemed himself disqualified and did not participate in the consideration or decision of this matter.

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

A True Copy

Attest: _____


Clerk, Supreme Court of Appeals