

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 5th day of October, 2001, the following order was made and entered:

Lawyer Disciplinary Board, Complainant

vs.) No. 25189

Marc P. Turgeon, a member of The West
Virginia State Bar, Respondent


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, Marc P. Turgeon, a member of The West Virginia State Bar, be, and it hereby is, suspended for a period of two years for violating Rules 1.1, 1.2(a), 1.3, 1.4, 3.3, 3.5, 8.2(a) and 8.2(b) of the *Rules of Professional Conduct*. In order to reinstate his license to practice law in the State of West Virginia, the respondent shall petition for reinstatement pursuant to Rule 3.32 of the *Rules of Lawyer Disciplinary Procedure*. As a mandatory condition for reinstatement, the respondent (1) shall complete twelve hours of continuing legal education relating to ethics; (2) shall have in place a plan of supervised practice for a period of two years from the date of reinstatement. This plan shall provide for the respondent to work closely with a mentoring/supervising attorney. This plan shall be comprehensive and shall involve the supervising attorney in every case the respondent is handling. It will not be sufficient for the

respondent and the supervising attorney to meet on an occasional basis to have general discussions regarding the respondent's practice. The supervising attorney shall be familiar with the substantive areas of law in which the respondent practices. It shall be the responsibility of the respondent to locate a supervising attorney and draft a supervision plan, although the Office of Disciplinary Counsel shall, within reason, approve the supervising attorney and the supervision plan. In the event the respondent and the Office of Disciplinary Counsel cannot agree upon a supervising attorney or the supervision plan, the matter may be submitted to a Hearing Panel Subcommittee of the Lawyer Disciplinary Board. The supervising attorney shall make regular reports to the Office of Disciplinary Counsel; and (3) shall demonstrate by expert medical and psychological testimony that he is capable of practicing law. Finally, it is hereby ordered that the respondent reimburse the Lawyer Disciplinary Board for the costs and expenses involved in this matter in the amount of Six Thousand Two Hundred Fifty Dollars and Eleven Cents (\$6,250.11).

The syllabus of points adjudicated, prefixed to the written opinion aforesaid, prepared Per Curiam, was concurred in by Chief Justice Maynard and Justices Davis and Starcher. Justice McGraw dissents. Justice Scott deemed himself disqualified and did not participate in the consideration or decision of this case.

A True Copy

Attest:


Clerk, Supreme Court of Appeals