

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 23rd of January, 2002, the following order was made and entered:

Lawyer Disciplinary Board, Complainant

vs.) No. 25838

Daniel W. Vannoy, a member of The West Virginia State Bar, Respondent

On a former day, to-wit, November 27, 2001, came the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, by W. B. Richardson, Jr., its chairperson, pursuant to Rule 3.10 of the Rules of Lawyer Disciplinary Procedure, and presented to the Court its written recommended disposition recommending that: (1) the respondent's, Daniel W. Vannoy, license to practice law in the State of West Virginia be suspended for ninety days; (2) respondent be required to make restitution of any unearned fees to each complainant within the aforesaid ninety days, as determined by an arbitrator or mediator or as agreed to between the respondent and each complainant; (3) the respondent be required to undergo an extended psychological evaluation by a psychologist of his choice at his expense, said evaluation to consist of a behavioral battery to determine whether the respondent has any unresolved behavioral issues which would affect his fitness to practice law, with a minimum of six sessions with the psychologist, the report of the psychologist to be submitted to the Hearing Panel Subcommittee of the Lawyer Disciplinary Board and to the Office of Lawyer Disciplinary Counsel prior to the conclusion of the suspension period. Any party may take such further action as may be warranted upon receipt of the psychological evaluation; and (4) respondent be required

to reimburse the Lawyer Disciplinary Board for the costs involved in the investigation of this matter in the amount of Three Hundred Sixty-Three Dollars and Ninety-Five Cents (\$363.95).

There having been heard neither consent nor objection from either the Office of Lawyer Disciplinary Counsel or the respondent, the Court doth hereby adopt the recommended disposition of the Hearing Panel Subcommittee of the Lawyer Disciplinary Board.

It is therefore ordered that the license to practice law in the State of West Virginia of the respondent, Daniel W. Vannoy, be, and it hereby is, suspended for a period of ninety days, effective this date, for violating Rules 1.1, 1.2, 1.3, 1.4, 1.16, 4.4 and 8.1(b) of the Rules of Professional Conduct. It is further ordered that the respondent make restitution of any unearned fees to each complainant within the aforesaid ninety days, as determined by an arbitrator or mediator or as agreed to between the respondent and each complainant. It is further ordered that the respondent undergo an extended psychological evaluation by a psychologist of his choice at his expense, said evaluation to consist of a behavioral battery to determine whether the he has any unresolved behavioral issues which would affect his fitness to practice law, with a minimum of six sessions with the psychologist, the report of the psychologist to be submitted to the Hearing Panel Subcommittee of the Lawyer Disciplinary Board and to the Office of Lawyer Disciplinary Counsel prior to the conclusion of the suspension period, with any party having the right to take such further action as may be warranted upon receipt of the psychological evaluation. It is finally ordered that the respondent

reimburse the Lawyer Disciplinary Board for the costs involved in the investigation of this matter in the amount of Three Hundred Sixty-Three Dollars and Ninety-Five Cents (\$363.95).

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