

DEC - 5 2002

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 2<sup>nd</sup> day of December 2002, the following order was made and entered:

Lawyer Disciplinary Board,  
Complainant

vs.) No. 29972

Tracy B. Lusk, a Member of  
the West Virginia State Bar,  
Respondent

The Court, having maturely considered the recommendations of the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, the brief of disciplinary counsel and oral argument thereon, doth hereby impose the following sanctions upon the respondent, Tracy B. Lusk, a member of The West Virginia State Bar, for violating Rules 1.3, 1.4(a), 1.15(b), 1.16(d), 8.1(b) and 8.4(d) of the Rules of Professional Conduct: (1) that the license to practice law in the State of West Virginia of the respondent, Tracy B. Lusk, be annulled; (2) respondent be required to make restitution to Complainant Webb in the amount of Nine Thousand Five Hundred Dollars (\$9,500.00), plus interest, to Complainant Wolfe in the amount of Four Thousand Ninety-Eighty Dollars and Sixty-Four Cents, (\$4,098.64), plus interest, and to Complainant Long in the amount of One Thousand Five Hundred Dollars (\$1,500.00); (3) that until restitution is made, Complainants Webb, Wolfe and Long are to be referred to the Client Protection Fund of The West Virginia State Bar; (4) respondent be ordered to make restitution to the Client Protection Fund, if applicable

The syllabus of points adjudicated, prefixed to the written opinion aforesaid, prepared Per Curiam, was concurred in by Justices Starcher, McGraw and Albright. Chief Justice Davis and Justice Maynard concur in part and dissent in part, and reserve the right to file concurring in part and dissenting in part opinions. Justice Albright reserves the right to file a concurring opinion.

A True Copy

Attest:

  
Clerk, Supreme Court of Appeals