

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 24th of April, 2002, the following order was made and entered:

Lawyer Disciplinary Board, Respondent

vs.) No. 30097

Fred D. Clark, a member of The West Virginia State Bar, Petitioner

On a former day, to-wit, November 13, 2001, came the petitioner, Fred D. Clark, an administratively suspended member of The West Virginia State Bar, by Byrne & Hedges, and John M. Hedges, his attorneys, pursuant to Rule 3.24 of the Rules of Lawyer Disciplinary Procedure, and presented to the Court his petition for the reinstatement of his license to practice law in the State of West Virginia.

Thereafter, on the 22nd day of March, 2002, came the Office of Lawyer Disciplinary Counsel, by Lawrence J. Lewis, Chief Lawyer Disciplinary Counsel, and presented to the Court its written response thereto, recommending that the petitioner's license to practice law in the State of West Virginia be reinstated with the following conditions: (1) petitioner be required to continue participation in his recovery program and his Alcoholics Anonymous involvement; (2) petitioner be required to complete twenty-four hours of continuing legal education prior to his reinstatement; (3) petitioner be required to pay any reinstatement fees and current dues; (4) petitioner's practice be supervised by an attorney agreed upon by petitioner and the Office of Lawyer Disciplinary Counsel for a period of two years; (5) petitioner be required to reimburse the Lawyer Disciplinary Board for the costs incurred in the investigation of this matter; and (6) in the

event petitioner should suffer a relapse, his license to practice law in the State of West Virginia be immediately suspended upon petition of the Office of Lawyer Disciplinary Counsel to the Court. The Office of Lawyer Disciplinary Counsel further recommends that the *Statement of a Formal Charge Based Upon Conviction* filed with this Court pursuant to Rule 3.18 of the Rules of Lawyer Disciplinary Procedure on the 13th day of October, 1999, in Case No. 26656, be dismissed in light of the order entered in the Circuit Court of Kanawha County on the 6th day of March, 2002, vacating and setting aside petitioner's March 7, 1996 felony conviction.

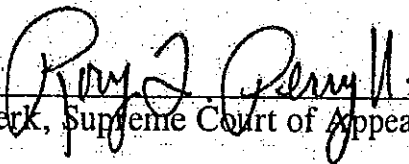
Upon consideration whereof, the Court is of opinion to and doth hereby adopt the recommendations of the Office of Lawyer Disciplinary Counsel. It is therefore ordered that the license to practice law in the State of West Virginia of the petitioner, Fred D. Clark, be, and it hereby is, reinstated with the following conditions: (1) petitioner shall continue participation in his recovery program and his Alcoholics Anonymous involvement; (2) petitioner shall complete twenty-four hours of continuing legal education prior to his reinstatement; (3) petitioner shall pay any reinstatement fees and current dues in order to be restored to good standing as a member of The West Virginia State Bar; (4) petitioner's practice shall be supervised by an attorney agreed upon by petitioner and the Office of Lawyer Disciplinary Counsel for a period of two years; (5) petitioner shall reimburse the Lawyer Disciplinary Board for the costs incurred in the investigation of this matter; and (6) in the event petitioner should suffer a relapse, his license to practice law in the State of West Virginia will be immediately suspended.

It is finally ordered that the *Statement of a Formal Charge Based Upon Conviction* filed with this Court pursuant to Rule 3.18 of the Rules of Lawyer Disciplinary Procedure on the 13th day of October, 1999, Case No. 26656, be, and it hereby is dismissed. Justices McGraw and Albright would not require the petitioner to reimburse the Lawyer Disciplinary Board for the costs incurred in the investigation of this matter. Justice Starcher did not participate in the consideration or decision of this matter.

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

A True Copy

Attest:


Clerk, Supreme Court of Appeals