

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on April 15, 2021, the following order was made and entered:

Lawyer Disciplinary Board,
Petitioner

vs.) No. 20-0258

Daniel S. Corey, a member of
The West Virginia State Bar,
Respondent

OFFICE OF
DISCIPLINARY COUNSEL

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ORDER

On January 13, 2021, the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, by its Chair Rhonda L. Harsh, in accordance with Rule 3.10 of the Rules of Lawyer Disciplinary Procedure, presented to the Court its written recommended disposition in this matter, recommending that:

- (1) Respondent's law license should be suspended for a period of 2 years, with credit for 12 months for his voluntary cessation from the practice of law since November 2018.
- (2) Respondent will serve 6 months of the remaining year of suspension and during that time he will undergo training as specified by Public Defender Services (PDS) regarding his billing practices. If, the judicial testimony is that the Court wants him to return to practice as appointed counsel in an individual circuit, Office of Lawyer Disciplinary Counsel (ODC) will not seek a limitation of future practice of no appointments by PDS as a recommended sanction.
- (3) At the conclusion of the 6 months, assuming respondent has satisfied all conditions to return to practice, respondent will be subject to automatic reinstatement, and the remaining 6 months of the suspension will be held in abeyance while respondent is on probation with supervised practice by an experienced lawyer for a period of one year. Any breach of the terms of probation, will result in the filing of a petition to the Supreme Court of Appeals.

- (4) Respondent will bear the costs of the disciplinary proceeding.
- (5) Respondent submit proof of completion of training as specified by the PDS to the ODC.

On January 29, 2021, the Office of Lawyer Disciplinary Counsel, by Rachael L. Fletcher Cipoletti, Chief Lawyer Disciplinary Counsel, filed its consent to the recommendation. The respondent, Daniel S. Corey, by counsel, Lonnie C. Simmons, DiPiero Simmons McGinley & Bastress, PLLC, filed his consent to the recommendation on February 1, 2021.

Upon consideration, the Court is of the opinion to and does concur with and does hereby approve the recommended disposition of the Hearing Panel Subcommittee of the Lawyer Disciplinary Board. It is ORDERED that:

- (1) The license to practice law in the State of West Virginia of the respondent, Daniel S. Corey, is suspended for a period of 2 years, with credit given for 12 months of the suspension, in light of his voluntary cessation from the practice of law in November 2018.
- (2) During the first 6 months of the suspension beginning April 15, 2021, respondent is to undergo training as specified by PDS for billing practices, with proof of training completion provided to the ODC on or before October 15, 2021.
- (3) If the respondent has satisfied all conditions to return to the practice of law at the conclusion of the 6 months of suspension on October 15, 2021, respondent's license to practice law will be automatically reinstated and the remaining 6 months of the suspension will be held in abeyance for a one-year period of probation with supervised practice.
- (4) Upon the automatic reinstatement of respondent's license to practice law, respondent will be placed on probation and his practice of law will be supervised by an experienced supervising attorney approved by the ODC, for a one-year period.
- (5) Any breach of the terms of probation will result in the filing of a petition with the Supreme Court of Appeals to revoke the probationary admission.
- (6) The respondent shall pay the costs of these proceedings in accordance with Rule 3.15 of the Rules of Lawyer Disciplinary Procedure.

Service of a copy of this order upon the respondent, Daniel S. Corey, the Office of Disciplinary Counsel, and the West Virginia State Bar constitutes sufficient notice of the contents.

A True Copy

Attest: /s/ Edythe Nash Gaiser
Clerk of Court

