

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on April 7, 2022, the following order was made and entered:

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In re Petition for Reinstatement of James B. Atkins

APR 13 2022

No. 21-0336

OFFICE OF LAWYER
DISCIPLINARY COUNSEL

ORDER

On April 26, 2021, the petitioner, James B. Atkins, a suspended member of the West Virginia State Bar, in accordance with Rule 3.32 of the Rules of Lawyer Disciplinary Procedure, filed a petition for reinstatement of his license to practice law in the State of West Virginia.

On January 5, 2022, the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, by its Chair Donald A. Wandling, in accordance with Rule 3.32(c) of the Rules of Lawyer Disciplinary Procedure, presented to the Court its written report and recommendation, recommending that the petitioner's license to practice law in the State of West Virginia be reinstated with certain conditions.

The respondent, Office of Lawyer Disciplinary Counsel, by Andrea J. Hinerman, Senior Lawyer Disciplinary Counsel, filed its consent to the recommendation on January 10, 2022. The petitioner filed a consent to the recommendation on January 13, 2022.

Upon consideration of the recommendation from the Hearing Panel Subcommittee, the Court is of the opinion to and does adopt the recommendation and the petition for reinstatement is granted with certain conditions. It is ORDERED that the license to practice law in the State of West Virginia of the petitioner, James B. Atkins, is reinstated with the following conditions:

- (1) Petitioner is placed on one (1) year of probation following the reinstatement of his license to practice in accordance with this Court's decision in *Lawyer Disciplinary Board v. James B. Atkins*, 243 W.Va. 246, 257, 842 S.E. 2d 799, 810 (2020).
- (2) During the one year of probation, petitioner's practice of law shall be supervised by a lawyer approved by the Office of Lawyer Disciplinary Counsel and under the conditions agreed to by written agreement of the petitioner, his supervising attorney, and the Office of Lawyer Disciplinary Counsel.

(3) Prior to reinstatement, petitioner is required to pay his state bar membership fees to the West Virginia State Bar and comply with all mandatory continuing legal education requirements in accordance with Rule 3.32(f) of the Rules of Lawyer Disciplinary Procedure.

(4) Petitioner shall reimburse the Lawyer Disciplinary Board the costs of this reinstatement proceeding in accordance with Rule 3.15 of the Rules of Lawyer Disciplinary Procedure.

Service of a copy of this order upon the petitioner, James B. Atkins, the Office of Lawyer Disciplinary Counsel, and the West Virginia State Bar, constitutes sufficient notice of the contents.

Justice Alan D. Moats sitting by temporary assignment.

A True Copy

Attest: /s/ Edythe Nash Gaiser
Clerk of Court

