

STATE OF WEST VIRGINIA

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At a Regular Term of the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on April 15, 2024, the following order was made and entered:

Lawyer Disciplinary Board,
Petitioner

v.) No. 22-925

Joshua Mingo Winters, a member of
The West Virginia State Bar,
Respondent

ORDER

On October 12, 2023, the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, by its Chair Richard A. Pill, in accordance with Rule 3.10 of the Rules of Lawyer Disciplinary Procedure, filed its written recommended disposition in this matter, recommending that:

- (1) Respondent's law license be suspended indefinitely with right to petition for reinstatement after one year from the date of the final order;
- (2) Respondent be required to apply for reinstatement pursuant to Rule 3.32 of the Rules of Lawyer Disciplinary Procedure;
- (3) Respondent be ordered to pay restitution in the amount of \$1,350.00 (\$1,000.00 retainer fee and \$350.00 filing fee) to Bernard E. Brooks and that payment shall be made prior to applying for reinstatement;
- (4) If suspended, Respondent must comply with the mandates of Rule 3.28 of the Rules of Lawyer Disciplinary Procedure; and
- (5) Respondent be ordered to pay the costs of these disciplinary proceedings pursuant to Rule 3.15 of the Rules of Lawyer Disciplinary Procedure.

On October 26, 2023, the Office of Lawyer Disciplinary Counsel, by Andrea J. Hinerman, Senior Lawyer Disciplinary Counsel, filed its consent to the recommendation. The respondent did not file a consent or an objection to the recommendation.

Upon consideration and review on April 10, 2024, the Court is of the opinion to and does concur with and 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 Joshua Mingo Winters is suspended indefinitely;
- (2) The Respondent may apply for reinstatement in accordance with Rule 3.32 of the Rules of Lawyer Disciplinary Procedure after one year from the date of this order;
- (3) The Respondent must pay restitution in the amount of \$1,350.00 (\$1,000.00 retainer fee and \$350.00 filing fee) to Bernard E. Brooks and the payment shall be made prior to any application for reinstatement;
- (4) The Respondent must comply with the mandates of Rule 3.28 of the Rules of Lawyer Disciplinary Procedure; and
- (5) The Respondent must pay the costs of this disciplinary proceeding in accordance with Rule 3.15 of the Rules of Lawyer Disciplinary Procedure.

Service of a copy of this order upon the respondent Joshua Mingo Winters, the Office of Lawyer Disciplinary Counsel, and the West Virginia State Bar, constitutes sufficient notice of the contents.

Justice Hutchison and Justice Wooton disqualified.

A True Copy

Attest: /s/ C. Casey Forbes
Clerk of Court

