

STATE OF WEST VIRGINIA

At the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on December 2, 2022, the following order was made and entered **in vacation**:

In re Petition for Reinstatement of Justin J. Marcum

No. 22-0442

ORDER

On June 10, 2022, the petitioner Justin J. Marcum, a suspended member of the West Virginia State Bar, by counsel Lonnie C. Simmons, DiPiero Simmons McGinley & Bastress, PLLC, 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. By its opinion in *Lawyer Disciplinary Board v. Marcum*, 245 W. Va. 760, 865 S.E.2d 502 (2021) and its mandate issued on December 7, 2021, this Court ordered the following: (1) suspension of the petitioner's law license for a period of two years with a stay of that suspension after six months; (2) supervised probation for the remaining period of his contract with the West Virginia Judicial and Lawyers Assistance Program (JLAP); (3) immediate imposition of the remaining one-and-a-half years of his suspension "if any conditions or requirements of the JLAP contract or other Rules of Professional Conduct are violated after a petition to this Court"; (4) an additional nine Continuing Legal Education (CLE) hours in ethics and/or substance abuse education in addition to the twenty-four hours of CLE generally required, with the additional nine hours of CLE to be completed within the six-month suspension; (5) compliance with Rule 3.28 of the Rules of Lawyer Disciplinary Procedure; and (6) payment of the costs of the disciplinary proceedings under 3.15 of the Rules of Lawyer Disciplinary Procedure.

On November 7, 2022, the Hearing Panel Subcommittee (HPS) of the Lawyer Disciplinary Board, by its Chair William L. Mundy, 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 conditioned upon the petitioner's successful completion of his contract with JLAP

through June 28, 2023. The HPS concludes that the petitioner has demonstrated full compliance with the Court's requirements as set forth in in *Marcum*, 245 W. Va. 760, 865 S.E.2d 502.

On November 14, 2022, the petitioner, by counsel, filed a motion to expedite this Court's consideration of his petition for reinstatement. The Office of Lawyer Disciplinary Counsel (ODC) did not object to the motion to expedite.

The ODC, by Rachael L. Fletcher Cipoletti, Chief Lawyer Disciplinary Counsel, filed a consent to the HPS recommendation on November 21, 2022, and the petitioner, by counsel, filed a consent to the HPS recommendation on November 23, 2022.

At a conference held on December 1, 2022, the Court granted the petitioner's motion to expedite consideration of this proceeding. Justice Armstead would refuse the motion to expedite.

Upon consideration and review, the Court is of the opinion to and does adopt the HPS recommendation. The petition for reinstatement is granted as conditioned. It is ORDERED that the license to practice law in the State of West Virginia of the petitioner, Justice J. Marcum, is reinstated subject to the condition of his successful completion of his contract with JLAP through June 28, 2023. The petitioner remains subject to the Court's holding in *Marcum*, 245 W. Va. 760, 865 S.E.2d 502 that he will be immediately suspended for the remaining period of his two-year suspension if he violates any conditions or requirements of the JLAP contract or other Rules of Professional Conduct after a petition to this Court.

Service of a copy of this order upon all parties constitutes sufficient notice of the contents.

Justice Bunn disqualified.

A True Copy

Attest: /s/ Edythe Nash Gaiser
Clerk of Court

