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DISCIPLINARY COUNSEL

STATE OF WEST VIRGINIA

At the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 28th of November, 2011, the following order was made and entered in vacation:

Lawyer Disciplinary Board,
Petitioner

vs.) No. 35513

Dennie S. Morgan, Jr., a member
of the West Virginia State Bar,
Respondent

MANDATE

Pursuant to Revised R.A.P. 26, the opinion previously issued in the above-captioned case is now final and is hereby certified to the Lawyer Disciplinary Board and to the parties. The respondent's license to practice law is hereby 1) suspended for a period of one year; 2) Mr. Morgan is required to petition for reinstatement pursuant to Rule 3.32 of the Rules of Lawyer Disciplinary Procedure; 3) Prior to reinstatement, Mr. Morgan shall furnish proof that he refunded the unearned fee referenced in Count I in the amount of \$4,000.00; in Count II in the amount of \$2,000.00; and in Count IV in the amount of \$1000.00; 4) Upon reinstatement, Mr. Morgan's practice shall be supervised for two years by an attorney agreed upon by the Office of Disciplinary Counsel and Mr. Morgan. Mr. Morgan will meet with the attorney every two weeks, and the office practice plan shall be based upon the Report of Barron K. Henley, Esq., and include implementation of those proposed changes to Mr. Morgan's office management as suggested by that report. Mr. Henley shall review and evaluate Mr. Morgan's office practices, and the goal will be to improve the quality and effectiveness of Mr. Morgan's law practice to the extent that the sanctioned behavior is not

likely to recur; 5) Mr. Morgan shall arrange for Mr. Henley to call him for an after-care phone call three months after the commencement of his supervised practice and prepare a written report to be submitted to the ODC to ascertain the degree of progress of the changes to his law office management; 6) Mr. Morgan shall arrange for Mr. Henley to call him for an after-care phone call six months after the commencement of his supervised practice and prepare a second written report to be submitted to the ODC to ascertain the degree of progress of the changes to his law office management, and to ensure that any additional issues from the three months report are adequately addressed; 7) Upon reinstatement, Mr. Morgan shall have his trust account audited for two years and shall provide such audit to the ODC; 8) Mr. Morgan shall provide certification of his IOLTA to the ODC; and 9) Prior to reinstatement and pursuant to Rule 3.15, Mr. Morgan shall pay costs of the disciplinary proceeding in the amount of \$ 3,525.38. The Clerk is directed to remove this action from the docket of this Court.

A True Copy

Attest: /s/ Rory L. Perry II, Clerk of Court

