

DEC - 1 2011

OFFICE OF  
DISCIPLINARY COUNSEL

## STATE OF WEST VIRGINIA

At a regular term of the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on November 22, 2011, the following order was made and entered:

Lawyer Disciplinary Board, Petitioner

vs.) No. 10-4006

David D. Perry, a member of The West Virginia  
State Bar, Respondent

On a former day, to-wit, September 23, 2011, came the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, by Debra A. Kolgore, its chairperson, pursuant to Rule 3.10 of the Rules of Lawyer Disciplinary Procedure, and presented to the Court its written recommended disposition in this matter, recommending that: (1) respondent's law license be suspended indefinitely; (2) respondent be required to petition for reinstatement pursuant to Rule 3.32 of the Rules of Lawyer Disciplinary Procedure; (3) respondent not be permitted to seek reinstatement to the practice of law for a period of three years; (4) upon reinstatement, respondent's practice be supervised for a period of two years by an attorney agreed upon between the Office of Disciplinary Counsel and respondent; (5) prior to petitioning for reinstatement, respondent be required to undergo an independent psychiatric evaluation to determine whether he is fit to engage in the practice of law and be required to comply with any stated treatment protocol; and (6) respondent be ordered to reimburse the Lawyer Disciplinary Board the costs of these proceedings.

Upon consideration whereof, the Court does concur with the recommendation and hereby approves the recommendation of the Hearing Panel Subcommittee. Justice Ketchum would accept respondent's petition for voluntary resignation in Supreme Court Docket No. 35534, instead of imposing the recommended disposition approved herein.

It is therefore ordered that: 1) the respondent be, and he hereby is, suspended from the practice of law in the State of West Virginia, indefinitely; (2) respondent shall be required to petition for reinstatement pursuant to Rule 3.32 of the Rules of Lawyer Disciplinary Procedure; (3) respondent shall not be permitted to file a petition for reinstatement to the practice of law for at least three years after the date of this order suspending his license to practice law; (4) prior to petitioning for reinstatement, respondent must undergo an independent psychiatric evaluation to determine whether he is fit to engage in the practice of law, and must comply with any treatment protocol stated by the evaluator; (5) upon any such reinstatement of respondent's law license, respondent's practice of law shall be supervised for a two-year period by a supervising attorney agreed upon by both the Office of Disciplinary Counsel and respondent; and (6) respondent shall pay the costs incurred in this disciplinary proceeding.

Service of a copy of this order upon all parties herein shall constitute sufficient notice of the contents herein.

A True Copy

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

