

MAR 14 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 the 10th of March, 2011 the following order was made and entered:

Office of Disciplinary Counsel, Petitioner

vs.) No. 34707

David A. Barnabei, a suspended member of The West Virginia State Bar, Respondent

On former days, to-wit, December 29, 2010 and January 7, 2011, came the petitioner, David A. Barnabei, a suspended member of The West Virginia State Bar, and presented to the Court his motion to reinstate his license to practice law in the State of West Virginia.

Thereafter, on January 21, 2011, came the Office of Disciplinary Counsel, by Rachael L. Fletcher Cipoletti, its counsel, and presented to the Court its written response thereto.

Finally, on February 3, 2011, came the Office of Disciplinary Counsel, by Rachael L. Fletcher Cipoletti, its counsel, and presented to the Court its supplement to its previously filed response.

Upon consideration whereof, the Court is of opinion to and doth hereby refuse said motion, and the license to practice law in the State of West Virginia of Mr. Barnabei is to remain suspended until such time as he is in full compliance with this Court's September 25, 2008 order. David A. Barnabei has failed to provide written reports to the Office of Disciplinary Counsel of compliance with the recommended treatment plan of his psychologist.

Service of an attested copy of this order shall constitute sufficient notice of the contents herein.

A True Copy

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

