

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 24th of March, 2005, the following order was made and entered:

Lawyer Disciplinary Board, Respondent

vs.) No. 30590

Edward R. Kohout, a suspended member of
The West Virginia State Bar, Petitioner

On a former day, to-wit, June 3, 2002, came the petitioner, Edward R. Kohout, and presented to the Court his petition for reinstatement of his suspended license to practice law in the State of West Virginia.

On a former day, to-wit, March 16, 2005, came the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, by David A. Jividen, its chairperson, pursuant to Rule 3.32 of the Rules of Lawyer Disciplinary Procedure, and presented to the Court its written recommendation in this matter recommending that the petitioner be reinstated to the practice of law subject to the following conditions: (1) the petitioner complete his required twenty-four hours of continuing legal education before reinstatement; (2) the petitioner undergo supervised practice for a period of two years pursuant to a written agreement between petitioner, a supervising attorney and the Office of Disciplinary Counsel. The supervisor may be nominated by the petitioner and approved by the Office of Disciplinary Counsel. The agreement must require that the supervisor be available to meet with petitioner at least once a month during the period. The supervisor must provide regular reports to and answer all inquires from Disciplinary Counsel about Petitioner; and (3) the

petitioner return to Dr. Fremouw or other professional counselor agreed upon with Disciplinary Counsel for additional counseling in accordance with Dr. Smith's recommendations, that said counseling continue in such manner and for as long as Dr. Fremouw or other professional deems such necessary, but in no event shall they be less than twice a month for a period of three months and once a month for the succeeding nine months. Petitioner shall execute such authorization as is necessary for Dr. Fremouw or other professional to report Petitioner's progress at the end of the three months, at the end of twelve months, and at any other time as reasonably requested by Disciplinary Counsel.

Finally, on the 16th day of March, 2005, came the Office of Disciplinary Counsel, by Lawrence J. Lewis, its attorney, and presented to the Court that it has no objection to the recommendations of the Hearing Panel Subcommittee.


Upon consideration whereof, the Court is of opinion to and doth hereby adopt the written recommendation of the Hearing Panel Subcommittee of the Lawyer Disciplinary Board. It is therefore ordered that petitioner be, and he hereby is, reinstated to the practice of law subject to the following conditions: (1) the petitioner must complete his required twenty-four hours of continuing legal education before reinstatement; (2) the petitioner must undergo supervised practice for a period of two years pursuant to a written agreement between petitioner, a supervising attorney and the Office of Disciplinary Counsel. The supervisor may be nominated by the petitioner and approved by the Office of Disciplinary Counsel. The agreement must require that the supervisor be available to meet with petitioner at least once a month during the period. The supervisor must provide regular reports to and answer all inquiries from Disciplinary Counsel about Petitioner; and

(3) the petitioner must return to Dr. Fremouw or other professional counselor agreed upon with Disciplinary Counsel for additional counseling in accordance with Dr. Smith's recommendations, that said counseling continue in such manner and for as long as Dr. Fremouw or other professional deems such necessary, but in no event shall they be less than twice a month for the first three month period and once a month for the succeeding nine months. Petitioner shall execute such authorization as is necessary for Dr. Fremouw or other professional to report Petitioner's progress at the end of the three months, at the end of twelve months, and at any other time as reasonably requested by Disciplinary Counsel.

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

A True Copy

Attest:


Clerk, Supreme Court of Appeals