

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 15<sup>th</sup> of October, 2014, the following order was made and entered:

Lawyer Disciplinary Board, Petitioner

vs.) No. 13-0522

April D. Conner, a member of The West  
Virginia State Bar, Respondent

On September 2, 2014, came the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, by Richard M. Yurko, Jr., 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) the respondent's law license be suspended for a period of 30 days pursuant to Rule 3.15 of the Rules of Lawyer Disciplinary Procedure; (2) that, if she has not already done so, respondent be ordered to reimburse Shawna Swiger her \$2,000 retainer fee; (3) that, following suspension, respondent be ordered to sign and follow a plan of supervised practice for a period of two years with a supervising attorney of respondent's choice, to be approved by the Office of Disciplinary Counsel and available to respond to inquiries by the Office of Disciplinary Counsel; and (4) pursuant to Rule 3.15 of the Rules of Lawyer Disciplinary Procedure, the respondent be ordered to pay the costs of this disciplinary proceeding

Thereafter, on September 4, 2014, the Office of Disciplinary Counsel, by Joanne M. Vella Kirby, Lawyer Disciplinary Counsel, filed its statement of no objection to the Hearing Panel Subcommittee recommendation. On September 29, 2014, the respondent, April D. Conner, filed her statement of no objection to the Hearing Panel Subcommittee recommendation.

Upon consideration whereof, the Court does not concur with the recommended disposition. Justice Ketchum would concur with the recommended disposition.

It is therefore ordered that the petitioner, Lawyer Disciplinary Board, file an original and ten copies of a brief within thirty days of receipt of this order; the respondent, April D. Conner, to file a like number of briefs within thirty days of receipt of the petitioner's brief; with any reply brief deemed necessary to be filed within fifteen days of respondent's brief.

It is finally ordered that this matter shall be scheduled for oral argument and consideration by the Court under Rule 19 of the Revised Rules of Appellate Procedure, to be held on a later date during the January 2015 Term of Court. The Clerk will, at a later date, furnish the parties with a Notice of Argument pursuant to Rule 19(b), which will contain additional information regarding the time for argument.

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

