

No. 30559 – *Lawyer Disciplinary Board v. L. Thomas Lakin, a member of the West Virginia State Bar*

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RORY L. PERRY II, CLERK
SUPREME COURT OF APPEALS
OF WEST VIRGINIA

Starcher, J., concurring, in part, and dissenting, in part:

When Governor Joe Manchin said “West Virginia’s Open for Business,” I do not think he meant that out-of-state lawyers were free to come into West Virginia and attempt to steal the clients of our State lawyers while violating our Rules of Professional Conduct. In this case the majority adopts the recommendations of the Hearing Panel Subcommittee of the West Virginia Lawyer Disciplinary Board in disciplining lawyer L. Thomas Lakin. I concur with the majority’s decision to prohibit Mr. Lakin, individually, from practicing law in this State for a period of twelve months. However, I vigorously dissent to the “empty sanctions” placed upon Mr. Lakin’s law firm.

Mr. Lakin retired from the practice of law some time after the complaints that are the subject of this case were brought against him. The sanctions levied against him individually will not negatively affect him, or his Illinois firm’s practice of law. The record reflects that Mr. Lakin now lives in California, and the sanctions against him do nothing to affect his firm’s credibility and future endeavors.

The majority states that the Lakin Law Firm must only follow the West Virginia Rules of Professional Conduct. This is an “empty” sanction because the firm is obligated to follow the rules of professional conduct simply because they exist.

I would have placed the same sanctions on the Lakin Law Firm that this Court placed on Mr. Lakin individually.

In this respect I dissent.