

Per Curiam:

West Virginia Mandatory Continuing Legal
Education Commission,
Petitioner

vs.) No. 34624

Patrick A. Bennett, Christopher A. Cafardi, Todd J.
Clark, Michael J. Dempster, Stephen R. Dolly, Kevin M.
Fitzpatrick, Kenneth J. Ford, Joseph T. Harvey, Roy C.
Howell, Paul R. Hutchinson, Jr., Zachary Z. Kinney,
Steven E. Klein, Robert A. Loch, A. Andrew
MacQueen, Robert M. Nunley, Terrence M. O'Brien,
Michal Ryan Pfeuffer, David E. Potters, Janice A.
Powell, Matthew R. Rawlings, David A. Riggi, Martin R.
Smith, Jr., Joseph E. Spradling, Craig L. Vandergrift,
Mark T. Wade, and Robert A. Wilson, Jr., Respondents

FILED

August 19, 2009
RORY L. PERRY II, CLERK
SUPREME COURT OF APPEALS
OF WEST VIRGINIA

This is a proceeding instituted by the West Virginia Mandatory Continuing Legal Education Commission (“Commission”) pursuant to Chapter VII, section 7.4 of the Rules and Regulations of The West Virginia State Bar, seeking the suspension of the license to practice law of one hundred and three active members of The West Virginia State Bar who failed to provide proof of compliance with the rules of this Court concerning mandatory continuing legal education, set forth in Chapter VII of the Rules and Regulations of The West Virginia State Bar. This Court issued a rule to show cause on December 18, 2008, returnable on April 8, 2009, why each of the one hundred and three lawyers should not be suspended from the practice of law for such noncompliance.

Subsequent to issuance of the rule to show cause, seventy-five respondents provided satisfactory proof of compliance with mandatory continuing legal education requirements

and were dismissed from the action. Two other individuals, William H. Duty and Joan A. Mooney, were dismissed from this action because their law licenses were annulled or suspended by the Court as the result of separate disciplinary proceedings. See *Lawyer Disciplinary Board v. William H. Duty*, 222 W.Va. 758, 671 S.E.2d 763 (November 25, 2008); and *Lawyer Disciplinary Board v. Joan A. Mooney*, 223 W.Va. 563, 678 S.E.2d 296 (February 27, 2009). Accordingly, the following twenty-six respondents remain: Patrick A. Bennett, Christopher A. Cafardi, Todd J. Clark, Michael J. Dempster, Stephen R. Dolly, Kevin M. Fitzpatrick, Kenneth J. Ford, Joseph T. Harvey, Roy C. Howell, Paul R. Hutchinson, Jr., Zachary Z. Kinney, Stephen E. Klein, Robert A. Loch, A. Andrew MacQueen, Robert M. Nunley, Terrence M. O'Brien, Michal Ryan Pfeuffer, David E. Potters, Janice A. Powell, Matthew R. Rawlings, David A. Riggi, Martin R. Smith, Jr., Joseph E. Spradling, Craig L. Vandergrift, Mark T. Wade, and Robert A. Wilson, Jr..

Pursuant to Chapter VII of the Rules and Regulations of The West Virginia State Bar, all active members of The West Virginia State Bar were required to complete twenty-four credit hours of approved continuing legal education, with at least three of those credit hours in the topical areas of legal ethics, office management, substance abuse and/or elimination of bias in the legal profession, between July 1, 2006 and June 30, 2008. Active members of The West Virginia State Bar admitted between July 1, 2006 and June 30, 2007 were required to complete twelve approved credit hours, with at least three of those credit hours in the topical areas of legal ethics, office management, substance abuse and/or elimination of bias in the legal profession, prior to June 30, 2008. The Commission required all attorneys to

report the completion of such requirements on or before July 31, 2008, by completing a reporting form mailed to all active members of The West Virginia State Bar by the Commission.

After the close of the two-year reporting period, on August 26, 2008, pursuant to Chapter VII, section 7.1 of the Rules and Regulations of The West Virginia State Bar, the Commission notified all of the respondents by letter that they were not in compliance with the reporting or minimum continuing legal education requirements, and further specified the manner in which each respondent had failed to comply.

Pursuant to Chapter VII, section 7.2 of the Rules and Regulations of The West Virginia State Bar, the Commission served a second notice upon respondents on October 23, 2008 by certified or registered mail, to the most recent address maintained in the record of The West Virginia State Bar. The second notice again advised each respondent of their noncompliance with the rules governing mandatory continuing legal education. The second notice specifically advised each respondent that the Commission would, after a thirty-day notice period, notify this Court of each respondent's noncompliance, and request that this Court suspend each respondent's license to practice law until such time as each respondent could demonstrate compliance with the mandatory continuing legal education requirements for the 2006 to 2008 reporting period.

Although each respondent had a thirty-day period after issuance of the second notice to demand a hearing before the Commission, none of the respondents requested such a hearing. Accordingly, on December 17, 2008, as is required by Chapter VII, section 7.4 of the Rules and Regulations of The West Virginia State Bar, the Commission instituted this action.

Upon review of the record, this Court finds that the Commission has complied with all the relevant procedural requirements of Chapter VII, section 7.4 of the Rules and Regulations of The West Virginia State Bar. This Court further finds that the remaining twenty-six respondents have failed to provide proof of compliance with the applicable mandatory continuing legal education requirements.

Accordingly, it is hereby ADJUDGED, ORDERED, and DECREED that the license to practice law in the State of West Virginia of each of the remaining respondents, namely: Patrick A. Bennett, Christopher A. Cafardi, Todd J. Clark, Michael J. Depster, Stephen R. Dolly, Kevin M. Fitzpatrick, Kenneth J. Ford, Joseph T. Harvey, Roy C. Howell, Paul R. Hutchinson, Jr., Zachary Z. Kinney, Stephen E. Klein, Robert A. Loch, A. Andrew MacQueen, Robert M. Nunley, Terrence M. O'Brien, Michal Ryan Pfeuffer, David E. Potters, Janice A. Powell, Matthew R. Rawlings, David A. Riggi, Martin R. Smith, Jr., Joseph E. Spradling, Craig L. Vandergrift, Mark T. Wade, and Robert A. Wilson, Jr., be, and hereby are, suspended, effective September 19, 2009, until such time as respondents shall have complied with the following: (1) the mandatory continuing legal education and

reporting requirements set forth in Chapter VII of the Rules and Regulations of The West Virginia State Bar, and (2) the financial penalties or other requirements imposed by the Commission through its Regulations. Upon completion of these requirements to the satisfaction of the Commission, each respondent's license shall be automatically reinstated unless the lawyer is under suspension for another reason or reasons.

It is finally ADJUDGED, ORDERED, and DECREED that the Clerk of the Court give notice of this ORDER to each of the twenty-six remaining respondents by certified mail, return receipts requested, to the most recent address of each of the respondents maintained on the records of The West Virginia State Bar, and as set forth in the petition filed with this Court on December 17, 2008.