

**STATE OF WEST VIRGINIA
SUPREME COURT OF APPEALS**

**West Virginia Mandatory Continuing Legal
Education Commission, Petitioner**

vs.) No. 11-0180

**J. Edward Agee, Rami M. Awadallah, Elizabeth D. Beall,
Woodrow H. Berry, Michael T. Blevins, Adam J. Bullian,
Chad D. Camper, F. Scott Caudill, Patrick K. Cavanaugh,
Mark P. Chaksupa, Gordon C. Chin, Todd J. Clark,
William B. Collins, John N. Cox, Amy S. Cunningham,
Catherine R. Dale, Jeffrey A. Davis, Vickie R. Dodd,
Marvin L. Downing, Michael A. Esposito, Charles W.
Ferguson, IV, Kenneth J. Ford, Eunice L. Green,
Joseph T. Harvey, Milton T. Herndon, Timothy D. Houston,
Donald R. Jarrell, Sandra L. Kozera, Gordon C. Lane,
Nicole L. Mangino, Michael V. Marlow, Joseph P. Montalto,
Brenton M. Morehead, Dennie S. Morgan, Jr., Gavin M.
O'Connor, L. Robert Pettini, David A. Riggi, William H.
Roberts, II, Michael E. Schmidt, Anthony F. Serreno,
Yahon L. Smith, Richard G. Solomon, Todd M. Sponseller,
Paul A. Tappert, J. Michael Weber, Jessica L. Wehrle,
Robert D. Williams, and David O. Williamson, Respondents**

FILED

July 8, 2011

released at 3:00 p.m.

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

MEMORANDUM DECISION

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 thirteen 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 February 1, 2011, returnable on June 17, 2011, why each of the one hundred and thirteen lawyers should not be suspended from the practice of law for such noncompliance.

Subsequent to issuance of the rule to show cause, sixty-five respondents provided satisfactory proof of compliance with mandatory continuing legal education requirements and were dismissed from the action. Accordingly, the following forty-eight respondents remain: J. Edward Agee, Rami M. Awadallah, Elizabeth D. Beall, Woodrow H. Berry, Michael T. Blevins, Adam J. Bullian, Chad D. Camper, F. Scott Caudill, Patrick K. Cavanaugh, Mark P. Chaksupa, Gordon

C. Chin, Todd J. Clark, William B. Collins, John N. Cox, Amy S. Cunningham, Catherine R. Dale, Jeffrey A. Davis, Vickie R. Dodd, Marvin L. Downing, Michael A. Esposito, Charles W. Ferguson, IV, Kenneth J. Ford, Eunice L. Green, Joseph T. Harvey, Milton T. Herndon, Timothy D. Houston, Donald R. Jarrell, Sandra L. Kozera, Gordon C. Lane, Nicole L. Mangino, Michael V. Marlow, Joseph P. Montalto, Brenton M. Morehead, Dennie S. Morgan, Jr., Gavin M. O'Connor, L. Robert Pettini, David A. Riggi, William H. Roberts, II, Michael E. Schmidt, Anthony F. Serreno, Yahon L. Smith, Richard G. Solomon, Todd M. Sponseller, Paul A. Tappert, J. Michael Weber, Jessica L. Wehrle, Robert D. Williams, and David O. Williamson.

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, 2008 and June 30, 2010. Active members of The West Virginia State Bar admitted between July 1, 2008 and June 30, 2009 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, 2010. The Commission required all attorneys to report the completion of such requirements on or before July 31, 2010, 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 September 14, 2010, 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 29, 2010 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 2008 to 2010 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 January 27, 2011, 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 forty-eight 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: J. Edward Agee, Rami M. Awadallah, Elizabeth D. Beall, Woodrow H. Berry, Michael T. Blevins, Adam J. Bullian, Chad D. Camper, F. Scott Caudill, Patrick K. Cavanaugh, Mark P. Chaksupa, Gordon C. Chin, Todd J. Clark, William B. Collins, John N. Cox, Amy S. Cunningham, Catherine R. Dale, Jeffrey A. Davis, Vickie R. Dodd, Marvin L. Downing, Michael A. Esposito, Charles W. Ferguson, IV, Kenneth J. Ford, Eunice L. Green, Joseph T. Harvey, Milton T. Herndon, Timothy D. Houston, Donald R. Jarrell, Sandra L. Kozera, Gordon C. Lane, Nicole L. Mangino, Michael V. Marlow, Joseph P. Montalto, Brenton M. Morehead, Dennie S. Morgan, Jr., Gavin M. O'Connor, L. Robert Pettini, David A. Riggi, William H. Roberts, II, Michael E. Schmidt, Anthony F. Serreno, Yahn L. Smith, Richard G. Solomon, Todd M. Sponseller, Paul A. Tappert, J. Michael Weber, Jessica L. Wehrle, Robert D. Williams, and David O. Williamson, be, and hereby are, suspended, **effective August 8, 2011**, 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 MEMORANDUM DECISION to each of the forty-eight 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 January 27, 2011.

Law Licenses Suspended.

ISSUED: July 8, 2011

CONCURRED IN BY:

Chief Justice Margaret L. Workman
Justice Robin Jean Davis
Justice Brent D. Benjamin
Justice Menis E. Ketchum
Justice Thomas E. McHugh