

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

**FILED**  
**July 8, 2019**  
EDYTHE NASH GAISER, CLERK  
SUPREME COURT OF APPEALS  
OF WEST VIRGINIA

**WEST VIRGINIA CONTINUING LEGAL EDUCATION COMMISSION,  
Petitioner**

vs.) **No. 19-0183**

**MICHAEL ANTHONY AUBELE, NATHAN CHRISTOPHER CHAPMAN,  
SHANAZ CHOWDHURY, JAMIE LYNN CROFTS, JEFFERY A. DAVIS,  
AARON M. DORFZAUN, DAVID PETER DUCATMAN,  
JOHN MARSHALL MCATEER ENOS, BARBARA L. FREEDY,  
MCGINNIS E. HATFIELD JR., JACK L. HICKOK,  
T. DAVID HIGGINS JR., RICHARD JOSEPH KABBERT,  
JOHN A. KINCAID JR., DAVID MORGAN LAIGN II,  
JAMES CARMICHAEL NACE, SAMUEL WESLEY PETERSON,  
JAMES M. PIERSON, CHADRICK RAY PORTER,  
JOSEPH ANDREW RAMSER, JULIET W. RUNDLE,  
AMANDA HATFIELD SEE, TIMOTHY SHAWN SMITH,  
B. LUKE STYER, MICHAEL ALAN TURKALY, GREGORY BLAIR TURPIN,  
EMILY JANE WAGNER, and AMANDA MCDONALD WISELEY,  
Respondents**

**MEMORANDUM DECISION**

This is a proceeding initiated on March 1, 2019, by the West Virginia Mandatory Continuing Legal Education Commission (“Commission”) under Chapter VII, §7.4 of the Rules and Regulations of the West Virginia State Bar, seeking the suspension of the license to practice law of fifty-nine active members of the West Virginia State Bar who failed to provide proof of compliance with this Court’s rules concerning mandatory continuing legal education. On March 4, 2019, this court issued a rule to show cause, returnable May 28, 2019, commanding and directing each respondent to show cause as to why each of the respondent lawyers should not be suspended from the practice of law for such noncompliance. The rule to show cause order was sent by certified mail, return receipt requested, to each of the respondents.

After the rule to show cause, thirty-one respondents were dismissed from the action for providing satisfactory proof of compliance with mandatory continuing legal education requirements or for other reasons. Still, twenty-eight respondents remain: Michael Anthony Aubele, Nathan Christopher Chapman, Shanaz Chowdhury, Jamie Lynn Crofts, Jeffrey A. Davis, Aaron M. Dorfzaun, David Peter Ducatman, John Marshall McAteer Enos, Barbara L. Freedy,

McGinnis E. Hatfield Jr., Jack L. Hickok, T. David Higgins Jr., Richard Joseph Kabbert, John A. Kincaid Jr., David Morgan Laign II, James Carmichael Nace, Samuel Wesley Peterson, James M. Pierson, Chadrick Ray Porter, Joseph Andrew Ramser, Juliet W. Rundle, Amanda Hatfield See, Timothy Shawn Smith, B. Luke Styer, Michael Alan Turkaly, Gregory Blair Turpin, Emily Jane Wagner, and Amanda McDonald Wiseley.

Under 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, 2016, and June 30, 2018. Active members of the West Virginia State Bar admitted between July 1, 2016, and June 30, 2017, were required to complete twelve approved credit hours, with at least three of those credit areas in the topical areas of legal ethics, office management, substance abuse and/or elimination of bias in the legal profession prior to June 30, 2018. All attorneys are required to report the completion of such requirements on or before July 31, 2018. Members were encouraged to report credits online through the state bar membership portal.

In accordance with Chapter VII, §7.1 of the Rules and Regulations of the West Virginia State Bar, on July 17, 2018, the Commission notified respondents by e-mail that they were not in compliance with the reporting of minimum continuing legal education requirements, and further specified the manner in which each respondent had failed to comply. For members without an e-mail on file, a transcript showing their credits, reporting period information, and requirements were mailed to the address on file.

Finally, as required by Chapter VII, §7.2 of the Rules and Regulations of the West Virginia State Bar, the Commission served a second notice upon respondents on January 18, 2019, by certified mail, to the most recent address maintained in the records 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 2016 to 2018 reporting period.

Although each respondent had a thirty-day period after issuance of the second notice to demand a hearing before the Commission, no respondent did so. On March 1, 2019, the Commission instituted this action.

Upon review of the attachments to the petition, this Court finds that the Commission has complied with all relevant procedural requirements of Chapter VII, §7.4 of the Rules and Regulations of the West Virginia State Bar. This Court further finds that the remaining twenty-eight respondents have failed to provide proof of compliance with the applicable mandatory continuing legal education requirements despite having received numerous notices from the

Commission and this Court, and despite having ample opportunity to comply with the 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 following respondents namely — Michael Anthony Aubele, Nathan Christopher Chapman, Shanaz Chowdhury, Jamie Lynn Crofts, Jeffrey A. Davis, Aaron M. Dorfzaun, David Peter Ducatman, John Marshall McAteer Enos, Barbara L. Freedy, McGinnis E. Hatfield Jr., Jack L. Hickok, T. David Higgins Jr., Richard Joseph Kabbert, John A. Kincaid Jr., David Morgan Laign II, James Carmichael Nace, Samuel Wesley Peterson, James M. Pierson, Chadrick Ray Porter, Joseph Andrew Ramser, Juliet W. Rundle, Amanda Hatfield See, Timothy Shawn Smith, B. Luke Styer, Michael Alan Turkaly, Gregory Blair Turpin, Emily Jane Wagner, and Amanda McDonald Wiseley — be, and hereby are, suspended, **effective immediately**, 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 Court give notice of this MEMORANDUM DECISION to each of the remaining twenty-eight respondents by first-class mail 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 March 1, 2019. The Clerk is further directed to issue the mandate in this action forthwith.

Law Licenses Suspended.

**ISSUED: July 8, 2019**

**CONCURRED IN BY:**

Chief Justice Elizabeth D. Walker  
Justice Margaret L. Workman  
Justice Tim Armstead  
Justice Evan H. Jenkins  
Justice John A. Hutchison