

Per Curiam:

West Virginia Mandatory Continuing Legal
Education Commission,
Petitioner

vs.) No. 32489

William E. Adams, P. Lee Clay, Patrick M. Connelly,
Leonard A. Costa, Jr., Stephen J. Del Sole, Michael J.
Dempster, Stephen R. Dolly, John D. Dzija, Stephen R.
Fielder, F. Oscar Hines, Stephie-Anna Kapourales,
Karen M. Kobily, David L. Lahr, Dulcie R. McCutcheon,
Thomas M. Munchmeyer, Kerry A. Nessel, Anthony J.
Sparacino, Jr., Jeffrey T. Srittmatter, James L. Welsh, III,
Respondents

FILED
July 25, 2005
released at 3:00 p.m.
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 eighty-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. After the initiation of this action, two of the original eighty-three active members provided satisfactory proof of compliance with the mandatory continuing legal education requirements and were dismissed from the action. This Court issued a rule to show cause on December 20, 2004, returnable on March 23, 2005, why each of the eighty-one lawyers should not be suspended from the practice of law for such noncompliance.

Subsequent to issuance of the rule to show cause, sixty respondents provided

satisfactory proof of compliance with mandatory continuing legal education requirements and were dismissed from the action. Two other individuals, Keith Wheaton and Kevin Wade, were dismissed from this action because their law licenses were annulled by the Court as the result of separate disciplinary proceedings. *See Lawyer Disciplinary Board v. Keith Wheaton*, 216 W.Va. 673, 610 S.E.2d 8 (November 12, 2004); and *Lawyer Disciplinary Board v. Kevin Wade*, No. 31613, 2005 WL 1266419 (May 26, 2005). Accordingly, the following nineteen respondents remain: William E. Adams, P. Lee Clay, Patrick M. Connelly, Leonard A. Costa, Jr., Stephen J. Del Sole, Michael J. Dempster, Stephen R. Dolly, John D. Dzija, Stephen R. Fielder, F. Oscar Hines, Stephie-Anna Kapourales, Karen M. Kobily, David L. Lahr, Dulcie R. McCutcheon, Thomas M. Munchmeyer, Kerry A. Nessel, Anthony J. Sparacino, Jr., Jeffrey T. Srittmatter, and James L. Welsh, III.

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, 2002 and June 30, 2004. Active members of The West Virginia State Bar admitted between July 1, 2002 and June 30, 2003 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, 2004. The Commission required all attorneys to

report the completion of such requirements on or before July 31, 2004, 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, 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 22, 2004 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 2002 to 2004 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 15, 2004, 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 nineteen 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: William E. Adams, P. Lee Clay, Patrick M. Connelly, Leonard A. Costa, Jr., Stephen J. Del Sole, Michael J. Dempster, Stephen R. Dolly, John D. Dzija, Stephen R. Fielder, F. Oscar Hines, Stephie-Anna Kapourales, Karen M. Kobily, David L. Lahr, Dulcie R. McCutcheon, Thomas M. Munchmeyer, Kerry A. Nessel, Anthony J. Sparacino, Jr., Jeffrey T. Srittmatter, James L. Welsh, III, be, and hereby are, suspended, **effective August 24, 2005**, 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 eleven 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 15, 2004.