

Per Curiam:

West Virginia Mandatory Continuing Legal
Education Commission, Petitioner

vs.) No. 33283

Danny W. Barie, Allen F. Bildstein, Raymond D.
Brown, James P. Campbell, Gordon C. Chin,
Leonard S. Coleman, Norman A. Coliane, Stephen
R. Dolly, Deborah H. Eddy, Bonnie S. Fleming,
James P. Hanratty, James W. Harkness, Paul D.
Heironimus, C. Peter Hitson, Millard E. Jewell, M.
Todd Kiger, Kenneth S. Komoroski, Amy L.J.
Lewis, Robert A. Loch, Michael V. Marlow, Lori J.
Mason, Angus E. Peyton, Michael S. Pytel, Paul W.
Roman, John G. Sfarnas, Roman A. Shaul, Robert
J. Shostak, Matthew H. Smith, Anthony J.
Sparacino, Stephen G. Test, Perry B. Thompson,
Mark T. Wade, and Eugene E. Webb, III,
Respondents

FILED

July 3, 2007

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 103 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, one of the original 103 active members provided satisfactory proof of compliance with the mandatory continuing legal education requirements and was dismissed from the action. This Court issued a rule to show cause on January 10, 2007, returnable on May 22, 2007, why each of the 102 lawyers should not be suspended from the practice of law for such noncompliance.

Subsequent to issuance of the rule to show cause, sixty-eight respondents provided satisfactory proof of compliance with mandatory continuing legal education requirements and were dismissed from the action. One other individual, John W. Askintowicz, III, was dismissed from this action because his law license was annulled by the Court as the result of separate disciplinary proceedings. See *Lawyer Disciplinary Board v. John W. Askintowicz* (February 28, 2007). Accordingly, the following thirty-three respondents remain: Danny W. Barie, Allen F. Bildstein, Raymond D. Brown, James P. Campbell, Gordon C. Chin, Leonard S. Coleman, Norman A. Coliane, Stephen R. Dolly, Deborah H. Eddy, Bonnie S. Fleming, James P. Hanratty, James W. Harkness, Paul D. Heironimus, C. Peter Hitson, Millard E. Jewell, M. Todd Kiger, Kenneth S. Komoroski, Amy L.J. Lewis, Robert A. Loch, Michael V. Marlow, Lori J. Mason, Angus E. Peyton, Michael S. Pytel, Paul W. Roman, John G. Sfarnas, Roman A. Shaul, Robert J. Shostak, Matthew H. Smith, Anthony J. Sparacino, Stephen G. Test, Perry B. Thompson, Mark T. Wade, and Eugene E. Webb, 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, 2004 and June 30, 2006. Active members of The West Virginia State Bar admitted between July 1, 2004 and June 30, 2005 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, 2006. The Commission required all attorneys to report the completion of such requirements on or before July 31, 2006, 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 25, 2006 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 2004 to 2006 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, 2006, 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: Danny W. Barie, Allen F. Bildstein, Raymond D. Brown, James P. Campbell, Gordon C. Chin, Leonard S. Coleman, Norman A. Coliane, Stephen R. Dolly, Deborah H. Eddy, Bonnie S. Fleming, James P. Hanratty, James W. Harkness, Paul D. Heironimus, C. Peter Hitson, Millard E. Jewell, M. Todd Kiger, Kenneth S. Komoroski, Amy L.J. Lewis, Robert A. Loch,

Michael V. Marlow, Lori J. Mason, Angus E. Peyton, Michael S. Pytel, Paul W. Roman, John G. Sfarnas, Roman A. Shaul, Robert J. Shostak, Matthew H. Smith, Anthony J. Sparacino, Stephen G. Test, Perry B. Thompson, Mark T. Wade, and Eugene E. Webb, III, be, and hereby are, suspended, **effective August 2, 2007**, 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 January 9, 2007.