

**IN THE SUPREME COURT OF APPEALS
OF WEST VIRGINIA**

SCA EFiled: Jul 20 2026
04:00PM EDT
Transaction ID 80079115

**In re: Petition for Reinstatement of
JARRELL LEE CLIFTON, II**

No. 24-330

**PETITIONER'S BRIEF IN SUPPORT OF
PETITION FOR REINSTATEMENT**

Petitioner, *appearing pro se*,
Jarrell Lee Clifton, II
1010 3rd Ave
Marlinton, WV 24954
(304) 651-6699
clifton_jl@yahoo.com

TABLE OF CONTENTS

TABLE OF AUTHORITIES	3
1. STATEMENT OF THE CASE.....	5
I. PROCEDURAL HISTORY.....	5
II. STATEMENT OF FACTS.....	6
III. TESTIMONIALS.....	8
IV. HEARING.....	14
2. SUMMARY OF ARGUMENT.....	15
3. STATEMENT REGARDING ORAL ARGUMENT AND DECISION.....	17
4. ARGUMENT	18
I. STANDARD FOR REINSTATEMENT.....	18
II. PETITIONER HAS SATISFIED THE BURDEN OF PROVING BY CLEAR AND CONVINCING EVIDENCE THAT HE POSSESSES THE INTEGRITY, MORAL CHARACTER, AND LEGAL COMPETENCE TO RESUME THE PRACTICE OF LAW	19
III. PETITIONER HAS DEMONSTRATED A RECORD OF REHABILITATION SUCH THAT THERE IS LITTLE LIKELIHOOD HE WILL ENGAGE IN UNPROFESSIONAL CONDUCT IF REINSTATED.....	29
IV. PETITIONER'S REINSTATEMENT WILL NOT HAVE A JUSTIFIABLE AND SUBSTANTIAL ADVERSE EFFECT ON PUBLIC CONFIDENCE IN THE ADMINISTRATION OF JUSTICE.....	35
5. CONCLUSION.....	38

TABLE OF AUTHORITIES

Cases:

Comm. on Legal Ethics of W. Va. State Bar v. Farber

185 W. Va. 522, 408 S.E.2d 274 (1991).....19, 21, 29

In re Brown

166 W. Va. 226, 273 S.E.2d 567 (1980).....18, 35, 36

In re Kohout Petition for Petition for Reinstatement

919 S.E.2d 72 (W. Va. 2025).....15, 18, 19, 20, 21, 25, 26

In re Petition for Petition for Reinstatement of Drake

242 W. Va. 65, 829 S.E.2d 267 (2019).....18, 34

In re Smith

214 W. Va. 83, 585 S.E.2d 602 (1980).....36

In re Wheaton

254 W. Va. 199, 858 S.E.2d 662 (2021).....18, 19, 20, 35

Lawyer Disciplinary Bd. v. Blevins

222 W. Va. 653, 671 S.E.2d 658 (2008).....18

Lawyer Disciplinary Bd. v. Hart

241 W. Va. 69, 818 S.E.2d 895 (2018).....18

Lawyer Disciplinary Bd. v. Hess

201 W. Va. 192, 495 S.E.2d 563 (1997).....19, 21, 29

Lawyer Disciplinary Bd. v. Moore

214 W. Va. 780, 591 S.E.2d 338 (2003).....15, 19, 20, 21, 25, 26

Lawyer Disciplinary Bd. v. Sayre

207 W. Va. 654, 535 S.E.2d 719 (2000).....19, 21, 29, 34

Lawyer Disciplinary Bd. v. Vieweg

194 W. Va. 554, 461 S.E.2d 60 (1995).....18, 19, 35

West Virginia Statutes and Rules:

R. of Appellate Proc.	Rule 19.....	17
R. of Appellate Proc.	Rule 26.....	5
R. of Law. Disc. Proc.	Rule 3.28.....	23
R. of Law. Disc. Proc.	Rule 3.32.....	28, 35
R. of Law. Disc. Proc.	Rule 3.33.....	25, 26, 27, 35
R. of Law. Disc. Proc.	Rule 3.33 (c).....	6
R. of Professional Conduct	Rule 1.7(b).....	7, 8
R. of Professional Conduct	Rule 8.1(a).....	7, 8
R. of Professional Conduct	Rule 8.4(b).....	7, 8
R. of Professional Conduct	Rule 8.4(c).....	7, 8
R. of Professional Conduct	Rule 8.4(d).....	7, 8
W. Va. State Code	§ 51-1-4a.....	27, 37

STATEMENT OF THE CASE

I. Procedural History

Petitioner Jarrell L. Clifton, II, (hereinafter "Petitioner" or "Mr. Clifton") was admitted to the West Virginia State Bar on November 6, 2007. On November 18, 2015, the Supreme Court of Appeals of West Virginia issued an opinion annulling Petitioner's law license due to his intentional and repeated violations of the Rules of Professional Conduct. Pursuant to Rule 26 of the Rules of Appellate Procedure, Petitioner's law license was annulled by Mandate issued December 22, 2015. Petitioner was ordered to pay costs of \$7,471.30.

On or about June 12, 2024, Petitioner filed with the Supreme Court of Appeals of West Virginia his Petition for Reinstatement [Jt. Ex. 1], and the Office of Lawyer Disciplinary Counsel (hereinafter "ODC") commenced an investigation thereof. The ODC reviewed Petitioner's Petition, his completed Reinstatement Questionnaire and additional documents provided therewith, and the file from the underlying disciplinary matter. The ODC obtained Petitioner's state and federal criminal background records. The ODC also obtained copies of Petitioner's federal tax returns for the years 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, and 2023 as well as his state tax returns for the years 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022 and 2023. Lawyer Disciplinary Counsel took Petitioner's sworn statement on January 30, 2025. A legal advertisement soliciting written public comments regarding Petitioner's reinstatement petition was published in, *both*, the Hinton News *and* the Inter-Mountain on September 18, 2024, September 25, 2024, and October 2, 2024, and in The Pocahontas Times, of Marlinton, West Virginia, on September 19, 2024, September 26, 2024, and October 3, 2024. [Jt. Ex. 9] ODC received ten (10) letters in support of Petitioner's reinstatement, and ODC received no letters in opposition.

On May 14, 2026, the Hearing Panel Subcommittee (“HPS”) of the Lawyer Disciplinary Board, by its Chair Charles R. Steele, under Rule 3.33(c) of the Rules of Lawyer Disciplinary Procedure, filed with the Court its written report and recommendation, recommending that the petition be denied. On May 21, 2026, the ODC, by counsel Kristin P. Halkias, filed a response consenting to the HPS Report. On May 22, 2026, the petitioner filed a response to the report, objecting to the HPS Report and requesting a hearing on the matter under Rule 3.33(c) of the Rules of Lawyer Disciplinary Procedure. This brief is submitted in support of Petitioner's request for reinstatement.

II. Statement of Facts

Petitioner was raised in Marlinton, West Virginia, and graduated from Marshall University in 1991. Following graduation, Petitioner was waitlisted at the West Virginia University College of Law and he enlisted in the United States Army. Petitioner joined the Army National Guard in the spring of 1992 and was placed on inactive Ready Reserves for the remainder of his eight-year commitment.

During that time, Petitioner began working as a law enforcement officer for the Marlinton Police Department, and later transferred to the Pocahontas County Sheriff's Department, where he focused on drug-related matters. He left law enforcement and worked for Child Protective Services for two years before leaving to attend law school in 2004.

Petitioner graduated from the West Virginia University College of Law in 2007, passed the bar exam and, after a slight delay due to the bankruptcy on his record, became a member of the West Virginia State Bar on November 6, 2007. While in law school, Petitioner met his current wife, Kim O'Brien from Pineville, WV, and they were married on March 19, 2009.

Petitioner was hired as a part-time assistant prosecutor, by then Pocahontas County Prosecuting Attorney Walter Weiford, at which time he handled magistrate court cases. He was later hired as a full-time assistant prosecutor by former Pocahontas County Prosecuting Attorney Donna Price, at which time he primarily handled abuse and neglect and juvenile cases.

In 2010, Petitioner unsuccessfully ran for County Commission and left the prosecutor's office in early 2011 to work in private practice for Mike Doss, a local sole practitioner. Petitioner worked for Mr. Doss until his indictment in August of 2012.

Petitioner served as an assistant prosecuting attorney for Pocahontas County during the time which the underlying misconduct occurred. Petitioner was indicted on two counts of sexual assault in the second degree and two counts of imposition of sexual intercourse on an incarcerated person. Petitioner self-reported the indictment to the ODC. The ODC opened a complaint regarding this matter on August 8, 2012, and the disciplinary proceedings were stayed pending the resolution of the criminal matter. The criminal charges against Petitioner were dismissed with prejudice on January 8, 2013, and the stay on the disciplinary proceedings was subsequently lifted.

Following the dismissal of the criminal case, the ODC renewed its request for a response, which was filed by Petitioner. A disciplinary proceeding was instituted against Petitioner by the Office of Disciplinary Counsel after a statement of charges by the Lawyer Disciplinary Board ("LDB") dated November 5, 2013, was submitted. A hearing was held on November 10 and 11, 2014 before the HPS of the LDB. The HPS found that the Petitioner had engaged in unethical conduct with three women while he was an Assistant Prosecutor. The unethical conduct occurred in the Petitioner's office while he was serving as an Assistant Prosecutor Attorney. The HPS determined that Petitioner's unethical conduct violated Rules 1.7(b), 8.1(a), 8.4(b), 8.4(c),

and 8.4(d) of the West Virginia Rules of Professional Conduct, and recommended a two (2) year suspension of Petitioner's Law License. By Order of the Supreme Court of Appeals of West Virginia submitted on October 6, 2015, and filed on November 18, 2015, with Justice Benjamin delivering the Opinion, Petitioner's Law License was Annulled for violating Rules 1.7(b), 8.1(a), 8.4(b), 8.4(c), and 8.4(d) of the West Virginia Rules of Professional Conduct. More specifically, the Supreme Court of Appeals of West Virginia issued an opinion annulling Petitioner's law license due to his intentional and repeated violations of the Rules of Professional Conduct, all while serving in a position of trust representing the State of West Virginia and other clients. The opinion became final and Petitioner's law license was annulled by Mandate issued December 22, 2015, and Petitioner was ordered to pay costs of \$7,471.30. Petitioner made payment of those costs in full on the 15th day of June 2021.

On or about June 12, 2024, Petitioner filed with the Supreme Court of Appeals of West Virginia his Petition for Reinstatement.

III. Testimonials

The following individuals have provided written testimonials, describing Petitioner's character and ethical fitness for the practice of law. [Jt. Ex. 21]

A. Brian Smith

Brian Smith, lives in Marlinton and testified on behalf of Petitioner and also sent in a letter dated October 28, 2024. Mr. Smith said he met Petitioner in 2016 or 2017 when their kids were on the same soccer team, and they are now close friends. He has served in the local Cub Scout group together with Petitioner, as well as continuing to connect in the local soccer program. Mr. Smith says that his family has become very close friends with the Petitioner's family. He says that in the time that he has known Petitioner, he has only known him to be a man

of high character and proud to call a friend, and he states with certainty that Petitioner is not the same man he was before they met. Mr. Smith said he has never asked Petitioner for details regarding his past misconduct, but that both he and Petitioner have strong faith and that he hopes that Petitioner is judged as the man he knows him to be, rather than for his past mistakes. In conclusion, Mr. Smith offers that in the time he has known Petitioner, he has come to appreciate his connection to his faith and the life that Petitioner lives out daily based on his beliefs. Mr. Smith hopes that those involved in reviewing this case will judge Petitioner based on who he is now.

B. Mark and Terry Wagner

Mark and Terry Wagner, both from Marlinton, sent in a letter dated October 28, 2024, wherein they indicated they have known Petitioner for approximately forty (40) years. Mr. Mark Wagner, as a local retail grocery store manager, worked closely with Petitioner who has volunteered for the local food pantry. He has also observed him as a coach for elementary and middle school aged children, showing a commitment to serving the community and families, as well as a leader for a men's bible study group that he attended. Mr. Wagner offered that Petitioner gives back to the community with humble commitment and integrity. Mrs. Terry Wagner worked with Petitioner in his volunteer role on the Board of Trustees for the Pocahontas Memorial Hospital. Mrs. Wagner was the chief operations officer during this time until her retirement. She attended board meetings and served on committees with Petitioner and always found him to be focused and gathering all the information prior to voicing his opinions with a concern to make the best decisions for all involved. Mrs. Wagner further says that Petitioner put in countless hours educating himself and researching issues to guide his decisions. She believes Petitioner is truly committed to serving his community and has gained the respect of those

witnessing his efforts. The Wagners have observed the Petitioner as a father, husband and friend, and state that he and his wife have worked to build a strong family connection with their 3 children and they have instilled strong values and encouraged healthy interactions in them. They fully support Petitioner's petition to reinstate his law license.

C. Julie McNabb

Julie McNabb, *whose husband, Andrew McNabb*, sent a letter received by ODC on October 31, 2024. Mrs. McNabb said she has known Petitioner and his family for the majority of her adult life, and that he has been a friend and support system. Mrs. McNabb states that Petitioner has an amazing family and that he is an excellent member of the community. She believes that Petitioner has repented of his sins and that he exhibits good morals, and that he is bringing up his three kids according to God's Word. Mrs. McNabb also attends church where Petitioner is the lay speaker, that he coaches basketball and soccer for your people in his neighborhood, while also being a member of the Board of the Pocahontas Memorial Hospital. She reports that Petitioner volunteers countless hours supporting Pocahontas County and the community in which he lives. Mrs. McNabb believes restoring his law license would help his family, and he should be given another chance.

D. Michael R. Johnson

Michael R. Johnson, of Marlinton, sent a letter dated October 28, 2024, wherein he said he is a close friend of Petitioners. Mr. Johnson states that he is fully aware of Petitioner's behavior that resulted in the annulment of his law license and believes that annulment was an appropriate punishment for such egregious behavior, and that Petitioner has paid a steep price as a result. Mr. Johnson believes in redemption and spoke highly of Petitioner's wife and three children and his involvement in their church. Mr. Johnson submits that Petitioner is now the

consummate family man, totally devoted to his family and to live a Christian lifestyle, and is the picture of redemption. Mr. Johnson believes annulment of Petitioner's license was an appropriate punishment, and that Petitioner has paid a steep price. He also believes in redemption and second chances and he supports Petitioner's reinstatement petition.

E. Randall and Kathy Irvine

Randall and Kathy Irvine, both of Marlinton, sent a letter received by ODC on October 31, 2024. The Irvines shared that Petitioner was their legal counsel in the placement of their grandson with them as a foster placement, and ultimately adoption, until he lost his law license. They said they do not know the details surrounding the loss of his license, however for the last nearly 9 years they have observed Petitioner being active in the lives of his children and his community, including his serving on the Board of Trustees of Pocahontas Memorial Hospital. The Irvines believe the community would benefit by having Petitioner available to serve as legal counsel.

F. Samuel Mitchell

Samuel Mitchell, who owns and operates Mitchell Chevrolet in Marlinton, sent a letter dated October 30, 2024. He said he has known Petitioner and his family for fifty plus years and that Petitioner has always been a good citizen of Pocahontas County but not without making some mistakes. Mr. Mitchell goes on to say that he has witnessed tremendous growth in him over the past eight to ten years, and that Petitioner has become the kind of man that all parents would want to call their own. Mr. Mitchell says that Petitioner's growth in the community, church, as a husband and a father has been vast, and he believes Petitioner has paid his dues and deserves a second chance to continue his legal career and truly believes that the Petitioner's legal service would be a huge asset to our community and state.

G. Clint Carte

Clint Carte, *who also testified*, lives in Charleston and sent a letter dated November 1, 2024, wherein he shared that he is a criminal defense lawyer practicing in Charleston. He said he first met Petitioner when they attended law school and again in 2014 when Mr. Carte worked briefly as a public defender in Marlinton. Mr. Carte states that the Petitioner encouraged him to become more involved in the community. Mr. Carte considers the Petitioner a friend and that he has followed Petitioner's progress as he stayed involved in non-lawyer work, his church and serving his community. Mr. Carte acknowledged Petitioner made mistakes but has been actively engaged in the process of rehabilitation since that time and improving himself and his community. Mr. Carte further submits that Pocahontas County is a rural area that would benefit from Petitioner's reinstatement and the work he has done since the time of his annulment merits that second chance.

H. Phillip Anderson

Phillip Anderson, Marlinton Elementary School Principal, sent a letter received by ODC on November 4, 2024. He said Petitioner was the LSIC President for Marlinton Elementary School from 2016 to 2023, and that he has always been an advocate for the children. Mr. Anderson also noted that Petitioner spearheaded the building of a bus stop pavilion for the front of the school. He said that Petitioner sought funding and approval for the project. He said that Petitioner coaches boys and girls basketball at the Marlinton Elementary School, teaching players fundamentals of the game and life lessons. Mr. Anderson considers Petitioner a role model to the youth of the community through providing leadership to our youth. Mr. Anderson goes on to say that Petitioner and his wife, are raising their three children with moral values

consisting of honesty, integrity and respect for themselves as well as others. Finally, Mr. Anderson believes the community would benefit from Petitioner being reinstated.

I. Shelley Clark

Shelley Clark, who was later identified as Petitioner's first wife, sent a letter dated October 28, 2024, wherein she said she has known Petitioner since childhood. She said that although she does not know the charges and consequences of the initial investigation, she has intimate knowledge into the person Petitioner is today and further asserts that is the person that should be considered. Petitioner is recognized as a spiritual leader for others. Petitioner has made noticeable changes to include refraining from alcohol and friendships that would jeopardize his family life. Further, Petitioner is deeply rooted in his faith and making decisions based on biblical morals. Ms. Clark has great confidence in who Petitioner is today and believes he should be reinstated so that he may be able to impact the community positively as a leader, showing a renewed love of order and honesty and lawful practices. Ms. Clark asks the hearing panel to be open-minded and creative in affording Petitioner the opportunity to receive his law license.

J. Lloyd Arbogast

Lloyd Arbogast, of Buckeye, West Virginia, sent a letter dated October 18, 2024, wherein he stated that he has been a close friend of Petitioner's for the past five (5) years and finds him to be a reputable person. He said Petitioner is involved in sports, the 4-H club and active in his church. He went on to say that Petitioner takes good care of his wife and children, and that he would trust him to handle his legal affairs.

IV. Hearing

During the hearing held before the Hearing Panel Subcommittee on January 14, 2026, Petitioner called six (6) witnesses to testify on his behalf. These witnesses represent a true cross section of the witnesses available to him; as three are male and three are female, three knew the Petitioner prior to his losing his license while three did not know him until after the loss of his license, two of the witnesses are practicing attorneys while four witnesses are lay persons with various backgrounds and community involvement and represent the sentiment of Pocahontas County and the State of West Virginia. Petitioner also testified at the hearing, with all witnesses subject to cross examination as well as questions from the Hearing Panel Members. The ODC presented no witnesses.

All witnesses called, when asked whether Petitioner possesses the integrity to assume the practice of law, answered with unwavering certainty that the Petitioner does indeed possess integrity to practice law.

All witnesses called, when asked whether Petitioner possesses the moral character to assume the practice of law, again, answered with unwavering certainty that the Petitioner does indeed possess the moral character to practice law.

All witnesses called, when asked whether Petitioner possesses the legal competence to assume the practice of law, again, answered with unwavering certainty that the Petitioner does indeed possess the legal competence to practice law.

All witnesses called, when asked whether Petitioner's reinstatement would have an adverse effect on the public's confidence in the administration of justice, answered with unwavering certainty that the Petitioner's reinstatement to practice law would not have an adverse effect on the public's confidence in the administration of justice.

All witnesses called, when asked whether there is any likelihood of the person Petitioner is today engaging in unprofessional conduct, answered with unwavering certainty that there is no likelihood of Petitioner engaging in unprofessional conduct.

SUMMARY OF ARGUMENT

This Court has identified five factors to evaluate whether a petitioner seeking reinstatement has adequately proven the criteria for reinstatement: (1) the nature of the original offense for which the petitioner was disciplined, (2) the petitioner's character, maturity, and experience at the time of discipline, (3) the petitioner's occupations and conduct in the time since discipline, (4) the time elapsed since the discipline, and (5) the petitioner's present competence in legal skills. In re Kohout Petition for Reinstatement, 919 S.E.2d 72 (W. Va. 2025); Lawyer Disciplinary Bd. v. Moore, 214 W. Va. 780, 591 S.E.2d 338 (2003). These factors inform whether the petitioner has met his burden of showing that he now possesses the integrity, moral character, and legal competence to resume the practice of law, demonstrating a record of rehabilitation, and providing sufficient evidence for this Court to conclude that reinstatement will not have a substantial adverse effect on the public confidence in the administration of justice. In re Kohout Petition for Reinstatement, 919 S.E.2d 72 (W. Va. 2025).

Here, the five factors strongly militate in favor of reinstating Petitioner's law license. First, while there is simply no denying the seriousness of Petitioner's original offense, as one notable thinker put it, "no one should be judged by the worst moment of his life." Second, at the time of the underlying misconduct, Petitioner was a completely lost soul without a moral compass; this drove his horrible actions. Third, since discipline, Petitioner has engaged in comprehensive and wide-ranging efforts to reform and rehabilitate himself, including without limitation, regularly participating in psychological treatment, throwing himself into work in his

church, participating in civil organizations, holding gainful employment, and living a life completely devoted to his Christian faith. Further, Petitioner has complied with all court-ordered conditions and paid restitution in full. Fourth, eleven (11) years have elapsed since Petitioner's license was annulled. This substantial passage of time, combined with Petitioner's consistent record during this period, demonstrates that the rehabilitation is genuine and enduring. Fifth, Petitioner has maintained legal competence through employment as a paralegal with a law firm, as well as his work in the insurance and real estate industries. When these factors are considered together and weighed against the applicable legal standards, Petitioner has met his burden of proving by clear and convincing evidence that he possesses the integrity, moral character, and legal competence to resume practice, that he has been rehabilitated, and that his reinstatement will not adversely affect public confidence in the administration of justice.

STATEMENT REGARDING ORAL ARGUMENT AND DECISION

Pursuant to Rule 19 of the West Virginia Rules of Appellate Procedure, this Honorable Court's May 22, 2026 Order provided that the Clerk of the Court will, on a later date, provide the parties with a Notice of Argument under Rule 19(b) containing further information on the date and time of oral argument.

ARGUMENT

I. STANDARD FOR REINSTATEMENT

This Court is the final arbiter of legal ethics problems and must make the ultimate decisions about public reprimands, suspensions, or annulments of attorneys' licenses to practice law. In re Kohout Petition for Reinstatement, 919 S.E.2d 72 (W. Va. 2025); Lawyer Disciplinary Bd. v. Blevins, 222 W. Va. 653, 671 S.E.2d 658 (2008). A *de novo* standard applies to this Court's review of the adjudicatory record made before the Hearing Panel Subcommittee as to questions of law, questions of application of the law to the facts, and questions of appropriate relief. In re Kohout Petition for Reinstatement, 919 S.E.2d 72 (W. Va. 2025); In re Petition for Reinstatement of Drake, 242 W. Va. 65, 829 S.E.2d 267 (2019). This Court gives respectful consideration to the HPS's recommendations while ultimately exercising its own independent judgment. Id.; Lawyer Disciplinary Bd. v. Hart, 241 W. Va. 69, 818 S.E.2d 895 (2018).

The burden of proof for reinstatement is met only by clear and convincing evidence. In re Kohout Petition for Reinstatement, 919 S.E.2d 72 (W. Va. 2025); In re Kohout Petition for Reinstatement, 919 S.E.2d 72 (W. Va. 2025). The petitioner bears the burden of showing that he presently possesses the integrity, moral character, and legal competence to resume the practice of law. In re Brown, 166 W. Va. 226, 273 S.E.2d 567 (1980); In re Wheaton, 245 W. Va. 199, 858 S.E.2d 662 (2021); Lawyer Disciplinary Bd. v. Vieweg, 194 W. Va. 554, 461 S.E.2d 60 (1995).

To overcome the adverse effect of the previous disbarment, the petitioner must demonstrate a record of rehabilitation. In re Brown, 166 W. Va. 226, 273 S.E.2d 567 (1980); In re Wheaton, 245 W. Va. 199, 858 S.E.2d 662 (2021). In addition, the Court must conclude that such reinstatement will not have a justifiable and substantial adverse effect on the public confidence in the administration of justice. In re Brown, 166 W. Va. 226, 273 S.E.2d 567 (1980),

In re Wheaton, 245 W. Va. 199, 858 S.E.2d 662 (2021); Lawyer Disciplinary Bd. v. Vieweg, 194 W. Va. 554, 461 S.E.2d 60 (1995). Rehabilitation is demonstrated by a course of conduct that enables the Court to conclude there is little likelihood that after such rehabilitation is completed and the applicant is readmitted to the practice of law he will engage in unprofessional conduct. Lawyer Disciplinary Bd. v. Hess, 201 W. Va. 192, 495 S.E.2d 563 (1997); Comm. on Legal Ethics of W. Va. State Bar v. Farber, 185 W. Va. 522, 408 S.E.2d 274 (1991); Lawyer Disciplinary Bd. v. Sayre, 207 W. Va. 654, 535 S.E.2d 719 (2000).

Based on all of this, this Court has identified five factors to evaluate whether a petitioner seeking reinstatement has adequately proven the criteria for reinstatement: (1) the nature of the original offense for which the petitioner was disciplined, (2) the petitioner's character, maturity, and experience at the time of discipline, (3) the petitioner's occupations and conduct in the time since discipline, (4) the time elapsed since the discipline, and (5) the petitioner's present competence in legal skills. In re Kohout Petition for Reinstatement, 919 S.E.2d 72 (W. Va. 2025); Lawyer Disciplinary Bd. v. Moore, 214 W. Va. 780, 591 S.E.2d 338 (2003). These factors inform whether the petitioner has met his burden of showing that he now possesses the integrity, moral character, and legal competence to resume the practice of law, demonstrating a record of rehabilitation, and providing sufficient evidence for this Court to conclude that reinstatement will not have a substantial adverse effect on the public confidence in the administration of justice. In re Kohout Petition for Reinstatement, 919 S.E.2d 72 (W. Va. 2025).

II. PETITIONER HAS SATISFIED THE BURDEN OF PROVING BY CLEAR AND CONVINCING EVIDENCE THAT HE POSSESSES THE INTEGRITY, MORAL CHARACTER, AND LEGAL COMPETENCE TO RESUME THE PRACTICE OF LAW

Applying the above-stated legal standard, when the relevant five factors are considered together, Petitioner has met his burden of proving by clear and convincing evidence that he

possesses the integrity, moral character, and legal competence to resume practice, that he has been rehabilitated, and that his reinstatement will not adversely affect public confidence in the administration of justice.

A. Nature of the Original Offense

The first factor requires examination of the seriousness of the conduct leading to discipline. In re Wheaton, 245 W. Va. 199, 858 S.E.2d 662 (2021); In re Kohout Petition for Reinstatement, 919 S.E.2d 72 (W. Va. 2025). In assessing an application for reinstatement, consideration must be given to the nature of the original offense for which the applicant was disciplined. In re Wheaton, 245 W. Va. 199, 858 S.E.2d 662 (2021).

Here, Petitioner does not intend to sugarcoat his original offense; it was horrible. Nonetheless, up to that point and subsequent to that point, Petitioner has led a good, honorable life of integrity and service to others.

B. Petitioner's Character, Maturity, and Experience at Time of Discipline

The second factor examines the petitioner's personal circumstances at the time of the underlying misconduct. In re Kohout Petition for Reinstatement, 919 S.E.2d 72 (W. Va. 2025); Lawyer Disciplinary Bd. v. Moore, 214 W. Va. 780, 591 S.E.2d 338 (2003). This factor recognizes that an attorney's age, experience, and personal challenges may bear on both the causes of misconduct and the likelihood of rehabilitation.

Here, at the time of disbarment, Petitioner was 46 years old and had been practicing law for eight (8) years. Aside from these reprehensible acts, for which Petitioner takes full responsibility, Petitioner's time as an attorney was one of hard work, achievement, and honor. He simply lost his moral compass as dishonesty, immoral behavior, unethical conduct, and the improper use of Petitioner's position of authority, contributed to the annulment of his license. In

the Final Order annulling Petitioner's law license the Court held that the absence of a prior disciplinary record and Petitioner's inexperience in the practice of law were mitigating factors. But, again, as Petitioner freely admits, these factors were far outweighed by the aggravating factors. Furthermore, Petitioner will not claim that inexperience or lack of maturity at the time of annulment as something to be beneficial to his case. Petitioner has never claimed that his conduct was due to a lack of maturity or experience; it was the lack of a sound moral compass to which there is no justification. Petitioner's remorse, though ever present, was completely overshadowed by his pride and vanity ten (10) years ago. Since then, however, Petitioner has fully seen the error of his ways and has led his life with honor and integrity.

C. Petitioner's Occupations and Conduct Since Discipline

The third factor—and often the most critical—examines the petitioner's course of conduct during the period of disbarment. In re Kohout Petition for Reinstatement, 919 S.E.2d 72 (W. Va. 2025); Lawyer Disciplinary Bd. v. Moore, 214 W. Va. 780, 591 S.E.2d 338 (2003). Rehabilitation is demonstrated by a course of conduct that enables the Court to conclude there is little likelihood that after such rehabilitation is completed and the applicant is readmitted to the practice of law he will engage in unprofessional conduct. Lawyer Disciplinary Bd. v. Hess, 201 W. Va. 192, 495 S.E.2d 563 (1997); Comm. on Legal Ethics of W. Va. State Bar v. Farber, 185 W. Va. 522, 408 S.E.2d 274 (1991); Lawyer Disciplinary Bd. v. Sayre, 207 W. Va. 654, 535 S.E.2d 719 (2000). This Court has emphasized that rehabilitation must be demonstrated through sustained, affirmative conduct. In Lawyer Disciplinary Bd. v. Hess, the Court found that the attorney's financial recovery and conduct since suspension supported reinstatement. Lawyer Disciplinary Bd. v. Hess, 201 W. Va. 192, 495 S.E.2d 563 (1997). The Court looked to reliable, probative, and substantial evidence of the attorney's rehabilitation. Id.

Following the Supreme Court's mandate annulling his law license in December 2015, Petitioner began working as a paralegal for the law firm Wooton, Davis, Hussell and Ellis in February 2016. Petitioner continued to work with the firm until June of 2023 when he left to operate Hannah Insurance Agency & Pocahontas Realty with his wife. Together, he and his wife purchased the business in January of 2024. Petitioner and his wife are licensed to sell property and casualty insurance lines, and Petitioner reactivated his real estate license in the fall of 2023.

Prior to becoming a licensed resident producer, Petitioner's application was denied by the West Virginia Offices of the Insurance Commissioner (hereinafter "WVOIC") on June 12, 2023, due to Petitioner's underlying professional misconduct that involved "dishonesty, fraud, deceit or misrepresentation," and the finding made by the Insurance Commissioner that Petitioner lied to the ODC. A hearing was held on July 25, 2023, and a Final Order was entered by the hearing examiner Allan McVey on September 14, 2023, granting Petitioner a West Virginia resident producer license.

In the spring of 2016, Petitioner sought a "Christian therapist," and attended his first counseling session with Harriett Warf, M.A., L.S.W., with Seneca Health Services, on April 6, 2016, at Seneca Health Services in the Greenbrier County Maxwelton Clinic. Ms. Warf's records indicate Petitioner's faith was very important to him and that he desired that his faith be incorporated into any treatment regimen. Ms. Warf's notes indicated her treatment goals for Petitioner were to reduce Petitioner's obsessive thinking and depression. Petitioner met with Ms. Warf every couple of weeks for about seven (7) individual sessions, focusing on his obsessive thinking. On September 8, 2016, Petitioner brought his wife with him for marital/family counseling, and he and his wife attended a total of twelve (12) monthly counseling sessions through August 21, 2017, during which time they worked to improve their marriage.

Petitioner testified at his sworn statement that he and his wife began attending church in 2010 or 2011 at Edray United Methodist Church where he later became a lay minister. Petitioner attempted to become an ordained Methodist minister but was denied certification due to his underlying lawyer disciplinary misconduct. Nonetheless, Petitioner continues to fill the pulpit and Pastors the Edray United Church as a lay minister, and works as a local mentor as well.

Petitioner was appointed to the Pocahontas Memorial Hospital Board of Trustees in 2014 by the County Commission. He said he offered to resign upon losing his law license, and the Board permitted him to retain his position. He has since been reappointed, and is currently the Chair of the Board and serves on various committees.

As directed by the Court in its December 22, 2015 mandate, Petitioner reimbursed the ODC Seven Thousand Four Hundred Seventy-One dollars and Thirty cents (\$7,471.30) on June 15, 2021, for the costs of the initial disciplinary proceeding. Petitioner submitted an Affidavit verifying his compliance with Rule 3.28 of the Rules of Lawyer Disciplinary Procedure on February 19, 2016. On that same date, Petitioner executed an Affidavit verifying that the original copy of the mid-1990's video of K.M. was destroyed following the November 2014 disciplinary hearing. Petitioner and his wife currently reside in Marlinton with their three children.

Petitioner has internalized the correction of those behaviors and continues to behave honorably since his annulment. It is through rehabilitation that we can determine future conduct, and Petitioner continues to demonstrate a record of rehabilitation and understands that as an attorney Petitioner was and is solely responsible for all those behaviors and misconduct of his past. There was a moral flaw in Petitioner's character that was exposed, and that exposure

presented Petitioner with a choice; either let those behaviors define him or take the opportunity to improve himself. Petitioner chose to improve and continues to do so.

Petitioner presently possesses the integrity and high moral character to justify the reinstatement of his law license. While such terms can be ambiguous and inherently subjective, Petitioner has demonstrated a record of honorable behavior since annulment and continues to exhibit more than mere honorable behavior during his almost eleven (11) year annulment that should return him to a position of trust based upon Petitioner's reformation.

While Petitioner's rehabilitation and transformation began in the fall of 2012, after the felony indictments, when it became painfully obvious that Petitioner had gotten way off track from where he should be, it was when Petitioner's license were annulled, three years later, that he formulated a more structured plan to improve every aspect of himself. Petitioner continued his transformation into a man with integrity and high moral values. Petitioner also incorporated counseling to address his mental fitness to become a better servant of God, as well as become a better husband, father and productive member of his community.

It wasn't until a couple years later that Petitioner reached the part of his plan to address his physical fitness, when he enrolled in a local Taekwondo class and soon found that not only was he benefitting from the physical aspect of the class, but that the tenets of Taekwondo compliment his aspirations of becoming more Christ-like.

The reinstatement questionnaire asks for a list of three references, however, as demonstrated in the hearing with the Office of Insurance Commission, there are numerous friends, family members, acquaintances and associates who are willing to convincingly testify on Petitioner's behalf as to his present character and rehabilitation.

While it is not an easy thing to face that which has caused so much pain and heartache to so many others, it is almost as difficult to overcome the stigma that comes with having character flaws exposed. It was this very exposure that presented the path Petitioner has followed which gives him the courage to stand before you now having met the heavy burden of establishing Petitioner's fitness to be granted readmission to the bar.

Make no mistake, Petitioner's past actions and decisions will forever cause him anxiety and remorse. Petitioner has caused shame upon his family and household as well as the legal system and all those who held him in high regard. Petitioner will never stop working to regain all the trust, respect and honor that he once took for granted.

In moving forward, Petitioner's rehabilitation combined with the realization of just how wrong Petitioner was, and his present course of conduct is a clear indication that there is no likelihood that Petitioner will ever again engage in unprofessional conduct and that Petitioner has, and will continue, to reestablish his good reputation.

Petitioner is a fit person and can be entrusted with the privilege of practicing law based on his genuine reformation and regeneration, and Petitioner now knows that with sexual sin the fullness of God's presence, peace, blessing, and joy is sacrificed; the price for such behavior is way too high.

D. Time Elapsed Since Discipline

The fourth factor considers the time elapsed since disbarment. In re Kohout Petition for Reinstatement, 919 S.E.2d 72 (W. Va. 2025); Lawyer Disciplinary Bd. v. Moore, 214 W. Va. 780, 591 S.E.2d 338 (2003). West Virginia law establishes a minimum five-year waiting period before a disbarred attorney may petition for reinstatement. W. Va. Law Disciplinary Proc., Rule

3.33. The passage of time alone is not sufficient for reinstatement, but a substantial period during which the petitioner has demonstrated consistent rehabilitation is probative of genuine change.

Here, almost Eleven (11) years have elapsed since the Court annulled Petitioner's license on November 18, 2015. This period exceeds the five-year minimum waiting period for reinstatement following disbarment. Petitioner initially planned to petition for reinstatement of his license in 2020, but realized that he was not quite ready. Petitioner waited almost an additional four (4) years to seek reinstatement and those additional years have not only added to his rehabilitation and character, but also provided him with a deeper understanding of how fragile trust can be as it truly is “lost in buckets and restored in drops.”

E. Petitioner's Present Competence in Legal Skills

The fifth factor examines whether the petitioner has maintained the legal knowledge and skills necessary to practice law competently. In re Kohout Petition for Reinstatement, 919 S.E.2d 72 (W. Va. 2025); Lawyer Disciplinary Bd. v. Moore, 214 W. Va. 780, 591 S.E.2d 338 (2003). An attorney who has been disbarred for an extended period must demonstrate that he remains capable of providing competent legal services.

Here, Petitioner has maintained his legal skills and knowledge through his employment in the legal field for seven and a half (7 1/2) years since his annulment. Further, Petitioner has kept abreast of current developments in law through his work for all but the past three (3) years as a paralegal. Most currently Petitioner works as an insurance agent and real estate salesperson and the education required for each of those licenses have elements and aspects of the law directing how each of those businesses operates.

F. Counter-Arguments and Adverse Authority

In its recommendation, the HPS addressed the five factors assessed when determining whether an attorney seeking reinstatement possesses the integrity, high moral character, and legal competence to justify the reinstatement of his law license.

With regards to the first factor, nature of the original offense, the HPS cited *In Re: Petition for Reinstatement of David Perry and Lawyer Disciplinary Bd. v. Hatfield* illustrating that sexual misconduct by attorneys, especially in the instant case wherein the Petitioner was serving as an Assistant Prosecuting Attorney, undermines public confidence and has a negative effect on the public's perception of the legal system.

The HPS contends that Petitioner has not met his burden of providing clear and convincing evidence for reinstatement against the backdrop of the underlying conduct assessed in the first factor.

The Petitioner concedes, and agrees that the nature of his inappropriate conduct is very serious, thereby making his task of showing a basis for reinstatement more difficult. Nonetheless, Petitioner contends that the totality of the evidence eviscerates the back drop and shadow cast by the underlying offenses by the honorable life he has lived over the last Ten (10) years.

G. Policy Rationale Supporting Reinstatement

The purpose of attorney discipline is not merely punitive but serves to protect the public, maintain the integrity of the legal profession, and deter misconduct. W. Va. Code § 51-1-4a. When an attorney has demonstrated genuine rehabilitation through a sustained course of conduct over a substantial period, and when the nature of the original offense does not involve irredeemable misconduct, reinstatement serves these same policy goals. Denying reinstatement to a truly rehabilitated attorney serves no public purpose and may undermine the rehabilitative

goals of the disciplinary system. The possibility of reinstatement incentivizes disciplined attorneys to engage in the difficult work of reformation and to maintain the highest standards of conduct during their period of suspension or disbarment. Moreover, West Virginia's reinstatement procedure allows this Court to impose conditions on reinstatement to protect the public. W. Va. Law Disciplinary Proc., Rule 3.32, W. Va. Law Disciplinary Proc., Rule 3.33. The Court may authorize reinstatement subject to such terms and conditions as the Court may prescribe, including supervision, continuing education requirements, practice limitations, or other safeguards. W. Va. Law Disciplinary Proc., Rule 3.32; W. Va. Law Disciplinary Proc., Rule 3.33. This flexibility allows the Court to tailor reinstatement to the specific circumstances of each case, balancing the interests of the rehabilitated attorney, the public, and the profession.

H. Summary

When the five factors established by this Court are applied to Petitioner's circumstances and evaluated under the clear and convincing evidence standard, the record demonstrates that Petitioner has met his burden. The nature of the original offense, while serious, is not irredeemable. Petitioner's entire life work since disbarment over the course of the last eleven (11) years establishes a clear pattern of rehabilitation. Petitioner has maintained legal competence and is prepared to return to practice. For these reasons, Petitioner has proven by clear and convincing evidence that he presently possesses the integrity, moral character, and legal competence to resume the practice of law.

III. PETITIONER HAS DEMONSTRATED A RECORD OF REHABILITATION SUCH THAT THERE IS LITTLE LIKELIHOOD HE WILL ENGAGE IN UNPROFESSIONAL CONDUCT IF REINSTATED

A. The Standard for Demonstrating Rehabilitation

Rehabilitation is demonstrated by a course of conduct that enables the Court to conclude there is little likelihood that after such rehabilitation is completed and the applicant is readmitted to the practice of law he will engage in unprofessional conduct. Lawyer Disciplinary Bd. v. Hess, 201 W. Va. 192, 495 S.E.2d 563 (1997); Comm. on Legal Ethics of W. Va. State Bar v. Farber, 185 W. Va. 522, 408 S.E.2d 274 (1991); Lawyer Disciplinary Bd. v. Sayre, 207 W. Va. 654, 535 S.E.2d 719 (2000). This standard requires more than the mere passage of time or the absence of additional misconduct. The petitioner must affirmatively demonstrate through his conduct that he has addressed the underlying causes of the original misconduct and developed the character, judgment, and commitment to ethical practice necessary to ensure that such conduct will not recur. In Committee on Legal Ethics v. Farber, this Court explained that when a lawyer has been disbarred for a disciplinary violation, the Court will often allow readmission after five years of good behavior, provided that the lawyer shows that he is rehabilitated. Comm. on Legal Ethics of W. Va. State Bar v. Farber, 185 W. Va. 522, 408 S.E.2d 274 (1991). The Court emphasized that rehabilitation must be proven through a new "course of conduct" by which fitness can be judged. Id.

B. Evidence of Petitioner's Rehabilitation

Petitioner has lived a life without incident or complaint concerning his conduct or behavior for over Ten (10) years, has complied with requirements relating to his annulment and removal from the bar, has lived a law-abiding, responsible and ethical life, and has become a positive asset to the Church, to his family, to his peers and to the greater community. Petitioner

has proven his integrity, fundamental honesty, respect for the law and respect for the rights of others. Petitioner has met the burden of proving his rehabilitation and current good character through a heartfelt respect for God's Word, the law, rules, and governing bodies to which we are all accountable. Petitioner's life of honorable behavior since the loss of his law license also stands as evidence that there is very little likelihood that, if reinstated, he will again engage in unethical or unprofessional conduct.

C. Acknowledgment of Responsibility and Insight

Petitioner has acknowledged and accepted the responsibility for his deplorable actions and has repented from his misconduct and understands that as an attorney he was and is solely responsible for all those behaviors and misconduct of his past. Petitioner has atoned for his wrongs, and takes full responsibility for his misconduct, and he has illustrated this acceptance by fulfilling all requirements imposed upon him in the order of annulment entered by this Honorable Court. Moreover, Petitioner understands that his misconduct adversely affected those he represented, as well as the legal system as a whole and the public at large. Petitioner has gained an understanding of how fragile trust can be, and will never take the trust of other for granted in the future.

Petitioner's past actions and decisions will always cause him anxiety and remorse. Petitioner realizes that he has caused shame upon his family and household as well as the legal system and all those who held him in high regard. Petitioner will never stop working to regain all the trust, respect and honor that he once took for granted. Moreover, Petitioner now understands that with sexual sin the fullness of God's presence, peace, blessing, and joy is sacrificed; the price for such behavior is way too high.

D. Concrete Steps to Address Root Causes

During the time of defending the indictments of 2012, Petitioner came to the realization that a moral flaw in his character was exposed, and that exposure presented him with a choice; either let those behaviors define him or he could take the opportunity to improve himself. While Petitioner's rehabilitation and transformation began in the fall of 2012 when it became painfully obvious that he was way off track, it was when his license were annulled three years later that he formulated a more structured plan to improve every aspect of himself. It was at this time that Petitioner voluntarily sought counseling through Seneca Health Services, Inc. to address the behaviors that led to the annulment of his license and how he could become a better servant of God, as well as become a better husband, father and productive member of my community. Petitioner attended counseling for almost a year and a half, from 4-6-16 to 8-21-17. It was during this time that Petitioner gained much insight into the causes of his misconduct.

Petitioner has continued his transformation into a man with integrity and high moral values, not only for the sake of living a better life but to live a life as an honorable example to his children, the youth he coaches and to all who bears witness to.

E. Sustained Pattern of Ethical Conduct

Petitioner has lived a life without incident or complaint concerning his conduct or behavior for over Ten (10) years, has complied with requirements relating to his annulment and removal from the bar, has lived a law-abiding, responsible and ethical life, and has become a positive asset to the Church, to his family, to his employers and to the greater community.

Rehabilitation is the correction of identifiable behaviors; dishonesty, immoral behavior, unethical conduct and the improper use of Petitioner's position of authority contributed to the annulment of his license. Petitioner has internalized the correction of those behaviors and

continues to behave honorably. It is through Petitioner's rehabilitation that we can determine future conduct, and he continues to demonstrate a record of rehabilitation. Petitioner presently possesses the integrity and high moral character to justify the reinstatement of his law license. Petitioner has demonstrated a record of honorable behavior since annulment and continues to exhibit more than mere honorable behavior during my almost eleven-year annulment that has returned him to a position of trust due to his palpable reformation.

In furtherance of Petitioner's rehabilitation, combined with the realization of just how wrong he was, in 2020 Petitioner reached the part of his plan to address physical health and fitness, so he enrolled in a local Taekwon-Do class and the benefit was two-fold; physical fitness, as well as the discovery that the tenets of Taekwon-Do compliment his aspirations of becoming more Christ-like.

Petitioner's present course of conduct is a clear indication that there is no likelihood that he will ever again engage in unprofessional conduct and that he has and will continue to reestablish his good reputation. Petitioner is a fit person and can be entrusted with the privilege of practicing law based on his genuine reformation and regeneration, and his reinstatement shall not bring disrepute on the bar or the Court in the eyes of the public or members of the West Virginia State Bar nor constitute any threat to the integrity of the justice system in the State of West Virginia. Petitioner's established and current course of conduct will assure the court, as it has the public, that he will not repeat nor take part in any unprofessional conduct. Moreover, the reinstatement of his license will not have a justifiable or substantial adverse effect on the public confidence in the administration of justice.

F. Professional and Personal Growth

Petitioner has maintained a high level of knowledge and skill in the law of West Virginia and of the United States since annulment of his license. Petitioner worked as a paralegal for the law firm Wooton, Davis, Hussell & Johnson, PLLC from February 2016 through May 2023.

In January of 2023 my wife and I began the process of acquiring a local insurance agency and real estate agency, named Hannah Insurance Agency, LLC and Pocahontas Realty Incorporated respectfully. Both Petitioner and his wife became licensed to sell insurance and Petitioner reactivated my real estate license in the fall of 2023.

Petitioner has maintained a high level of community service throughout his life and he continues to serve on the Board of Trustees for Pocahontas Memorial Hospital as its current Chair, and several committees as well. Petitioner coaches different levels of basketball and soccer and serves as the Pocahontas County Youth Basketball League as a board member as its safety and compliance officer.

Petitioner has also filled the pulpit as Pastor in numerous roles to several churches in Pocahontas County since 2014 and continues as the lead Pastor for Edray United Church and guest pastor for the Churches in Mountain Grove, Virginia and Huntersville, West Virginia.

Petitioner continues to work diligently towards self-improvement in all areas of his life, and while it is not an easy thing to face that which has caused so much pain & heartache to so many others, it is almost as difficult to overcome the stigma that comes with having character flaws exposed. It was this very exposure that presented the path Petitioner has followed which provides him the courage to stand before this Honorable Court having met the heavy burden of establishing his fitness to be granted readmission to the bar.

It is without question that Petitioner has the support of the community through the outpouring of letters and willingness of friends and associates to testify on his behalf as seen in the most recent hearing with ODC, as well as the hearing with the Office of Insurance Commission of West Virginia where Petitioner was ultimately awarded his producer's license to sell insurance. This support is illustrative of the vast personal and professional growth of the Petitioner.

G. Distinguishing Cases Where Rehabilitation Was Found Insufficient

This Court has denied reinstatement in cases where the record failed to demonstrate genuine rehabilitation. In Lawyer Disciplinary Bd. v. Sayre, the Court found that the evidence was devoid of any indicia of rehabilitation where the petitioner continued to engage in unscrupulous behavior during disbarment, including conduct substantially similar to that for which he was disbarred. Lawyer Disciplinary Bd. v. Sayre, 207 W. Va. 654, 535 S.E.2d 719 (2000). Similarly, in In re Petition for Reinstatement of Drake, the Hearing Panel Subcommittee concluded that the petitioner had not shown by clear and convincing evidence the likelihood that, if reinstated, he would not engage in unprofessional conduct again, based on concerns about the nature of the underlying criminal conduct, current financial obligations, and failure to pay restitution. In re Petition for Reinstatement of Drake, 242 W. Va. 65, 829 S.E.2d 267 (2019).

Here, Petitioner's case is distinguishable from these precedents. Unlike the petitioner in Sayre, Petitioner has not engaged in any similar misconduct during the period of disbarment. And, unlike the petitioner in Drake, Petitioner has paid restitution.

H. Policy Supporting Recognition of Rehabilitation

The disciplinary system's recognition of the possibility of rehabilitation serves important policy goals. It provides an incentive for disciplined attorneys to engage in the difficult work of

personal and professional reformation. It acknowledges that people are capable of genuine change when they take responsibility for their actions and commit to higher standards of conduct. And it ensures that the public benefits from the skills and services of attorneys who have been truly rehabilitated. West Virginia law reflects this recognition by establishing procedures for reinstatement and by authorizing the Court to impose conditions to protect the public while allowing a rehabilitated attorney to return to practice. W. Va. Law Disciplinary Proc., Rule 3.32; W. Va. Law Disciplinary Proc., Rule 3.33. The statute grants the Court discretion to tailor relief to the circumstances of each case, including supervision requirements, practice limitations, and continuing obligations. W. Va. Law Disciplinary Proc., Rule 3.32, W. Va. Law Disciplinary Proc., Rule 3.33.

I. Summary

Petitioner has demonstrated rehabilitation through a sustained course of conduct over the last eleven (11) years that includes emotional growth, mental growth, spiritual growth, and moral growth. This record, evaluated against the legal standard requiring proof that there is little likelihood of future unprofessional conduct, establishes that Petitioner has been genuinely rehabilitated and is prepared to return to the practice of law with appropriate safeguards.

IV. PETITIONER'S REINSTATEMENT WILL NOT HAVE A JUSTIFIABLE AND SUBSTANTIAL ADVERSE EFFECT ON PUBLIC CONFIDENCE IN THE ADMINISTRATION OF JUSTICE

A. The Public Confidence Standard

In addition to demonstrating present fitness and rehabilitation, the petitioner must prove that reinstatement will not have a justifiable and substantial adverse effect on public confidence in the administration of justice. In re Brown, 166 W. Va. 226, 273 S.E.2d 567 (1980); In re Wheaton, 245 W. Va. 199, 858 S.E.2d 662 (2021); Lawyer Disciplinary Bd. v. Vieweg, 194 W.

Va. 554, 461 S.E.2d 60 (1995). This Court has recognized that reinstatement of a disbarred attorney must be determined in part by ascertaining its impact on public confidence in the administration of justice and the integrity of the legal system. In re Brown, 166 W. Va. 226, 273 S.E.2d 567 (1980). Ultimately, public confidence is not served by permanent exclusion of attorneys who have genuinely rehabilitated and demonstrated over a substantial period that they pose no threat to clients or the justice system. The public's interest lies in ensuring that practicing attorneys are fit, competent, and ethical—not in exacting perpetual punishment from those who have reformed.

B. Balancing Seriousness of Original Offense with Evidence of Rehabilitation

The threshold question is whether the original offense was so serious that even exemplary subsequent conduct cannot provide adequate assurance that the public's interest will be protected. In re Smith, 214 W. Va. 83, 585 S.E.2d 602 (1980). This Court has recognized that except in such extreme cases, an attorney's license to practice will be reinstated after five years of good behavior after disbarment. In re Smith, 214 W. Va. 83, 585 S.E.2d 602 (1980).

Here, while words like deplorable, egregious, reprehensible and very serious have been used, and accurately depict, Petitioner's past conduct, there has been no characterization of the annulment of Petitioner's license as being an "extreme" case. Moreover, Petitioner has led an exemplary life, without incident or complaint, since the loss of his license over Ten (10) years ago.

C. Evidence That Reinstatement Will Protect, Not Harm, Public Confidence

Public confidence in the administration of justice is enhanced, not diminished, when the disciplinary system demonstrates that it can achieve its rehabilitative purpose while maintaining

rigorous standards for readmission to practice. Moreover, the public has an interest in access to competent legal services.

Here, through publication in three (3) different news papers ODC provided and avenue for the public to weigh in, yet there were no submissions to the ODC in opposition to Petitioner's efforts to have his law license reinstated. [Jt. Ex. 9] On the contrary, Ten (10) individuals took the time to write letters in favor of Petitioner regaining his license to practice law. [Jt. Ex. 21] Furthermore, the Petitioner holds multiple positions of public trust.

D. Policy Considerations Supporting Reinstatement

The policy underlying attorney discipline encompasses both protection of the public and recognition that rehabilitation is possible and should be encouraged. The West Virginia Legislature has expressly authorized this Court to establish procedures for reinstatement, recognizing that permanent exclusion from practice is not always necessary or appropriate. W. Va. Code § 51-1-4a. A disciplinary system that offers no meaningful path to reinstatement, even for attorneys who have genuinely reformed, would serve no public purpose and would undermine the rehabilitative goals of professional regulation. It would discourage accountability and growth among disciplined attorneys and would deprive the public of competent legal services from those who have learned from their mistakes. Conversely, a system that rigorously evaluates petitions for reinstatement, requires clear and convincing proof of rehabilitation, and imposes appropriate conditions to protect the public serves all stakeholders: it protects clients and the justice system, it incentivizes rehabilitation, and it ensures proportionality between offense and sanction.

E. Summary

When the seriousness of Petitioner's original offense is balanced against the extensive evidence of rehabilitation, the substantial passage of time, and the availability of conditions to protect the public, Petitioner has proven by clear and convincing evidence that reinstatement will not have a justifiable and substantial adverse effect on public confidence in the administration of justice. The disciplinary system's goals are best served by permitting Petitioner to return to practice under appropriate conditions, demonstrating that rehabilitation is possible and that the system fairly balances public protection with recognition of genuine reform.

CONCLUSION

For the reasons set forth above, Petitioner respectfully requests that this Court find that he has met his burden of proving by clear and convincing evidence that he possesses the integrity, moral character, and legal competence to resume the practice of law in West Virginia, that he has demonstrated genuine rehabilitation, and that his reinstatement will not adversely affect public confidence in the administration of justice.

WHEREFORE, Petitioner respectfully requests that this Court: (a) grant Petitioner's Petition for Reinstatement of his license to practice law in West Virginia; (b) authorize Petitioner's reinstatement as a member in good standing of the West Virginia State Bar; and (c) grant such other and further relief as this Court deems just and proper.

Respectfully submitted,


JARRELL L. CLIFTON, II,
Appearing pro se

CERTIFICATE OF SERVICE

This is to certify that I, Jarrell Lee Clifton, II, Petitioner, have this day, the 20th day of July 2026, served a true copy of the foregoing “**PETITIONER'S BRIEF IN SUPPORT OF PETITION FOR REINSTATEMENT**” upon Kristin P. Halkias and Lauren H. Knight, Lawyer Disciplinary Counsel, via File & Serve Xpress, and electronically via electronic mail to the following addresses:

Kristin P. Halkias, Disciplinary Counsel
khalkias@wvode.org

Lauren H. Knight, Disciplinary Counsel
lknight@wvode.org


Jarrell L. Clifton, Petitioner