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STATE OF WEST VIRGINIA

At a regular term of the Supreme Court of Appeals, continuing and held at Charleston, Kanawha County, on November 14, 2012, the following order was made and entered:

Lawyer Disciplinary Board, Petitioner

vs.) No. 11-1746

Charles L. Phalen, Jr., a member of The West Virginia  
State Bar, Respondent

On a former day, to-wit, September 18, 2012, came the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, by J. Miles Morgan, its chairperson, pursuant to Rule 3.10 of the Rules of Lawyer Disciplinary Procedure, and presented to the Court its written recommended disposition in this matter, recommending that: (1) respondent be suspended from the practice of law in the State of West Virginia for a period of one year; (2) respondent be required to petition for reinstatement pursuant to Rule 3.32, Rules of Lawyer Disciplinary Procedure; (3) prior to reinstatement respondent shall furnish proof that he refunded unearned fees to Rodney W. Hudson (\$3,000), Fawney S. Harshbarger (\$2,000), Karen A. Taylor (\$3,000), Jason S. Falbo (\$2,200), and Cynthia L. White (\$3,000); (4) respondent be ordered to complete an additional nine hours of continuing legal education during his next reporting period, specifically in office management, over and above that already required; (5) if reinstated, respondent's practice of law shall be supervised for a one-year period by an attorney agreed upon between the Office of Disciplinary Counsel and respondent; and (6) respondent be ordered to pay the costs of these proceedings pursuant to Rule 3.15 of the Rules of Lawyer Disciplinary Procedure.

Thereafter, on October 16, 2012, came the respondent, Charles L. Phalen, Jr., by Mark W. Kelley, Ray, Winton & Kelley PLLC, his attorney, and presented to the Court his consent to the Hearing Panel Subcommittee recommendation.

Finally, on October 19, 2012, came the Office of Disciplinary Counsel, by Andrea J. Hinerman, Senior Lawyer Disciplinary Counsel, and stated it takes no position regarding the recommendation at this time.

Upon consideration whereof, the Court does concur with the recommendation and doth hereby approve the recommendation of the Hearing Panel Subcommittee.

It is therefore ordered: (1) respondent be, and he hereby is, suspended from the practice of law in the State of West Virginia for a period of one year; (2) respondent is required to petition for such reinstatement pursuant to Rule 3.32, Rules of Lawyer Disciplinary Procedure; (3) prior to petitioning for reinstatement respondent shall furnish proof that he refunded unearned fees to Rodney W. Hudson (\$3,000), Fawney S. Harshbarger (\$2,000), Karen A. Taylor (\$3,000), Jason S. Falbo (\$2,200), and Cynthia L. White (\$3,000); (4) respondent is required to complete an additional nine hours of continuing legal education during his reporting period, specifically in office management, over and above that already required; (5) following any reinstatement, respondent's practice of law shall be supervised for a one-year period by an attorney agreed upon between the Office of Disciplinary Counsel and respondent; and (6) respondent is ordered to pay the costs of these proceedings pursuant to Rule 3.15 of the Rules of Lawyer Disciplinary Procedure.

Service of a copy of this order upon all parties herein shall constitute sufficient notice of the contents herein.

A True Copy

Attest: /s/ Rory L. Perry II, Clerk of Court

