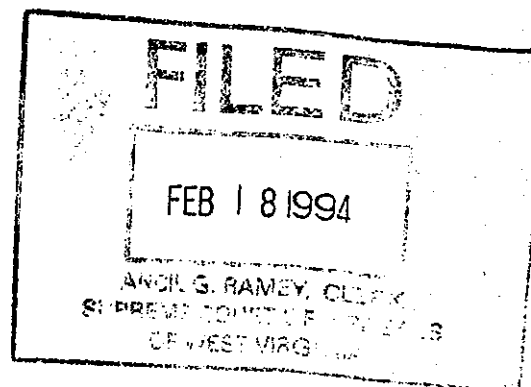


Per Curiam:

The Committee on Legal Ethics  
of the West Virginia State Bar

No. 22048 v.

Michael C. Farber, a member of  
the West Virginia State Bar



In this legal ethics proceeding, the Committee on Legal Ethics of the West Virginia State Bar prays that this Court suspend the license of the respondent, Michael C. Farber, to practice law in the State of West Virginia for the period of one year. The Committee alleges that the respondent has failed to comply with a reinstatement agreement under which a previous suspension to practice law was reinstated.

The documents filed in this case indicate that the respondent, Michael C. Farber, is a member of the West Virginia State Bar and that his license to practice law was suspended for three months as the result of this Court's opinion in the case of Committee on Legal Ethics v. Farber, 185 W.Va. 522, 408 S.E.2d 274 (1991). In that case, the Court, in addition to suspending the respondent's license, directed that he reimburse the Committee on Legal Ethics for the costs of the proceeding against him. Those costs were found to be \$10,189.92. The Court also conditioned his resumption of the practice of law upon his submitting to the supervision by another lawyer for two years.

On March 9, 1992, the respondent, after being suspended, petitioned for reinstatement. Subsequently, he submitted a letter proposing that he be supervised by Gassaway attorney William C. Garrett and that he be allowed to reimburse the Committee's costs by making payments of \$200.00 per month. The supervision proposal suggested that he meet with Mr. Garrett on a weekly basis and that reports be submitted to the Committee on Legal Ethics on a monthly basis.

The respondent's supervision and payment proposal were found acceptable, and on June 24, 1992, this Court ordered the reinstatement of the respondent's law license in accordance with the supervision and payment proposal.

In the present proceeding, the Committee on Legal Ethics states that from August, 1992, to May, 1993, the respondent consistently failed to comply with the terms of the reinstatement proposal. He formally met with Mr. Garrett on only one occasion, and Mr. Garrett never submitted a report. The respondent also failed to keep current with his payments or to apprise the Committee on Legal Ethics that his payments would be late.

In May, 1993, the Committee on Legal Ethics agreed that the respondent's payments be reduced from \$200.00 per month to \$100.00 per month from January, 1993, through June, 1993. Also, it

was understood that the respondent would meet with Mr. Garrett on a regular basis and that Mr. Garrett would provide written reports.

Mr. Garrett submitted one report on May 28, 1993, and stated that he knew of no ethical problems pending against the respondent. In spite of this, the Committee had received a legal ethics complaint alleging neglect against the respondent on April 26, 1993, and the respondent had been notified of the complaint. He, however, had not responded to it by May 28, 1993.

Although the respondent made some payments to the Committee on Legal Ethics, he failed to comply with the precise payment schedule. On August 13, 1993, the Committee notified the respondent of his failure to make required payments and also noted the lack of supervisory reports.

In the present proceeding, the Committee on Legal Ethics states that although the respondent has made additional payments, he is currently in arrears for a substantial amount. The Committee on Legal Ethics also states that required supervisory reports have not been filed. Further, although Mr. Garrett and the respondent were notified of the ethics complaint pending against the respondent, no answer or acknowledgment has been received from Mr. Garrett or from the respondent.

As a result of its failure to receive information, the Committee on Legal Ethics issued a subpoena duces tecum to the respondent to appear before counsel for the Committee on Legal Ethics on November 12, 1993, and to produce the file of his complaining client.

On the morning of November 12, 1993, the respondent sent a letter by facsimile stating that he had mailed a packet of documents that would satisfy the subpoena. He also stated that he would send a more complete answer the following week. He indicated that he could not appear because he had conflicting hearings scheduled. The Committee on Legal Ethics reports that he did not subsequently file the promised answer.

The Committee on Legal Ethics claims that the respondent has failed to comply with the provisions of his reinstatement plan relating to supervision and that he has periodically failed to make agreed payments. It further claims that he has failed to respond to a proper subpoena and to respond to an ethics complaint filed against him. The Committee claims that the respondent's derelictions are sufficient to support a suspension for his license to practice law for one year, and the Committee prays that the Court order such a suspension.

Article VI, section 20, of the By-laws of the West Virginia State Bar recognizes that this Court has broad powers in

handling complaints filed against members of the Bar. It provides, in part, that after considering a complaint, the Court may:

[D]ismiss the complaint, administer a public reprimand to the attorney, suspend the attorney's license to practice law in this State for such period of time and upon such terms and conditions as may be adjudicated by the court, annul the attorney's license to practice law in this State, or take such other action as the court in its judgment may consider proper, which order may include such provisions for reimbursement of the actual and necessary expenses incurred by the committee in connection with said case as the court shall deem just.

Acting pursuant to this, the Court previously directed that the respondent reimburse the Committee on Legal Ethics of the West Virginia State Bar for the expenses incurred by it in pursuing the original complaint against him. The Court also directed that the respondent submit to supervision by another attorney for two years after his return to the practice of law.

From the documents filed, it appears that the respondent has failed to comply with this Court's order in that he has failed to make payments to the Committee on Legal Ethics in accordance with the schedule which he established with them. It also appears that he has failed to submit to supervision by another attorney as directed by this Court.

In view of the circumstances of this case, the Court is of the opinion that further sanctions against the respondent are required and that the suspension of the respondent's license to

practice law for one year, as recommended by the Committee on Legal Ethics, is appropriate.

It is, therefore, Adjudged and Ordered that the respondent's license to practice law in the State of West Virginia be, and the same hereby is, suspended for the period of one year, effective upon the service of a copy of this order upon the respondent.