

MAR 12 2013

OFFICE OF
DISCIPLINARY COUNSEL

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 7th of March, 2013, the following order was made and entered:

In Re: Petition for Reinstatement of Kenneth E. Chittum,
 a suspended member of The West Virginia State Bar

No. 12-1269

On a former day, to-wit, October 25, 2012, came the petitioner, Kenneth E. Chittum, by his counsel David White, and presented to the Court his petition for reinstatement of his suspended license to practice law in the State of West Virginia.

Thereafter, on December 10, 2012, came the Office of Disciplinary Counsel, by Rachael Fletcher Cipoletti, its Chief, and in response to the petition stated no legal objection thereto.

By prior opinion, this Court determined that petitioner violated the Rules of Professional Conduct and imposed the following sanctions: (1) reprimand pursuant to Rule 3.15 of the Rules of Lawyer Disciplinary Procedure; (2) that he sign and follow a plan of supervised practice for a period of two years with a supervising attorney, consistent with the specifications set forth by the Office of Disciplinary Counsel; (3) completion of an additional 9 hours of continuing legal education by July 1, 2011, in the area of ethics and office management, over and above that already required; (4) that he have a certified public accountant audit his office accounting records for two consecutive years, consistent with the specifications set forth by the Office of Disciplinary Counsel; (5) that he deliver, at his own expense, certain personal items to a certain individual, to a place designated by the Office of Disciplinary Counsel, as set forth therein.

Lawyer Disciplinary Board v. Chittum, 225 W.Va. 83, 689 S.E.2d 811 (2010).

When Kenneth Chittum failed to comply with the audit of his office accounting records as required, the Office of Disciplinary Counsel filed a petition for contempt, and in response the Court issued a rule to show cause and heard oral argument. By memorandum decision Kenneth Chittum was ultimately found to be contempt of this Court for his failure to comply with the Court's mandate and his license to practice law in West Virginia was immediately and indefinitely suspended until such time as he demonstrates full compliance with all of the conditions set forth in the mandate of this Court issued on March 1, 2010. *Office of Disciplinary Counsel v. Kenneth Chittum*, No. 11-1402 (W.Va. Supreme Court June 7, 2012)(Memorandum Decision).

Upon review of the petition for reinstatement filed herein, the Court noted that the questionnaire was incomplete, and by order entered January 9, 2013, petitioner was granted an opportunity to supplement and complete the reinstatement questionnaire.

On January 22, 2013, counsel for petitioner filed the supplement, including among other documents a partial transcript of his continuing legal education transcript for the relevant time period. The Court determined that Mr. Chittum did not satisfy the Court's requirement for his reinstatement to the practice of law and his petition for reinstatement was denied on January 24, 2013.

On January 31, 2013, counsel for the petitioner filed an amended supplemental petition for reinstatement. Thereafter, on February 12, 2013, counsel for the petitioner, filed a motion for reconsideration of the Court's January 24, 2013 order. It is hereby ordered that the motion for reconsideration be, and it hereby is, granted.

Upon reconsideration of the petition for reinstatement and all subsequent filings, the Court is of opinion to and doth hereby grant the petition for reinstatement. It is therefore ordered that the petitioner, Kenneth E. Chittum, be, and he hereby is, reinstated to the practice of law in the State of West Virginia.

Service of an attested copy of this order shall constitute sufficient notice of the contents herein.

A True Copy

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

