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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:

Office of Disciplinary Counsel, Petitioner

vs.) No. 12-1319

Derek W. Marsteller, a member of The West
Virginia State Bar, Respondent

On a former day, to-wit, November 8, 2012, came the Office of Disciplinary Counsel, by Rachael L. Fletcher Cipoletti, Chief Lawyer Disciplinary Counsel, pursuant to Rule 3.23 of the West Virginia Rules of Lawyer Disciplinary Procedure, and presented to the Court its petition seeking the immediate administrative suspension of the license to practice law in the State of West Virginia of the respondent, Derek W. Martsteller, a member of The West Virginia State Bar due to disability, pursuant to Rule 3.29, Rules of Lawyer Disciplinary Procedure. If respondent is so disabled from continuing to practice law, Office of Disciplinary Counsel requested that this Court authorize the chief judge of the Circuit Court of Cabell County to appoint an attorney licensed to practice law in the State of West Virginia to inventory respondent's files and to take such action as seems indicated to protect the interests of the respondent and his clients for the reasons stated therein.

By order entered on November 14, 2012, the Court directed that the respondent be examined by qualified medical and/or psychiatric experts as designated by the Office of Disciplinary Counsel to determine whether he is disabled from continuing to practice law.

Thereafter, on February 21, 2013, came the Office of Disciplinary Counsel, by its counsel, and submitted, under seal, respondent's forensic psychological evaluation.

Upon consideration whereof, the Court is of opinion to and doth hereby grant said petition. It is therefore ordered that the respondent's license to practice law in the State of West Virginia be, and it hereby is, administratively suspended pursuant to Rule 3.23, Rules of Lawyer Disciplinary Procedure until further order of the Court. Justice Ketchum disqualified.

It is further ordered that the Honorable Paul T. Farrell, Chief Judge of the Circuit Court of Cabell County be, and he hereby is, authorized to appoint an attorney to serve as trustee to protect the interests of respondent's clients. Any pending disciplinary proceedings against the respondent shall be, and they hereby are, held in abeyance.

Service of a copy of this order upon counsel for the respondent and upon the Honorable Paul T. Farrell, Chief Judge of the Circuit Court of Cabell County, shall constitute sufficient notice of the contents herein.

A True Copy

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

