

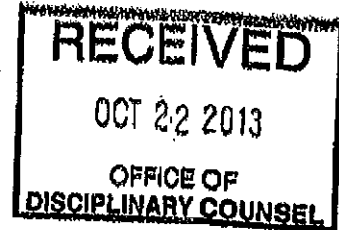
STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 16th of October, 2013, the following order was made and entered:

Lawyer Disciplinary Board, Petitioner

vs.) No. 12-1265

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



On a former day, to-wit, September 5, 2013, 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's license to practice law in the State of West Virginia be suspended for an additional period of six months to run consecutive to respondent's current one-year suspension which will conclude on or about November 14, 2013; (2) respondent not be allowed to petition for reinstatement until the conclusion of the additional six-month suspension; (3) prior to reinstatement, respondent be required to furnish proof that he refunded the unearned fees in the amounts of \$2,000.00 to David L. Jeffries, \$2,500.00 to Robin and Janet Lyons, \$812.50 to Kimberly A. Fizer, and \$2,250.00 to Jason L. Dozier; (4) following any reinstatement, respondent be ordered to serve one year of probation upon the conclusion of his period of supervised practice ordered in Supreme Court Docket No. 11-1746; and (5) respondent be ordered to pay the costs of these proceedings pursuant to Rule 3.15 of the Rules of Lawyer Disciplinary Procedure.

Upon consideration of the recommendation, the Court does concur with the recommendation and does hereby approve the recommendation of the Hearing Panel Subcommittee. Justices Workman and Loughry do not concur with the recommendation of the

Hearing Panel Subcommittee and would set this matter for oral argument under Rule 19 of the Rules of Appellate Procedure.

It is therefore ordered that: (1) respondent's license to practice law in the State of West Virginia shall be, and it hereby is, suspended for an additional period of six months to run consecutive to respondent's current one-year suspension which will conclude on or about November 14, 2013; (2) respondent shall not petition for reinstatement until the conclusion and satisfaction of said additional six-month suspension; (3) prior to reinstatement, respondent shall furnish proof that he refunded the unearned fees in the amounts of \$2,000.00 to David L. Jeffries, \$2,500.00 to Robin and Janet Lyons, \$812.50 to Kimberly A. Fizer, and \$2,250.00 to Jason L. Dozier; (4) following any reinstatement, respondent shall serve one year of probation upon the conclusion of the period of supervised practice ordered in Supreme Court Docket No. 11-1746; and (5) respondent shall 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

