

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on June 4, 2019, the following order was made and entered:

Lawyer Disciplinary Board,
Petitioner

vs.) No. 18-0609

Andrew R. Shumate, a member of
The West Virginia State Bar,
Respondent

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OFFICE OF
DISCIPLINARY COUNSEL

ORDER

On April 30, 2019, the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, by Elizabeth Layne Diehl, its chair, pursuant to Rule 3.10 of the Rules of Lawyer Disciplinary Procedure, presented to the Court its written recommended disposition in this matter, recommending that:

- (1) Respondent's law license be suspended for a period of three months, with automatic reinstatement of his license to practice law pursuant to the provisions and requirements of Rule 3.31 of the Rules of Lawyer Disciplinary Procedure;
- (2) Respondent be ordered to complete an additional six hours of continuing legal education during the current reporting period, specifically, three hours in the area of ethics and office management;
- (3) Upon respondent's reinstatement, he be placed on one year of supervised practice by an active attorney in his geographic area in good standing with the West Virginia State Bar and agreed upon by the Office of Disciplinary Counsel. The goal of the supervised practice will be to improve the quality and effectiveness of respondent's law practice to the extent that respondent's sanctioned behavior is not likely to recur;
- (4) If suspended, respondent must comply with the mandates of Rule 3.28 of the Rules of Lawyer Disciplinary Procedure;
- (5) Upon respondent's reinstatement, he shall not operate as a sole practitioner for a period of two years;

- (6) Upon respondent's reinstatement, he shall not represent clients in the area of bankruptcy or child abuse and neglect for a period of two years; and
- (7) Respondent be ordered to pay the costs of these proceedings pursuant to Rule 3.15 of the Rules of Lawyer Disciplinary Procedure.

Upon consideration, the Court is of the opinion to and does hereby concur with and does hereby approve the recommended disposition of the Hearing Panel Subcommittee of the Lawyer Disciplinary Board. It is therefore ORDERED that:

- (1) The license to practice law in the State of West Virginia of the respondent, Andrew R. Shumate, shall be, and it hereby is, **suspended** for a period of three months, with automatic reinstatement pursuant to Rule 3.31 of the Rules of Lawyer Disciplinary Procedure;
- (2) The respondent shall complete an additional six hours of continuing legal education during the current reporting period, with at least three hours being in the area of ethics and law office management;
- (3) Upon the automatic reinstatement of the respondent's license to practice law, he shall be placed on one year of supervised practice, with a supervising attorney active in his geographic area, in good standing with the West Virginia State Bar, and agreed upon by the Office of Disciplinary Counsel. The goal of the supervised practice will be to improve the quality and effectiveness of respondent's practice of law to the extent that the sanctioned behavior is not likely to reoccur;
- (4) Upon the automatic reinstatement of respondent's license to practice law, he shall not operate as a sole practitioner for a period of two years, nor shall he represent clients in the areas of bankruptcy or child abuse and neglect for a period of two years;
- (5) Respondent is hereby directed to comply with the mandates of Rule 3.28 of the Rules of Lawyer Disciplinary Procedure; and
- (6) 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 the respondent, Andrew R. Shumate, the Office of Disciplinary Counsel, and the West Virginia State Bar shall constitute sufficient notice of the contents herein.

A True Copy

Attest: /s/ Edythe Nash Gaiser
Clerk of Court

