

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 30th of October, 2014, the following order was made and entered:

Lawyer Disciplinary Board, Petitioner

vs.) No. 13-0070

Anthony J. Partipilo, a member of The
California State Bar, Respondent

On September 11, 2014, came the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, by Timothy E. Haight, 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 be prohibited from practicing before the bar of any court in the State of West Virginia for a period of two years from the date of this order; (2) respondent be prohibited from, whether on an advisory basis or otherwise, involving himself with or in any case now pending or which may hereafter be brought before any court in the State of West Virginia for a period of two years from the date of this order; (3) respondent be prohibited from, either directly or through the services of third parties, engaging in or permitting his employees or agents to engage in the following conduct within the State of West Virginia:

- (a) making false or misleading communications about a lawyer or his services;
- (b) providing anything of value to a person for recommending respondent's services;
- (c) soliciting for pecuniary gain, either in-person or by telephone or via any electronic transmission, professional employment from a prospective client with whom the respondent has no family or prior professional relationship;

(d) soliciting professional employment for or on behalf of the respondent when the prospective client has made known to the respondent or his employees or agents a desire not to be solicited or his solicitation involves coercion, duress or harassment; and

(e) otherwise violating any of the West Virginia Rules of Professional Conduct; and

(4) respondent be ordered to pay the costs of these proceedings pursuant to Rule 3.15 of the Rules of Lawyer Disciplinary Procedure.

Thereafter, on October 1, 2014, the Office of Disciplinary Counsel, by Jessica H. Donahue Rhodes, Lawyer Disciplinary Counsel, filed its statement of no objection to the Hearing Panel Subcommittee recommendation. On October 3, 2014, the respondent, Anthony J. Partipilo, by counsel James D. McQueen, Jr., McQueen Davis, PLLC, filed his statement of no objection to the Hearing Panel Subcommittee recommendation.

Upon consideration and review of the Hearing Panel Subcommittee recommendation, the Court does concur with and does hereby approve the recommendations of the Hearing Panel Subcommittee.

It is ordered that: (1) respondent shall be, and he hereby is, prohibited from practicing before any court in the State of West Virginia for a period of two years from the date of this order; (2) respondent shall be, and he hereby is, prohibited from involving himself with or in any case now pending or which may hereafter be brought before any court in the State of West Virginia for a period of two years from the date of this order, whether on an advisory basis or otherwise; (3) respondent shall be, and he hereby is, prohibited from, either directly or through the services of third parties, engaging in or permitting his employees or agents to engage in the following conduct within the State of West Virginia:

(a) making false or misleading communications about a lawyer or his services;

- (b) providing anything of value to a person for recommending respondent's services;
 - (c) soliciting for pecuniary gain, either in-person or by telephone or via any electronic transmission, professional employment from a prospective client with whom the respondent has no family or prior professional relationship;
 - (d) soliciting professional employment for or on behalf of the respondent when the prospective client has made known to the respondent or his employees or agents a desire not to be solicited or his solicitation involves coercion, duress or harassment; and
 - (e) otherwise violating any of the West Virginia Rules of Professional Conduct; and
- (4) 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

