

STATE OF WEST VIRGINIA

At a Regular Term the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on April 4, 2018, the following order was made and entered:

Lawyer Disciplinary Board,
Petitioner

vs.) No. 17-0520

Douglas H. Arbuckle, a suspended member of
The West Virginia State Bar,
Respondent

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OFFICE OF
DISCIPLINARY COUNSEL

ORDER

On February 9, 2018, the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, by Anne Werum Lambright, its chairperson, 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 three months, with automatic reinstatement pursuant to Rule 3.31 of the Rules of Lawyer Disciplinary Procedure;

(2) Respondent reimburse Public Defender Services for his wrongful billing in responding to the ethics complaint under his representation of Mr. Propps and any other improper billing, prior to his automatic reinstatement in the amount determined by the Public Defender Services, not to exceed two thousand dollars;

(3) Respondent receive medical clearance from his physician(s) to return to practice, with written proof to be provided to the Office of Lawyer Disciplinary Counsel (ODC) prior to his automatic reinstatement ;

(4) Respondent contact the Lawyer's Assistance Program for help regarding his medical issues prior to his automatic reinstatement, with written proof to be provided to the ODC of the contact;

(5) Respondent comply with the mandates of Rule 3.28 of the Rules of Lawyer Disciplinary Procedure;

(6) After reinstatement, Respondent no longer accept *habeas* cases;

(7) Upon reinstatement, Respondent be placed on one year of probation with supervised practice by an active attorney in his geographic area in good standing with the West Virginia State Bar and agreed upon by the ODC; and

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

On March 12, 2018, the Office of Disciplinary Counsel, by Jessica H. Donahue Rhodes, filed its consent to the recommendation. The respondent did not file a consent or objection to the recommendation.

Upon consideration, the Court is of the opinion to and does hereby concur, in part, with and clarifies the recommendations of the Hearing Panel Subcommittee. It is ORDERED that:

(1) Respondent's license to practice law in the State of West Virginia, shall be, and it hereby is, **suspended** for a period of three months, with the suspension beginning on **Friday, April 6, 2018**;

(2) Respondent shall forthwith reimburse Public Defender Services for his wrongful and improper billing in responding to the ethics complaint herein, in the amount determined by Public Defender Services, but not to exceed \$2,000.00. Respondent may not be reinstated to the practice of law until the amount is fully reimbursed;

(3) Prior to his automatic reinstatement, Respondent shall obtain from his treating physician(s) a report demonstrating his fitness to practice law, and provide that report(s) to the ODC;

(4) Prior to his automatic reinstatement, Respondent shall contact the West Virginia Judicial and Lawyer's Assistance Program for an evaluation, provide proof of the contact to the ODC, undergo the evaluation, and comply with any recommended treatment;

(5) Prior to his automatic reinstatement, Respondent shall complete three hours of continuing legal education in the area of *habeas corpus*;

(6) Respondent is subject to automatic reinstatement pursuant to Rule 3.31 of the Rules of Lawyer Disciplinary Procedure.¹ If reinstated, respondent's practice of law shall be supervised for a period of one year by an attorney active in his geographic area, in good standing with the West Virginia State Bar, and agreed upon with the ODC;

¹ Pursuant to Rule 3.31, Rules of Lawyer Disciplinary Procedure, "[I]f the Office of Disciplinary Counsel shall determine that all terms and conditions of reinstatement have not been satisfied, it shall inform the Supreme Court of Appeals prior to the effective date of reinstatement in order that compliance with its directives can be compelled."

(7) Respondent shall comply with the mandates of Rule 3.28 of the Rules of Lawyer Disciplinary Procedure;

(8) 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/ Edythe Nash Gaiser
Clerk of Court

