

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 9<sup>th</sup> of December, 2008, the following order was made and entered:

In Re:                   Petition for Voluntary Resignation of Daniel W. Kelly from the West Virginia State Bar

No. 34260

On a former day, to-wit, August 14, 2008, came the petitioner, Daniel W. Kelly, pursuant to Rule 3.26(a) of the Rules of Lawyer Disciplinary Procedure, and presented to the Court his petition seeking to voluntarily resign as a member of the West Virginia State Bar and to have his name stricken from the rolls thereof.

Thereafter, on November 3, 2008, came the Investigative Panel of the Lawyer Disciplinary Board, by Stephen G. Jory, its chairperson, pursuant to Rule 3.26(c) of the Rules of Lawyer Disciplinary Procedure, and presented to the Court its written recommendation thereto.

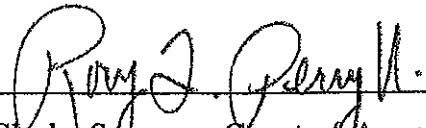
There having been heard neither consent nor objection from either the Office of Disciplinary Counsel or the petitioner, pursuant to Rule 3.26(d) of the Rules of Lawyer Disciplinary Procedure, the Court is of opinion to and doth hereby grant said petition of Daniel W. Kelly to voluntarily resign from the West Virginia State Bar. It is therefore ordered that the petitioner, Daniel W. Kelly, has leave to voluntarily resign from the West Virginia State Bar and his name shall be stricken from the rolls thereof. Justice Albright did not participate in the consideration or decision of this matter. Senior Status Justice McHugh sitting by temporary assignment.

It is finally ordered that the petitioner shall comply with the client notification requirements of Rule 3.28 of the Rules of Lawyer Disciplinary Procedure if applicable.

Service of an attested copy of this order shall constitute sufficient notice of the contents herein.

A True Copy

Attest:

  
Clerk, Supreme Court of Appeals