

At a Regular Term of the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on March 30, 2023, the following order was made and entered:

*In re* Petition for Reinstatement of Kirk H. Bottner

No. 22-656

### ORDER

On August 24, 2022, the petitioner Kirk H. Bottner, a suspended member of the West Virginia State Bar, by counsel Lonnie C. Simmons, DiPiero Simmons McGinley & Bastress, PLLC, in accordance with Rule 3.32 of the Rules of Lawyer Disciplinary Procedure, filed a petition for reinstatement of his license to practice law in the State of West Virginia.

On February 27, 2023, the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, by its Chair Charles R. Steele, in accordance with Rule 3.32(c) of the Rules of Lawyer Disciplinary Procedure, presented to the Court its written report and recommendation. The Hearing Panel Subcommittee recommends that the petitioner's license to practice law in the State of West Virginia be reinstated with the remaining term of suspension stayed and served on probation, conditioned upon the petitioner's successful completion of his contract with the West Virginia Judicial and Lawyers Assistance Program.

The respondent, Office of Lawyer Disciplinary Counsel, by Andrea J. Hinerman, Senior Lawyer Disciplinary Counsel, filed its consent to the recommendation on March 6, 2023. The petitioner did not file a consent or an objection to the recommendation.

Upon consideration of the recommendation from the Hearing Panel Subcommittee, the Court is of the opinion to and does adopt the recommendation and the petition for reinstatement is granted with certain conditions. It is ORDERED that the license to practice law in the State of West Virginia of the petitioner, Kirk H. Bottner, is reinstated and he is placed on probation until February 28, 2024, conditioned upon the petitioner's successful completion of his contract with the West Virginia Judicial and Lawyers Assistance Program, on February 28, 2024.

Service of a copy of this order upon all parties constitutes sufficient notice of the contents.

A True Copy

Attest: /s/ Edythe Nash Gaiser  
Clerk of Court

