

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on March 7, 2019, the following order was made and entered:

Office of Disciplinary Counsel,  
Petitioner

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vs.) No. 17-1022

Michael J. Marshall, a member of  
The West Virginia State Bar,  
Respondent

OFFICE OF  
DISCIPLINARY COUNSEL

**ORDER**

On November 22, 2017, the petitioner, Office of Disciplinary Counsel, by Joanne M. Vella Kirby, Lawyer Disciplinary Counsel, filed a petition seeking annulment of the license to practice law in the State of West Virginia of the respondent, Michael J. Marshall, pursuant to Rule 3.18, Rules of Lawyer Disciplinary Procedure.

The respondent, by counsel Lonnie C. Simmons, DiPiero Simmons McGinley & Bastress, PLLC, thereafter filed a request for a mitigation hearing to which the Office of Disciplinary Counsel filed an objection. The Hearing Panel Subcommittee Chairperson denied the request for a mitigation hearing and by order entered by this Court on November 14, 2018, the Court upheld the Hearing Panel Chairperson's decision that a mitigation hearing is not warranted.

Upon consideration and review of the petition seeking annulment and all pleadings filed herein, the Court is of the opinion to and does hereby grant the petition. It is therefore ordered that the license to practice law in the State of West Virginia of the respondent, Michael J. Marshall, shall be, and it hereby is, **ANNULLED**.

Service of a copy of this order upon Joanne M. Vella Kirby, Esq., Lawyer Disciplinary Counsel; Lonnie C. Simmons, Esq., counsel for the respondent; 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

