

APR - 6 2011

OFFICE OF
DISCIPLINARY COUNSEL

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 31st of March, 2011 the following order was made and entered:

Lawyer Disciplinary Board, Petitioner

vs.) No. 35535

Kirk H. Bottner, a member of The West Virginia
State Bar, Respondent

On a former day, to-wit, February 4, 2011, came the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, by David A. Jividen, 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) the respondent be reprimanded pursuant to Rule 3.15 of the Rules of Lawyer Disciplinary Procedure; (2) within one year of entry of this order, respondent perform 45 hours of *pro bono* service for the Pro Bono Referral Project, or a like entity, and submit certification of completion to the Office of Disciplinary Counsel; (3) within the next reporting period for respondent, he complete three hours of continuing legal education in conflict avoidance and submit a certificate of completion to the Office of Disciplinary Counsel; and (4) respondent pay the costs incurred in this disciplinary proceeding.

Thereafter, on March 3, 2011, came the Office of Disciplinary Counsel, by Andrea J. Hinerman, Senior Lawyer Disciplinary Counsel, and presented to the Court its statement that it has no objections to said recommendation.

Finally, on March 4, 2011, came the respondent, Kirk H. Bottner, by Christopher K. Robertson, Jackson Kelly PLLC, his attorney, and presented to the Court his statement that he has no objections to said recommendation.

Upon consideration whereof, the Court does concur with the recommendation and doth hereby approve the recommendation of the Hearing Panel Subcommittee. Justice Ketchum would sanction respondent with probation.

It is therefore ordered that: (1) the respondent be, and he hereby is, reprimanded pursuant to Rule 3.15 of the Rules of Lawyer Disciplinary Procedure; (2) within one year of date of this order, respondent shall perform forty-five hours of *pro bono* service for the Pro Bono Referral Project, or a like entity, and shall submit certification of completion to the Office of Disciplinary Counsel; (3) within the next reporting period for respondent, he shall complete three hours of continuing legal education in conflict avoidance and shall submit a certificate of completion to the Office of Disciplinary Counsel; and (4) respondent shall pay the costs incurred in this disciplinary proceeding.

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

