

## STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 12<sup>th</sup> of May, 2011 the following order was made and entered:

Lawyer Disciplinary Board, Petitioner

vs.) No. 35669

James M. Kearnan, a member of the West Virginia State Bar, Respondent

On a former day, to-wit, March 14, 2011, came the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, by David A. Jividen, its chairperson, pursuant to Rule 3.20 of the Rules of Lawyer Disciplinary Procedure, and presented to the Court its written recommended disposition in this reciprocal disciplinary action, recommending that the same sanction as the State of New York issued be imposed; thus, (1) respondent's license to practice law in the State of West Virginia be suspended for a period of five years or until the termination of his federal probation, whichever is longer, with said suspension effective immediately, in accordance with Rule 3.20(b) of the Rules of Lawyer Disciplinary Procedure; and (2) respondent not be reinstated to the practice of law in West Virginia until he is reinstated in the State of New York, and has provided a certified copy of the document showing he has been reinstated in New York to the Office of Disciplinary Counsel. For purposes of reinstatement, the effective date of the suspension is considered to be August 10, 2010.

Upon consideration whereof, the Court is of opinion to and doth hereby adopt the written recommended disposition of the Hearing Panel Subcommittee of the Lawyer

Disciplinary Board. It is therefore ordered that the same sanction imposed by the State of New York will be imposed here, hereto: (1) respondent's license to practice law in the State of West Virginia shall be, and it hereby is, suspended for a period of five years or until the termination of his federal probation, whichever is longer, commencing on August 10, 2010, in accordance with Rule 3.20(b) of the Rules of Lawyer Disciplinary Procedure; and (2) respondent shall not be reinstated to the practice of law in West Virginia until he is reinstated in the State of New York, and has provided a certified copy of the document showing he has been reinstated in New York to the Office of Disciplinary Counsel.

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

A True Copy

Attest: /s/ Rory L. Perry II, Clerk of Court

