

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF A MEMBER §
OF THE BAR OF THE SUPREME § No. 528, 2006
COURT OF DELAWARE: §
§ Board Case No. 40, 2006
GERARD P. KAVANAUGH, JR., §
Respondent. §

Submitted: October 4, 2006

Decided: October 5, 2006

Before **HOLLAND, JACOBS** and **RIDGELY**, Justices.

O R D E R

This 5th day of October 2006, it appears to the Court that the Board on Professional Responsibility (the “Board”) has filed its report in this matter pursuant to Rule 9(d) of the Delaware Lawyers’ Rules of Disciplinary Procedure (“Procedural Rules”) recommending Gerard P. Kavanaugh, Jr., Esquire (the “Respondent”) be transferred to disability inactive status. Neither the Respondent nor the Office of Disciplinary Counsel (“ODC”) has filed objections to the Board’s Report and Recommendation. The Court has reviewed the matter pursuant to Procedural Rule 9(e) and concludes that the Board’s Report and Recommendation should be approved.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Respondent is transferred to disability inactive status until such time as he can demonstrate by clear and convincing evidence that any disabilities have been removed;
2. The ODC is directed to petition the Court of Chancery for appointment of James E. Harker, Esquire, as received for the Respondent's law practice;
3. The Respondent may petition the Court for transfer to active status once every six months; and
4. This Order shall be made public.

BY THE COURT:

/s/ Randy J. Holland
Justice