

FILED

Per Curiam

FEB 17 1989

Committee on Legal Ethics of the
West Virginia State Bar

Anita E. Ramsey
CLERK OF THE
SUPREME COURT OF APPEALS
OF WEST VIRGINIA

No. 18804

Charles E. Anderson

This is a disciplinary proceeding instituted by the Committee on Legal Ethics of the West Virginia State Bar against the respondent, Charles E. Anderson, an attorney licensed to practice law in this State. We adopt the Committee's recommendation that the respondent's license to practice law be annulled.

On August 25, 1988, the respondent pleaded guilty in the United States District Court for the Northern District of West Virginia to one count of obstruction of justice, a felony, in violation of 18 U.S.C. § 1511, and to one count of subscribing to a false tax return, a felony, in violation of 26 U.S.C. § 7206(1). The respondent was sentenced to three years' probation.

The Committee asserts that the respondent's convictions amount to violations of DR 1-102(A) of the Code of Professional Responsibility, which provides in pertinent part:

"A lawyer shall not:

* * *

(3) Engage in illegal conduct involving moral turpitude.

(4) Engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.

* * *

(6) Engage in any other conduct that adversely reflects on his fitness to practice law."

The crimes of which the respondent was convicted clearly involve moral turpitude. In Re Smith, 158 W. Va. 13, 206 S.E.2d 920 (1974); In Re West, 155 W. Va. 648, 186 S.E.2d 776 (1972); Matter of Mann, 151 W. Va. 644, 154 S.E.2d 860 (1967). In the Syllabus of In Re Smith, *supra*, this Court stated:

"Section 23, Part E, Article VI of the By-Laws of the West Virginia State Bar imposes upon any Court before which an attorney has been qualified a mandatory duty to annul the license of such attorney to practice law upon proof that he has been convicted of any crime involving moral turpitude.' Point 2, syllabus, In The Matter of Mann, 151 W. Va. 644 [(1967)]."

The Committee's burden of proving the charges in the complaint by full, preponderating, and clear evidence is satisfied by production of a certified copy of the order or judgment of conviction. See Article VI, Section 25, By-Laws of the West Virginia State Bar; In Re Trent, 154 W. Va. 333, 175 S.E.2d 461 (1970).

The Committee here produced sufficient evidence to satisfy its burden of proof. The respondent admits his guilt of the crimes charged and offers no rebuttal to the Committee's complaint. Accordingly, we have a mandatory duty to annul his license to practice law.

The respondent does request, however, that we make the annulment retroactive to the date of his guilty pleas. He contends that he had closed his law practice prior to that time. As the Committee makes no objection, the respondent's request will be granted.

It is, therefore, ORDERED that, pursuant to Article VI, § 23 of the By-Laws of the West Virginia State Bar, the license of the respondent, Charles E. Anderson, to practice law in this State be, and the same hereby is, annulled effective August 25, 1988.

It is further ORDERED that a copy of this Order be, and the same hereby is, certified to the Executive Director of the West Virginia State Bar and to all parties hereto.