

Per Curiam:

DEC 14 1990

Committee on Legal Ethics of the
West Virginia State Bar

No. 18576 v.

Charles Michael Simpson

This is a disciplinary proceeding instituted by the Committee on Legal Ethics of the West Virginia State Bar against the respondent, Charles Michael Simpson, 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 June 28, 1988, the respondent pleaded guilty in the United States District Court for the Eastern District of Virginia to two counts of making false statements to federally insured banks in violation of 18 U.S.C. 1014. The respondent was sentenced to one year of imprisonment, to be followed by three years' probation, and was ordered to make restitution in the amount of \$110,000. The Committee asserts that the respondent's convictions amount to illegal conduct involving moral turpitude in violation of DR 1-102(A)(3) of the Code of Professional Responsibility.

The crimes of which the respondent was convicted involve an element of fraud or fraudulent intent and are, therefore, crimes of moral turpitude as a matter of law. 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).

*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 manda-

tory 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.

Syllabus, In re Smith, 206 S.E.2d at 921. 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 offers no rebuttal. Accordingly, we have a mandatory duty to annul his license to practice law.

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 Michael Simpson, to practice law in this State be, and the same hereby is, annulled.

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.