

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 31st day of October, 1996, the following order was made and entered:

In the Matter of: William Edward ReBrook, III,
a former member of The West
Virginia State Bar

On a former day, to-wit, October 17, 1996, came the petitioner, William Edward ReBrook, III, a former member of The West Virginia State Bar, by diTrapano & Jackson, and Rudolph L. diTrapano, and Ciccarello, Del Giudice & LaFon, and Arthur T. Ciccarello, his attorneys, and also came the following Amici Curiae: Barbara A. Allen, Michael C. Allen, James M. Barber, Christopher P. Bastien, Robert V. Berthold, Nelson R. Bickley, Jon L. Brown, Guy R. Bucci, Christopher S. Butch, Gregory J. Campbell, John B. Carrico, John N. Charnock, Jr., David P. Cleek, Michael Clifford, Michael R. Cline, James Coleman, Charles W. Covert, John J. Cowen, Arden J. Curry, Arden J. Curry, II, George A. Daugherty, Suzanne W. Daugherty, Jack W. Debolt, Michael J. Del Giudice, Timothy DiPierro, John E. Dorsey, Theodore Dues, Richard L. Earles, Gregory E. Elliott, Thomas V. Flaherty, Franklin S. Fragale, Jr., Troy N. Giatras, Andrew J. Goodwin, Dale Greene, John G. Hackney, Jr., Nathan Hicks, Jr., James F. Humphreys, Douglas B. Hunt, Charles E. Hurt, G. Patrick Jacobs, Nisar A. Kalwar, Timothy J. LaFon, John L. MacCorkle, Otis Mann, Thomas Patrick Maroney, Robert P. Martin, Marvin W. Masters, James B. McIntyre, Parrish McKittrick, Douglas Miller, John R. Mitchell, John R. Mitchell, Jr., David A. Mohler, William E. Murray, Richard Neely, William Pepper, John T. Poffenbarger, Charles Riffie, Thomas S. Riggs, Herschel H. Rose, III, Walton S. Shepherd, III, David Stewart, Larry D. Taylor, Walter Wagner, Jr., Matthew Victor, Thomas Wilson, Henry E. Wood, III, Benjamin

F. Yancey, Jr., and R. Joseph Zak, and presented to the Court his petition requesting the reinstatement of his license to practice law in the State of West Virginia, for the reasons stated therein. Thereafter, on the 30th day of October, 1996, came the Office of Disciplinary Procedure, by Sherri D. Goodman, Chief Lawyer Disciplinary Counsel, and presented to the Court its written response in opposition thereto. Finally, on the 31st day of October, 1996, came the petitioner, William Edward ReBrook, III, pro se, and presented to the Court his written reply.

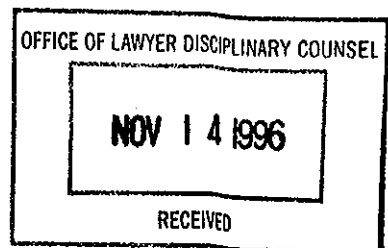
Upon consideration whereof, the Court is of opinion to and doth hereby refuse said petition for reinstatement pursuant to Rule 3.33, Rules of Lawyer Disciplinary Procedure. Justice Workman deemed herself disqualified and did not participate in the consideration or decision of this matter.

A True Copy

Attest:



Clerk, Supreme Court of Appeals

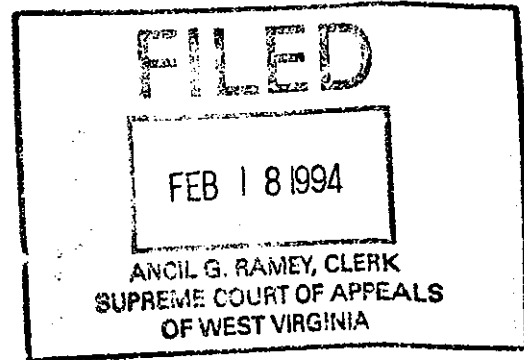


Per Curiam:

The Committee on Legal Ethics
of the West Virginia State Bar

No. 21975 v.

William Edward ReBrook, a member
of the West Virginia State Bar



In this legal ethics proceeding, the Committee on Legal Ethics of the West Virginia State Bar requests that this Court annul the license of the respondent, William Edward ReBrook, to practice law in the State of West Virginia. The Committee charges that the respondent has been convicted of crimes involving his professional fitness to practice law and that, under principles endorsed by this Court, his license should be annulled and he should be disbarred. After reviewing the documents files, as well as the guidelines governing the questions raised, this Court believes that the respondent's license should be annulled and, accordingly, it is annulled, and he is disbarred from the practice of law.

Article VI, section 23 of the By-Laws of the West Virginia State Bar, which governs the practice of law in the State of West Virginia, provides, in part:

The license of any attorney shall be annulled and such attorney shall be disbarred upon proof that he has been convicted -- (a) of any crime involving moral turpitude or professional unfitness; or (b) of receiving money for his client as his attorney and

failing to pay the same on demand, or within six months after receipt thereof, without good and sufficient reason for such failure, as in the statute provided.

In 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), and In re Mann, 151 W.Va. 644, 154 S.E.2d 860 (1967), this Court recognized that conviction of a crime of which fraud is an element involves conviction of a crime involving moral turpitude.

The documents filed in this case show that on November 5, 1993, the respondent was found guilty by a jury of wire fraud and insider trading in the United States District Court for the Southern District of West Virginia in the case of United States of America v. William Edward ReBrook, III, Criminal No. 2:93-00151-01.

In this Court's view, the documents filed show, by full, preponderating, and clear evidence, that the respondent has been convicted of wire fraud and insider trading, crimes involving fraud and professional unfitness, and thus, involving moral turpitude. Under the circumstances, given the requirement of Article VI, Section 23 of the By-Laws of the West Virginia State Bar, this Court believes that the respondent's license to practice law in the State of West Virginia should be annulled and that he should be disbarred.

The Court notes that the respondent has recognized that the circumstances dictate that he cease the practice of law and that he has voluntarily consented to the annulment of his license to practice. The Court further believes, however, that official action annulling his license and disbarring him is indicated.

It is, therefore, Adjudged and Ordered that the license of the respondent, William Edward ReBrook, to practice law be, and the same hereby is, annulled. It is further Adjudged and Ordered that he be disbarred from the practice of law in the State of West Virginia, effective January 11, 1994.

Justice Neely, deeming himself disqualified, did not participate in the decision of this case.

