

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 9th day of May, 2001, the following order was made and entered:

MAY 11 2001

Lawyer Disciplinary Board,
Respondent

vs.) No. 26556

William Edward ReBrook, III, a former
member of The West Virginia State
Bar, Petitioner

On a former day, to-wit, December 4, 2000, came the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, by William B. Richardson, Jr., its chairperson, pursuant to Rule 3.33(c) of the Rules of Lawyer Disciplinary Procedure, and presented to the Court its *Findings of Fact, Conclusions of Law and Recommendation* recommending that the petitioner's license to practice law in the State of West Virginia be reinstated with the following conditions: (1) that petitioner be required to practice under the supervision of another practicing attorney in good standing with The West Virginia State Bar for a period of two years following reinstatement, said supervising attorney to be selected by the petitioner with approval of the Office of Lawyer Disciplinary Counsel. In the event the petitioner and the Office of Lawyer Disciplinary Counsel cannot agree on a supervising attorney, the Hearing Panel Subcommittee of the Lawyer Disciplinary

Board to make the decision. The supervising attorney be required to file regular reports with the Office of Lawyer Disciplinary Counsel and be required to answer any request from the Office of Lawyer Disciplinary Counsel for information; (2) that petitioner be required to perform one hundred hours (100) of pro bono work during his first year of practice; (3) that petitioner continue in counseling sessions with Dr. Sarr, or another licensed psychologist of his choice for a period of one year; however, this is not recommended as a requirement; (4) that petitioner repay Three Hundred Twenty-Nine Dollars and Thirty-Two Cents (\$329.32) to a client whose identity is contained in the Investigative Panel's June 10, 1995 order, or, in the alternative, provide documentation that this repayment has already been made; (5) that petitioner pay required Bar dues and perform any necessary continuing legal education as required in order to practice law in the State of West Virginia; (6) petitioner repay the Client Protection Fund such amount as it may finally determine, if any, was properly paid to his former clients, unless the Client Protection Fund chooses to waive repayment for failure to provide notice to the petitioner; and (7) that petitioner be required to reimburse the Lawyer Disciplinary Board for the costs and expenses incurred in the investigation of this matter in the amount of One Thousand Three Hundred Sixteen Dollars and Twenty Cents (\$1,316.20).

Thereafter, on the 26th day of April, 2001, came the Office of Lawyer Disciplinary Counsel, by Amie L. Johnson, Lawyer Disciplinary Counsel, and informed the Court that the proper amount to be reimbursed by the petitioner to the Client Protection Fund is

Four Hundred Ninety-Nine Dollars and Ninety-Eight Cents (\$499.98), rather than the recommendations set forth in Nos. 4 and 6 above.

Upon consideration whereof, the Court is of opinion that the petition for reinstatement be, and it hereby is, granted, and doth hereby adopt the recommendations of the Hearing Panel Subcommittee of the Lawyer Disciplinary Board. It is therefore ordered that the license to practice law in the State of West Virginia of the petitioner, William Edward ReBrook, III, be, and it hereby is, reinstated, subject to the following terms and conditions: (1) petitioner shall practice under the supervision of another practicing attorney in good standing with The West Virginia State Bar for a period of two years following reinstatement, said supervising attorney to be selected by the petitioner with approval of the Office of Lawyer Disciplinary Counsel. In the event the petitioner and the Office of Lawyer Disciplinary Counsel cannot agree on a supervising attorney, the Hearing Panel Subcommittee of the Lawyer Disciplinary Board shall make the decision. The supervising attorney shall file regular reports with the Office of Lawyer Disciplinary Counsel and shall answer any request from the Office of Lawyer Disciplinary Counsel for information; (2) petitioner shall perform one hundred hours (100) of pro bono work during his first year of practice; (3) petitioner is urged to continue in counseling sessions with Dr. Sarr, or another licensed psychologist of his choice, for a period of one year; (4) petitioner shall repay Four Hundred Ninety-Nine Dollars and Ninety-Eight Cents (\$499.98) to the Client Protection Fund; (5) petitioner shall pay the required state bar membership fees and complete any

mandatory continuing legal education required in order to practice law in the State of West Virginia; and (6) petitioner shall reimburse the Lawyer Disciplinary Board for the costs and expenses incurred in the investigation of this matter in the amount of One Thousand Three Hundred Sixteen Dollars and Twenty Cents (\$1,316.20).

Chief Justice McGraw would refuse to reinstate petitioner's license to practice law in the State of West Virginia. Justice Albright deemed himself disqualified and did not participate in the consideration or decision of this case. Judge Recht, sitting by temporary assignment.

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

A True Copy

Attest:


Clerk, Supreme Court of Appeals