

**FILED**  
**June 18, 2014**  
released at 3:00 p.m.  
RORY L. PERRY II, CLERK  
SUPREME COURT OF APPEALS  
OF WEST VIRGINIA

Justice Ketchum, dissenting:

Sometimes we need to mix a little mercy with justice. *Lawyer Disciplinary Board v. Brown*, 223 W.Va. 554, 678 S.E.2d 60 (2009) (Justice Ketchum, dissenting).

Mr. Ditrapano was in legal trouble for years because of his drug and alcohol addiction. However, he has been drug and alcohol free for over seven years and straightened up his life. In fact, he has more than met our five-factor test for rehabilitation in order to be readmitted to the practice of law. *See, In Re: Smith*, 214 W.Va. 83, 585 S.E.2d 602 (1980).

The hearing Panel Subcommittee of the Lawyer Disciplinary Board heard the evidence, considered the extent of the rehabilitation, weighed the demeanor of the witnesses and Mr. Ditrapano, and made a thoughtful, measured recommendation. I would accept their recommendation to conditionally reinstate Mr. Ditrapano's law license after the completion of his supervised release.

I disagree with my distinguished colleagues.