

NORTH CAROLINA
WAKE COUNTY

BEFORE THE COUNCIL
OF THE
NORTH CAROLINA STATE BAR
98 BCS 2

IN THE MATTER OF THE TENDER)
OF SURRENDER OF LICENSE OF:)
RALPH H. FALLS, JR.)

ORDER OF DISBARMENT

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1740

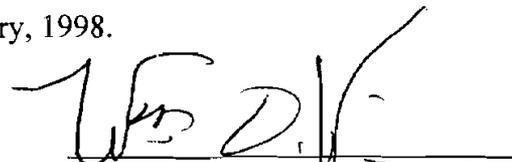
THIS MATTER coming on to be heard and being heard by the Council of the North Carolina State Bar pursuant to 27 N.C. Admin. Code Chapter 1, Subchapter B, §.0117(a) of the State Bar Discipline & Disability Rules upon an affidavit of tender of surrender of license executed by Ralph H. Falls, Jr. on January 9, 1998 and filed in the offices of the North Carolina State Bar on January 12, 1998.

Based upon the affidavit, the Council finds that Ralph H. Falls, Jr.'s conduct of misappropriating client funds is grounds for discipline pursuant to N.C. Gen. Stat. §84-28(b)(2) in that Ralph H. Falls, Jr. violated Rules 1.2(b) and (c) of the Rules of Professional Conduct and Rules 8.4(b) and (c) of the Revised Rules of Professional Conduct (for conduct occurring after July 24, 1997).

WHEREFORE, upon motion duly made and seconded, the Council enters the following Order:

1. The tender of surrender of license of Ralph H. Falls, Jr. is hereby accepted.
2. Ralph H. Falls, Jr. is hereby is DISBARRED from the practice of law in North Carolina.
3. Ralph H. Falls, Jr. shall comply with the provisions of 27 N.C.A.C. Chapter 1, Subchapter B, §.0124 of the State Bar Discipline & Disbarment Rules and shall surrender his license and permanent membership card to the Secretary of the North Carolina State Bar along with the affidavit required by §.0124 of the State Bar Discipline & Disbarment Rules.
4. The costs of this action are taxed against Ralph H. Falls, Jr.

Done and ordered this 16th day of January, 1998.


William O. King, President
The N.C. State Bar

NORTH CAROLINA

MECKLENBURG COUNTY

AFFIDAVIT

TO: The Council of The North Carolina State Bar

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I, **Ralph H. Falls, Jr.**, hereby tender my license to practice and desire to resign from The North Carolina State Bar. My resignation is tendered freely and voluntarily, is not the result of coercion or duress, and I am fully aware of the implications of submitting the resignation.

I understand that the State Bar Council will consider this affidavit of surrender at its meeting on January 16, 1998 and waive further notice

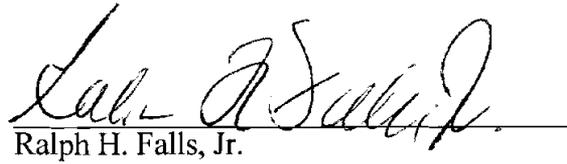
I am aware that there are presently pending investigations or other proceedings regarding allegations that I have been guilty of misconduct, to wit:

- (1) I represented Eric Solheim and his business entities. During the course of this representation, I received sums on behalf of Solheim or his business entities which were deposited into my trust account.
- (2) Pursuant to this representation, I made numerous disbursements from my trust account at the request of Solheim on behalf of Solheim or his business entities.
- (3) I made disbursements from my trust account at the request of Solheim in excess of the amount Solheim had on deposit in my trust account.
- (4) Being aware that my trust account was out of balance, I continued to use my trust account by make deposits and disbursements for other clients.
- (5) I knowingly used the clients' funds deposited into my trust account to pay obligations of other clients whose funds had previously been deposited into my trust account.
- (6) As a result of the disbursements I made at the request of Solheim in excess of the amount he had on deposit, my trust account is \$254,425.30 out of balance.
- (7) As a result of my trust account being out of balance, I have written NSF checks on my trust account and have amounts I need to disburse on behalf of clients that my trust account balance is not sufficient to cover.

I acknowledge that the material facts upon which the complaints are predicated are true. I am submitting my resignation because I know that if charges were predicated upon

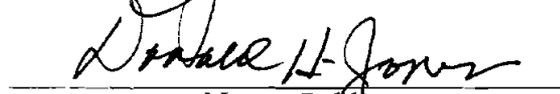
the misconduct under investigation I could not successfully defend against them.

This 9th day of January, 1998.


Ralph H. Falls, Jr.

Sworn to and subscribed before me this

9th day of January, 1998.


Notary Public

My commission expires: July 5, 2000