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# The North Carolina State Bar

NORTH CAROLINA

BEFORE THE COUNCIL

WAKE COUNTY

NORTH CAROLINA STATE BAR

IN THE MATTER OF )  
THOMAS S. GARRISON, JR. )  
& ANNA L. GARRISON, GUARDIAN )  
OF THOMAS S. GARRISON, JR., )  
ATTORNEY AT LAW, ASHEVILLE, )  
NORTH CAROLINA )

JUDGMENT

THIS MATTER COMING ON BEFORE THE COUNCIL OF THE NORTH CAROLINA STATE BAR at its regular quarterly meeting held on July 14, 1972, upon the recommendation of the Grievance Committee and the written statement of the above-named Thomas S. Garrison, Jr., by and through his guardian; and it appearing to the Council

That Thomas S. Garrison, Jr., of Asheville, Buncombe County, has heretofore been duly licensed and admitted as an attorney at law on April 5, 1948; and it further appearing to the Council

That on April 26, 1972, there was filed in the office of The North Carolina State Bar the certificate of license of Thomas S. Garrison, Jr., to practice law in this State along with a signed statement signed by Mr. Garrison and his guardian as follows:

"Mr. H. Kenneth Lee  
President, North Carolina State Bar  
Gennett Building  
Asheville, North Carolina

Dear Mr. Lee:

We wish to voluntarily surrender the license for the practice of law of Tom S. Garrison, Jr., and request that you forward the same pursuant to this request and surrender in writing to the North Carolina State Bar Council.

We sincerely hope that the Council will consent to accept this request and surrender in writing and enter the appropriate orders pursuant to G. S. 84-32.

Very truly yours,

/s/ Tom S. Garrison, Jr.

/s/ Anna Lois P. Garrison  
Guardian of Tom S. Garrison, Jr."

On January 14, 1972, the Grievance Committee took under consideration judgments entered by the Clerk of the Superior Court of Buncombe County, relative to Mr. Garrison acting as guardian and his handling of monies coming into his possession as a fiduciary in the following estates:

In the Matter of the Estate of Thomas E. Burrell, Incompetent  
In the Matter of the Estate of Bertha M. Aiken, Incompetent  
In the Matter of the Estate of Artis A. Bush, Incompetent  
In the Matter of the Estate of Clinton C. Mayo, Incompetent  
In the Matter of the Estate of John H. Baird, Incompetent

On January 27, 1972, by Registered letter Return Receipt Requested, a LETTER OF NOTICE was mailed to Mr. Garrison and his guardian as provided by the Rules and Regulations, setting forth the fact that the Grievance Committee was investigating his conduct in handling the funds belonging to the estates of these individuals and setting forth the fact that on July 12, 1971, the Clerk of the Superior Court of Buncombe County entered judgments against Mr. Garrison, finding as a fact that he was in default and guilty of misconduct in the handling of funds belonging to the estates of the following individuals and surcharging him in the following amounts:

- 1) A judgment was entered against you charging you with default and misconduct in your handling the funds belonging to the estate of Thomas E. Burrell, Incompetent, \$23,556.17.
- 2) A judgement was entered against you charging you with default and misconduct in your handling the funds belonging to the estate of Bertha M. Aiken, Incompetent, \$11,217.19.
- 3) A judgment was entered against you charging you with default and misconduct in your handling the funds belonging to the estate of Artis A. Bush, Incompetent, \$17,268.03.
- 4) A judgment was entered against you charging you with default and misconduct in your handling the funds belonging to the estate of Clinton C. Mayo, Incompetent, \$18,408.06.
- 5) On November 2, 1971, a judgment was entered against you charging you with default and misconduct in your handling the funds belonging to the estate of John H. Baird, Incompetent, \$3,681.39 with interest on \$801.39 from September 1, 1970 and interest on \$4,880.00 from October 18, 1971.

The record reveals that no answer was filed to this LETTER OF NOTICE.

On April 14, 1972, upon the recommendation of the Grievance Committee the Council upon motion duly made and seconded, passed the following resolution:

"BE IT RESOLVED, that in the matter of Thomas S. Garrison, Jr., Attorney of Asheville, that disciplinary action be instituted as provided by Statutes against Mr. Garrison concerning his conduct in misappropriating trust funds coming into his possession as guardian for a number of incompetent veterans. The Secretary is directed to employ counsel to prosecute this case."

Prior to the filing of the Summons and Complaint in this matter, Mr. Garrison delivered to the President of The North Carolina State Bar the above quoted statement of the tender of the surrender of his license and also the actual license itself; and the same was forwarded to the office of The North Carolina State Bar on April 26, 1972.

The Council upon full consideration of all matters in connection with this request to submit said license and the record in this case, and from a report of the Grievance Committee and its recommendation that the Council accept the surrender of Mr. Thomas S. Garrison, Jr.'s, license to practice law, and the further recommendation that he be disbarred from the practice of law with the right to petition for reinstatement at some future date as provided by law, upon motion duly made and seconded the Council entered the following resolution:

"BE IT RESOLVED that upon full consideration of the record of one Thomas S. Garrison, Jr., now pending before the Grievance Committee, and upon his written request to surrender his license as an attorney at law as provided by statute, the Council is of the opinion that this is a proper case for acceptance of said certificate of license to practice law, and therefore directs that the same be accepted;

"AND, BE IT FURTHER RESOLVED that Mr. Thomas S. Garrison, Jr., is disbarred from the practice of law with the right to petition for reinstatement as provided by law;

"AND, BE IT FURTHER RESOLVED that the President is ordered and directed to enter a proper judgment and order accepting the surrender of Mr. Garrison's certificate of license to practice law and disbarment from the practice of law, and to forward copies of the judgment to the Supreme Court of North Carolina, the Court of Appeals of North Carolina and to the county where Mr. Garrison was sworn in as an attorney."

NOW, THEREFORE, UPON THE ORDERS OF THE COUNCIL IT IS HEREBY ORDERED that The North Carolina State Bar does accept the surrender of the certificate of license to practice law heretofore issued to Thomas S. Garrison, Jr., and that the office of The North Carolina State Bar is to retain the same in the files of the Council of The North Carolina State Bar.

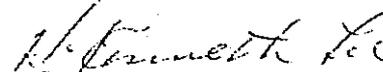
IT IS FURTHER ORDERED that the certificate of license to practice law of the said Thomas S. Garrison, Jr., be, and the same is hereby, suspended, and said Thomas S. Garrison, Jr., is disbarred from the practice of law in the State of North Carolina from and after this date, subject to reinstatement as provided by law.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Thomas S. Garrison, Jr.,

close his office, disconnect his telephone, remove any signs from his office that may indicate he is permitted to practice law, and he shall not in any way whatsoever directly or indirectly engage in the practice of law until his license to practice is reinstated by The North Carolina State Bar.

IT IS FURTHER ORDERED that a copy of this Judgment be filed with the Clerk of the Supreme Court of North Carolina, the Clerk of the Court of Appeals, and the Clerk of the Superior Court of Buncombe County, all in accordance with the Orders of the Council.

Given over my hand and seal of The North Carolina State Bar, this  
27th day of July, 1972.

  
H. Kenneth Lee, President  
The North Carolina State Bar

NORTH CAROLINA

WAKE COUNTY

I, B. E. James, Secretary-Treasurer of The North Carolina State Bar, do hereby certify that the foregoing Judgment has been duly adopted by the Council of The North Carolina State Bar, and the said copy of Judgment is a true and exact copy of the Judgment in the Matter of Thomas S. Garrison, Jr. & Anna L. Garrison, Guardian of Thomas S. Garrison, Jr., Attorney at Law, Asheville, North Carolina.

Given over my hand and the Seal of The North Carolina State Bar, this the 27th day of July, 1972.

  
B. E. James, Secretary-Treasurer  
The North Carolina State Bar