

STATE OF NORTH CAROLINA
WAKE COUNTY

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR

FILED

1982 AUG 20 PM 5: 57 82 DHC 5

B.E. JAMES, SEC
THE N. C. STATE BAR

THE NORTH CAROLINA STATE BAR,
Plaintiff,

v.

C. C. MALONE, JR., Attorney,
Defendant.

)
) FINDINGS OF FACT
) AND
) CONCLUSIONS OF LAW
)
)
)

THIS CAUSE coming on to be heard and being heard before the undersigned Committee of the Disciplinary Hearing Commission of the North Carolina State Bar on August 20, 1982, the Plaintiff having been represented by its Counsel, L. Thomas Lunsford, II, and the Defendant having been present and represented by his Counsel, James E. Ferguson, II, the said Hearing Committee, having heard the evidence and arguments of Counsel, finds the following facts by clear, cogent and convincing evidence:

1. That the Plaintiff, The North Carolina State Bar, is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the Rules and Regulations of The North Carolina State Bar promulgated thereunder.

2. The Defendant, C. C. Malone, Jr., was admitted to The North Carolina State Bar on September 11, 1961, and is and was at all times referred to herein, an Attorney at Law, licensed to practice law in the State of North Carolina, subject to the Rules, Regulations, Canons of Ethics and Code of Professional Responsibility of The North Carolina State Bar and of the laws of the State of North Carolina.

3. At and during all of the times hereinafter referred to, the Defendant was actively engaged in the practice of law in the State of North Carolina and maintained a law office in the City of Durham, Durham County, North Carolina.

4. On May 29, 1981, Mr. Richard B. Peacock filed a grievance with The North Carolina State Bar charging the Defendant with ethical misconduct.

5. The Chairman of the Grievance Committee of The North Carolina State Bar issued a Letter of Notice to the Defendant concerning the grievance pursuant to Rule 12 of the Discipline and Disbarment Rules which was received by the Defendant on June 30, 1981

6. The Defendant failed to respond to the Letter of Notice as required by Rule 12 of the Discipline and Disbarment Rules.

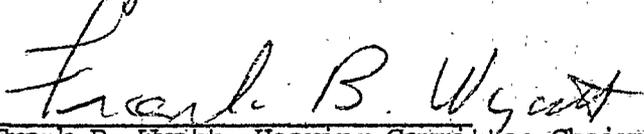
7. The Office of Counsel of The North Carolina State Bar sent the Defendant a letter on August 26, 1981, requesting that the Defendant respond to the Chairman's letter which was received by the Defendant. The Defendant failed to respond.

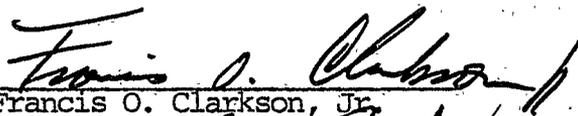
8. On March 22, 1982, the Chairman of the Grievance Committee issued a subpoena to produce document or object to the Defendant pursuant to Rule 12 of the Discipline and Disbarment Rules, which commanded the Defendant's appearance before the Grievance Committee on April 14, 1982. Said subpoena was served upon the Defendant by registered mail on March 23, 1982. The Defendant failed to appear at the Grievance Committee meeting on April 14, 1982.

BASED UPON THE FOREGOING FINDINGS OF FACT, THE HEARING COMMITTEE CONCLUDES that the conduct of the Defendant as set forth above constitutes a violation of North Carolina General Statute §84-28(a) and (b) (2) and (3), in that: the Defendant, by failing to respond to either the Chairman's Letter of Notice of the subpoena, failed to answer a formal inquiry or

complaint issued by or in the name of The North Carolina State Bar in a disciplinary matter in violation of North Carolina General Statute §84-28(b) (3) and engaged in conduct that adversely reflects on his fitness to practice law in violation of Disciplinary Rule 1-102(A) (6) of the Code of Professional Responsibility of The North Carolina State Bar.

This the 20 day of August, 1982.


Frank B. Wyatt, Hearing Committee Chairman


Francis O. Clarkson, Jr.


W. Colon Byrd, Jr.

STATE OF NORTH CAROLINA **FILED** BEFORE THE
WAKE COUNTY 1982 AUG 23 AM 11:29 DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
B.E. JAMES, SEC. 82 DHC 5
THE N. C. STATE BAR

THE NORTH CAROLINA STATE BAR,
Plaintiff,

v.

ORDER

C. C. MALONE, JR., Attorney,
Defendant

THIS CAUSE having been heard on August 20, 1982 before a Hearing Committee of the Disciplinary Hearing Commission of which Hearing Committee the undersigned is Chairman, and an order of discipline of that date having been entered herein providing that the defendant be suspended from the practice of law for a period of sixty (60) days commencing on October 1, 1982; and

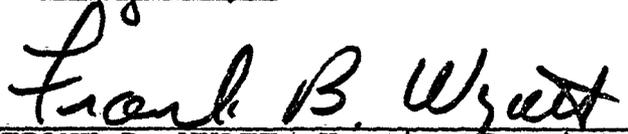
IT APPEARING to the Hearing Committee that certain necessary provisions were inadvertently omitted from said order;

IT IS HEREBY, ADJUDGED ORDERED AND DECREED that:

(1) Said period of suspension shall, in the event the order of discipline is affirmed upon appeal, commence thirty (30) days after such affirmation.

(2) The costs of this proceeding shall be taxed to the defendant.

This the 23 day of August, 1982.


FRANK B. WYATT, Hearing Committee
Chairman for the Committee

STATE OF NORTH CAROLINA
WAKE COUNTY

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE

1982 AUG 23 NORTH CAROLINA STATE BAR
ATTN 2 82 DHC 5

B.E. JAMES, SEC.
THE N.C. STATE BAR

THE NORTH CAROLINA STATE BAR,
Plaintiff,

v.

C. C. MALONE, JR., Attorney,
Defendant.

ORDER

THIS CAUSE coming on to be heard and being heard before the under-
signed Hearing Committee of the Disciplinary Hearing Commission of the
North Carolina State Bar on August 20, 1982; and

The Plaintiff having been represented by its Counsel, L. Thomas
Lunsford, II, and the Defendant, by James E. Ferguson, II, and the Hearing
Committee having heard the evidence and arguments of Counsel, and having
made certain FINDINGS OF FACT AND CONCLUSIONS OF LAW, all appearing of
record herein;

NOW, therefore, based upon such FINDINGS OF FACT AND CONCLUSIONS OF
LAW, this Hearing Committee of the Disciplinary Hearing Commission hereby
orders that, under the provisions of G.S. 684-28(c)(2), a sixty (60)
day suspension from the practice of law in this State by the Defendant,
C. C. Malone, Jr., to commence October 1, 1982.

This the 20 day of August, 1982.

Frank B. Wyatt
Frank B. Wyatt, Hearing Committee Chairman

Francis O. Clarkson, Jr.
Francis O. Clarkson, Jr.

W. Colon Byrd, Jr.
W. Colon Byrd, Jr.

