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FILED

NORTH CAROLINA
DAVIDSON COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION '83
83-CVS-0515

DAVIDSON COUNTY, N.C.

BY

Full

IN THE MATTER OF THE RIGHT TO)
PRACTICE LAW OF CARROLL C. WALL,)
III AND J. CALVIN CUNNINGHAM,)
Respondents)

JUDGMENT

THIS CAUSE coming on to be heard on May 14, 1983, before the Undersigned Judge regularly assigned to hear cases in the Twenty-Second Judicial District, upon the Petition heretofore filed by petitioner on or about April 22, 1983 by the Honorable Robert A. Collier, Jr., Senior Resident Superior Court Judge, Twenty-Second Judicial District, and the Court having found the facts and made its Conclusions of Law as appears of record, does hereby ORDER, ADJUDGE, AND DECREE:

1. The license of J. Calvin Cunningham to practice law is suspended for a period of three years. With the consent of the respondent, J. Calvin Cunningham, the Court stays such suspension for a period of three years upon the following conditions:

(1) Respondent shall not violate any of the provisions of the North Carolina Code of Professional Responsibility.

(2) Respondent shall not own, possess or consume any alcoholic beverages.

(3) Respondent shall refrain from use of profanity in the presence of his clients.

(4) Respondent shall furnish to each new client a statement of the services to be performed and the fee to be charged. Any fee contracted for shall be reasonable and in compliance with DR 2-106. The statement shall contain a provision that it will be furnished to, or made available for inspection by, the Senior Resident Judge of the Twenty-Second Judicial District, any Judge of the Superior or District Courts, or the North Carolina State Bar, or any of them, and that the client consents to such inspection.

(5) Respondent shall render 100 hours of community, civic, or church service each year above and beyond what would have been his normal involvement. Respondent shall annually submit a report describing such service to the Senior Resident Judge of the Twenty-Second Judicial District for approval as to compliance with this subparagraph.

(6) Respondent shall not appear before the Honorable George T. Fuller with respect to any matter, civil or criminal.

(7) During the six months following April 18, 1983 (the last date respondent has appeared in Court in this Judicial District except for the purpose of obtaining continuances), respondent shall not appear in Court with respect to the handling of any criminal case. As to criminal cases with respect to which respondent is now retained, respondent need not withdraw as counsel unless (a) his client requests that he withdraw in order that the case may be tried before October 17, 1983, or (b) the case is scheduled for trial prior to October 17, 1983, and the District Attorney will not continue the case. (Any District Attorney, within the State of North Carolina, is authorized, but not directed, to grant continuances of all pending cases in which respondent is counsel of record so as to permit their trial after October 17, 1983.) Respondent shall not accept employment with respect to any criminal case having a first appearance date on or before October 17, 1983, and shall not discuss being retained with any prospective client in a criminal case prior to September 12, 1983, except upon order of this Court. Respondent may perform any legal service for his present clients in criminal cases not involving appearance in court. Nothing contained herein restricts respondent in any way with respect to civil cases.

(8) Respondent shall pay one-half of the costs of this action, which shall include the reasonable cost of transporting Mrs. Pedraza to North Carolina and her reasonable expenses awaiting trial and reasonable costs incurred by the State Bar and one copy of the transcript of this hearing.

2. The license of Carroll C. Wall, III to practice law is suspended for a period of three years. With the consent of the respondent, Carroll C. Wall, III, the Court stays such suspension for a period of three years upon the following conditions:

(1) Respondent shall not violate any of the provisions of the North Carolina Code of Professional Responsibility.

(2) Respondent shall not own, possess or consume any alcoholic beverages.

(3) Respondent shall refrain from use of profanity in the presence of his clients.

(4) Respondent shall furnish to each new client a statement of the services to be performed and the fee to be charged. Any fee contracted for shall be reasonable and in compliance with DR 2-106. The statement shall contain a provision that it will be furnished to, or made available for inspection by, the Senior Resident Judge of the Twenty-Second Judicial District, any Judge of the Superior or District Courts, or the North Carolina State Bar, or any of them, and that the client consents to such inspection.

(5) Respondent shall render 100 hours of community, civic, or church service each year. Respondent shall annually submit a report describing such service to the Senior Resident Judge of the Twenty-Second Judicial District for approval as to compliance with this subparagraph.

(6) Respondent shall not appear before the Honorable George T. Fuller with respect to any matter, civil or criminal.

(7) During the six months following April 18, 1983 (the last date respondent has appeared in Court in this Judicial District except for the purpose of obtaining continuances), respondent shall not appear in Court with respect to the handling of any criminal case. As to criminal cases with respect to which respondent is now retained, respondent need not withdraw as counsel unless (a) his client requests that he withdraw in order that the case may be tried before October 17, 1983 or

(b) the case is scheduled for trial prior to October 17, 1983, and the District Attorney will not continue the case. (Any District Attorney, within the State of North Carolina, is authorized, but not directed, to grant continuances of all pending cases in which respondent is counsel of record so as to permit their trial after October 17, 1983.) Respondent shall not accept employment with respect to any criminal case having a first appearance date on or before October 17, 1983, and shall not discuss being retained with any prospective client in a criminal case prior to September 12, 1983, except upon order of this Court. Respondent may perform any legal service for his present clients in criminal cases not involving appearance in court. Nothing contained herein restricts respondent in any way with respect to civil cases.

(8) Respondent shall pay one-half of the costs of this action, which shall include the reasonable cost of transporting Mrs. Pedraza to North Carolina and her reasonable expenses awaiting trial and reasonable costs incurred by the State Bar and one copy of the transcript of this hearing.

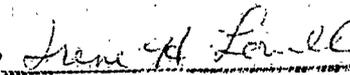
(3) The Superior Court of Davidson County retains jurisdiction of this matter during the pendency of the stay of suspension.

This the 23 day of May, 1983.



Presiding Superior Court Judge

A TRUE COPY
CLERK OF SUPERIOR COURT
DAVIDSON COUNTY

BY 
Assistant Deputy Clerk Superior Court

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