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NORTH CAROLINA  
WAKE COUNTY

BEFORE THE COUNCIL  
OF THE  
NORTH CAROLINA STATE BAR  
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IN THE MATTER OF THE  
TENDER OF LICENSE OF:  
  
JAMES C. HARPER

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ORDER OF DISBARMENT

This matter came on to be heard and was heard by the Council of the North Carolina State Bar pursuant to Section 17 of Article IX of the Discipline and Disbarment Procedures of the North Carolina State Bar, upon an affidavit of tender of license pursuant to Section 17(2)(a) executed by James C. Harper on February 9, 1990. Based upon the affidavit of James C. Harper, the Council of the North Carolina State Bar makes the following Findings of Fact:

1. There is a pending disciplinary proceeding before the Disciplinary Hearing Commission of the North Carolina State Bar captioned North Carolina State Bar v. James C. Harper, 89 DHC 38.
2. The allegations of misconduct involve Harper's misappropriations of clients' funds and commingling of Harper's personal funds with client funds.
3. Harper rendered freely and voluntarily his resignation by affidavit dated February 9, 1990. The tender of his resignation was not the result of coercion or duress. Harper was fully aware of the implications of submitting his resignation.
4. Harper submitted his resignation because he knew that the charges were predicated upon the misconduct which was investigated by the North Carolina State Bar and he could not successfully defend against the charges. Harper further acknowledged that the material facts upon which the complaint was predicated are true.
5. Based upon Harper's admissions in his affidavit, he was engaged in various acts of misconduct, primary of which were the misappropriations of client's funds and his commingling of personal funds with client funds.

Based upon the foregoing FINDINGS OF FACT, the Council of the North Carolina State Bar makes the following CONCLUSIONS OF LAW:

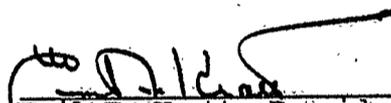
1. The affidavit of James C. Harper to tender his license complies with Section 17 of Article IX of the Discipline and Disbarment Procedures of the North Carolina State Bar and the affidavit should be accepted.
2. James C. Harper's misappropriations of clients' funds and his

commingling of personal funds with clients' funds violated Rule 1.2(B) and (C) and Rule 10.1(A) and (C) of the Rules of Professional Conduct.

Now, therefore, upon motion duly made and seconded, the Council of the North Carolina State Bar ORDERS that:

1. The tender of license of James C. Harper is accepted.
2. James C. Harper is DISBARRED from the practice of law in North Carolina.
3. James C. Harper shall surrender his license and membership card to the Secretary of the North Carolina State Bar, if such has not been done.
4. The costs of this proceeding are taxed to James C. Harper.

This the 13 day of April, 1990.

  
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Emil F. Kratt, President  
North Carolina State Bar

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