

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
89 DHC 42

THE NORTH CAROLINA STATE BAR )  
Plaintiff )  
v. )  
WILLIAM PEEL, ATTORNEY )  
Defendant )

CONSENT ORDER OF DISCIPLINE

This matter coming before the undersigned Hearing Committee of the Disciplinary Hearing Commission pursuant to Section 14(8) of Article IX of the Rules and Regulations of the North Carolina State Bar; and it appearing that the parties have agreed to waive a formal hearing in this matter; and it further appearing that the parties stipulate and agree to the following Findings of Fact and Conclusions of Law recited in this Consent Order and to the discipline imposed, the Hearing Committee therefore enters the following:

FINDINGS OF FACT

1. 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, William Peel, was admitted to the North Carolina State Bar in 1959 and is, and was at all times referred to herein, an Attorney at Law licensed to practice in North Carolina, subject to the rules, regulations, Code of Professional Responsibility and the Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.

3. During all of the relevant periods referred to herein, Peel was engaged in the practice of law in the State of North Carolina and maintained a law office in the town of Williamston, N.C.

4. In 1974, Peel was approached by Lou Dailey, then the wife of Dr. Martel Dailey. Mrs. Dailey asked Peel to witness a will which Mrs. Dailey stated that Dr. Dailey had signed.

5. At first, Peel refused to witness the will, since he had not seen Dr. Dailey sign it.

6. Several hours later, Mrs. Dailey returned to Peel's office and renewed her request for Peel to witness the will. Mrs. Dailey indicated that the couple was going on a trip the next day.

7. Peel then signed the will, although he had not seen Dr. Dailey witness the document. Peel also instructed two staff members to sign the will although neither had seen Dr. Dailey sign the will.

8. Peel told Mrs. Dailey that the "will was not worth the paper it was written on" and advised her to return to his office or that of another attorney after her trip to have a new will executed.

9. The will which Peel witnessed left all of Dr. Dailey's property to Mrs. Dailey and left nothing to the four children of Dr. Dailey's first wife.

10. Neither Mrs. Dailey nor Dr. Dailey returned to Peel's office to have a new will executed.

11. Following Dr. Dailey's death in 1985, the 1974 will was presented for probate. Peel signed an affidavit before the Clerk of Court, indicating that he had witnessed Dr. Dailey sign the will.

12. In August, 1987 the children of Dr. Dailey's first marriage brought a caveat proceeding, alleging that the signature on the 1974 will had been forged.

13. In approximately July, 1987, Peel was contacted by the attorney for the caveators. Peel stated that he had no specific memory of signing the Dailey will, but that it was his practice never to witness a will unless he had actually seen the testator sign the will.

14. In 1989, a few weeks before the trial of the caveat proceeding, Peel re-contacted the attorney for the caveators and told him that he had remembered the details surrounding the signing of the Dailey will, as set out in paragraphs 4 through 10, above. Thereafter, Peel testified at the caveat proceeding on behalf of the caveators.

15. Immediately upon recognizing his responsibilities for these actions, Peel voluntarily contacted the N.C. State Bar and acknowledged his responsibilities. He gave a full statement and fully cooperated with the Bar concerning this matter.

#### CONCLUSIONS OF LAW

1. By signing the Dailey will as a witness and instructing his employees to sign the will as witnesses, despite the fact that neither he nor the employees had seen the testator sign the will, the Defendant engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of DR 1-102(A)(4), engaged in conduct prejudicial to the

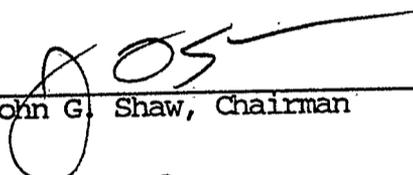
administration of justice in violation of DR 1-102(A) (5) and engaged in professional conduct which reflected adversely on his fitness to practice, in violation of DR 1-102(A) (6).

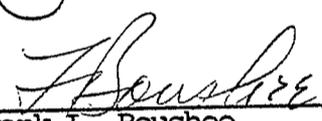
ORDER OF DISCIPLINE

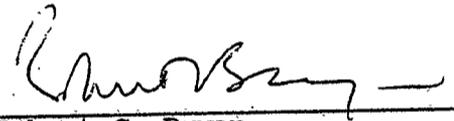
1. The Defendant, William Peel, is hereby publicly censured for signing a will as witness and instructing members of his staff to sign as witnesses, when none of them had seen the testator sign the will.

2. The Defendant shall pay the costs of this proceeding.

This the 10 day of April, 1990.

  
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John G. Shaw, Chairman

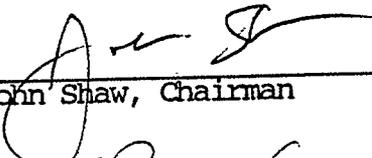
  
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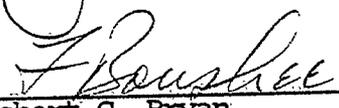
  
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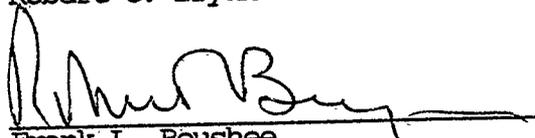


The Grievance Committee trusts that this Public Censure will be heeded by you, that it will be remembered by you, that it will be beneficial to you, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession. In order to remain a respected member of the legal profession whose conduct may be relied upon without question, you must in the future carefully weigh your responsibility to the public, your clients, your fellow attorneys and the courts. The Grievance Committee expects that no professional misconduct will occur in the future.

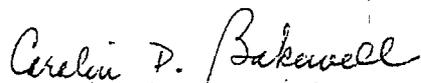
This the 14 day of April, 1990.

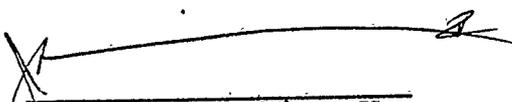
  
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John Shaw, Chairman

  
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Robert C. Bryan

  
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Frank L. Boushee

Seen and consented to:

  
\_\_\_\_\_  
Carolin D. Bakewell  
Attorney for Plaintiff

  
\_\_\_\_\_  
Joseph B. Cheshire, V  
Attorney for Defendant

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