

NORTH CAROLINA
WAKE COUNTY

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BEFORE THE COUNSEL
OF THE NORTH CAROLINA STATE BAR
91 BCS 2

IN THE MATTER OF THE TENDER OF
LICENSE OF

Samuel C. Briegel, Attorney

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 on April 12, 1990 upon an affidavit of tender of license pursuant to Section 17 (2)(a) executed by Samuel C. Briegel on April 10, 1991. Based upon the affidavit of Samuel C. Briegel, the Council of the North Carolina State Bar makes the following FINDINGS OF FACT:

1. There is a pending investigation by the Office of Counsel of the North Carolina State Bar concerning charges that Briegel misappropriated \$33,724 from Mrs. Louise Susan Weaver, a former client.
2. Briegel rendered freely and voluntarily his resignation by affidavit dated April 10, 1991. The tender of his resignation was not the result of coercion or duress. Briegel was fully aware of the implications of submitting his resignation.
3. Briegel submitted his resignation because he knew that the charges were predicated upon misconduct which was investigated by the North Carolina State Bar and he could not successfully defend against the charges. Briegel further acknowledged that the material facts upon which the charges are predicated are true.
4. Based upon Briegel's admission in his affidavit, he has engaged in various acts of misconduct by misappropriating client funds.
5. Briegel was notified that the Council would consider Briegel's tender of license at its meeting on Friday morning April 12, 1991 at 9:00 a.m. or as soon thereafter as possible in the Council Chambers of the North Carolina State Bar, 208 Fayetteville St. Mall, Raleigh, NC. Briegel acknowledged notice of this proceeding and waived any further notice thereof.

BASED UPON THE FOREGOING FINDINGS OF FACTS, THE COUNCIL OF THE NORTH CAROLINA STATE BAR MAKES THE FOLLOWING CONCLUSIONS OF LAW:

1. The affidavit of Samuel C. Briegel to surrender his license complies with Section 17 of Article IX of the Discipline and Disbarment Procedures and the affidavit should be accepted.
2. Briegel's misappropriation of client funds violated Rule 1.2(A), (B) and (C) and Rule 7.1(A) of the North Carolina

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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 the license of Samuel C. Briegel is accepted.
- (2) Samuel C. Briegel is DISBARRED from the practice of law in North Carolina.
- (3) Samuel C. Briegel shall surrender his license and membership card to the Secretary of the North Carolina State Bar immediately.
- (4) The costs of this proceeding are taxed to Samuel C. Briegel.

This the 12 day of April, 1991.


Tommy W. Jarrett, President
North Carolina State Bar