



withdrew the funds, you apparently had a good faith, subjective belief that you were entitled to the money as reimbursement for expenses you had already incurred and as compensation for work already performed by you. At the time you withdrew the funds, however, you did not have approval of the bankruptcy court, nor was the court aware of your action.

In each case, you filed a petition for approval of the fees, commissions and expenses shortly after you transferred the debtors' funds to your firm business account. In some cases, the amounts ultimately awarded by the court exceeded the amounts which you had paid yourself and in some cases, the court awarded you an amount less than what you had withdrawn. After these matters came to the attention of the bankruptcy court, you repaid all of the fees and commissions which you had previously transferred to your firm account.

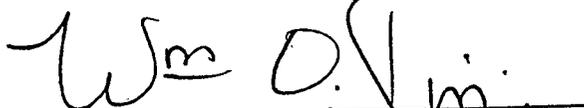
The same attorney may perform the dual functions of trustee and attorney for the trustee in bankruptcy matters. However, the law is very clear that fees and commissions for this work may not be paid, without the prior approval of the bankruptcy court. This requirement is designed to prevent the kind of self-dealing in which you engaged. By paying yourself fees and commissions without prior approval of the bankruptcy court, you paid yourself an illegal fee in violation of Rule 2.6 and engaged in serious self-dealing in violation of Rule 5.1 of the Rules of Professional Conduct. No attorney, no matter how successful, experienced or respected, is above the Rules of Professional Conduct. No amount of frustration with perceived delays or other problems with the court system or personnel can justify self dealing of the kind in which you engaged.

Your misconduct is mitigated by the fact that you are remorseful for your misconduct and that you have acknowledged your error, by the fact that you have previously received substantial adverse publicity associated with this matter, and that you have a long history of honorable service to the profession with no prior discipline.

You are hereby censured by the North Carolina State Bar for your violation of the Rules of Professional Conduct. The Grievance Committee trusts that you will ponder this censure, recognize the error that you have made, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession. This censure should serve as a strong reminder and inducement for you to weigh carefully in the future your responsibility to the public, your clients, your fellow attorneys and the courts, to the end that you demean yourself as a respected member of the legal profession whose conduct may be relied upon without question.

In accordance with the policy adopted October 15, 1981 by the Council of the North Carolina State Bar regarding the taxing of the administrative and investigative costs to any attorney issued a censure by the Grievance Committee, the costs of this action in the amount of \$50.00 are hereby taxed to you.

Done and ordered, this 11 day of November, 1994.

  
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William O. King, Chairman  
The Grievance Committee  
North Carolina State Bar