

Investment Company, Inc., in which he attested to the fact that he was the contractor for Durham Rental and Investment Company, Inc., whereas in truth and in fact, as known by Mr. Biggs that the contractor for said development was one C. Paul Roberts. The transaction referred to above consisted of the signing of an affidavit certifying that all sub-contractors who had furnished work and services on two four-plexes owned by Durham Rental and Investment Company, Inc. had been paid in full. Mr. Biggs was the majority stockholder of Durham Rental and Investment Company, Inc. and the owner of the said four-plexes were being constructed by C. Paul Roberts.

In addition to the aforementioned transaction, Mr. Biggs disclosed other misconduct arising out of a transaction concerning the improper notarization of a deed (for which no federal charges were made) and the misapplication of loan proceeds from construction loan funds on thirty-four four-plexes, said misapplications being corrected upon completion of the thirty-four four-plexes.

After considering Mr. Biggs tender and the supporting affidavits and the statements from John McMillan and Austin J. Stubbs, Attorneys for Mr. Biggs, the Council of The North Carolina State Bar accepted Mr. Biggs license. Discipline was deferred until the January meeting of the Council, with a special committee comprised of Jerome Clark, being appointed to investigate the circumstances surrounding Mr. Biggs case with instructions to return in January with their recommendations for discipline.

IN THE MATTER OF GEORGE L. BUMPASS, ATTORNEY, DURHAM, N. C.

Pursuant to G.S. 84-28(f), The North Carolina State Bar applied for and was granted Injunctive Relief in the matter of the misconduct of George Bumpass, Attorney, Durham, N. C. This injunction was granted by Superior Court Judge D. Marsh McLelland upon hearing upon a temporary restraining order previously issued by Superior Court Judge Donald L. Smith directing Mr. Bumpass to show cause, if any be, why he should not be enjoined from the practice of law pending the determination of disciplinary proceedings which may be forthcoming against him.

Judge McLelland found that from November 8th, 1974 to and including September 20th 1976, thirteen sworn and notarized grievances had been filed by various citizens of North Carolina against the Respondent, Mr. Bumpass for alleged misconduct under the Code of Professional Responsibility. Of these thirteen grievances ten had been filed within the last five months next proceeding the granting of the Injunction. Nine of the aforementioned grievances involved the withholding and misappropriations of clients funds and property in violation of Disciplinary Rules 9-101 and 1-102 of the Code of Professional Responsibility, and three of the grievances allege misconduct on the part of Mr. Bumpass in violation of Disciplinary Rule 6-101 of said Code.

In addition the Court found that two warrants had been issued against the Respondent in Durham County charging him with the crime of embezzlement of insurance funds.

As mentioned above, based on these findings of fact, the Court continued the restraining order issued by Judge Donald Smith and ordered that the Respondent be enjoined and restrained from practicing law or representing any citizens in any legal matter in the State of North Carolina pending the final determination of all disciplinary proceedings to be instituted against him by the North Carolina State Bar.

IN THE MATTER OF W. FRANK BROWER, ATTORNEY, RALEIGH N. C.

W. Frank Brower, Attorney, Raleigh N. C., had previously appealed to the North Carolina Superior Court from a judgment of disbarment entered by the Council of The North Carolina State Bar in November of 1975. On July 2nd 1976, Judge Henry A. McKinnon, entered a judgment affirming the judgment of the Council of The North Carolina State Bar. Counsel for Mr. Brower did not give notice of appeal in open court. On July 13th, 1976, Counsel for Mr. Brower filed notice of appeal from Judge McKinnon's judgment. Said notice of appeal was given eleven days after the entry of judgment by Judge Henry A. McKinnon.

Pursuant to Rule 25 of the North Carolina Rules of Appellate Procedure, The North Carolina State Bar moved the Court to dismiss Respondent's appeal for failure to give notice of appeal within ten days of entry of judgment. Judge D. B. Herring, Jr., heard The State Bar's motion and found that the Respondent W. Frank Brower, failed to comply with Rule 3 of the North Carolina Rules of Appellate Procedure and therefore, pursuant to Rule 25 of the North Carolina Rules of Appellate Procedure ordered that Respondent's appeal be dismissed and that the judgment entered by Judge Henry A. McKinnon be and remain the final judgment in the cause. As of the date of this report, no petition for writ of certiorari has been filed on behalf of Respondent.



Buffi Griffin

Buffi Griffin, Representative of Student Bar Associations appeared before the Council relative to student representatives attending meetings of the Council in order to open a line of communication between the two organizations.

As a result of her appearance, the Council adopted the policy of inviting the president of the several law schools student bar associations to the Council meeting in order to create a dialogue between the legal profession and the law students.

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