

NORTH CAROLINA  
WAKE COUNTY

1187  
BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
NORTH CAROLINA STATE BAR  
98 DHC 17

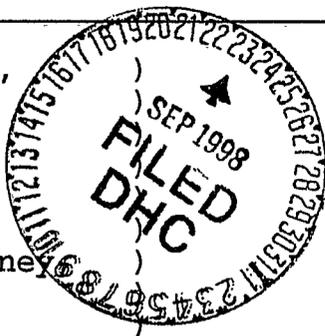
THE NORTH CAROLINA STATE BAR,

Plaintiff,

v.

WILLIAM K. DIEHL, JR., Attorney

Defendant.



ORDER  
AND  
JUDGMENT

A duly constituted panel of the North Carolina State Bar Disciplinary Hearing Commission consisting of Messrs. Moody, Foriest and Fox heard oral arguments on cross motions for summary judgment in the captioned proceeding on September 22, 1998. Based upon consideration of such arguments and previously filed pleadings, depositions, affidavits and the briefs of the parties, the panel has determined that:

1. as to the claim that defendant violated Rule 2.8 of the Rules of Professional Conduct\*, there is no genuine issue of material fact and defendant is entitled to Judgment as a matter of law;
2. as to the claim that defendant violated Rule 2.6 of the Rules of Professional Conduct\*, there is no genuine issue of material fact and defendant is entitled to Judgment as a matter of law; and
3. plaintiff's cross motion for summary judgment is denied on the basis that the claims of violations of Rules 2.8 and 2.6 covered by the cross motion raise no genuine issue of material fact and the motion must therefore be denied as a matter of law.

The Complaint in this matter is therefore dismissed on the basis set out above and Judgment consistent therewith is entered pursuant to Rule 56(c) of the North Carolina Rules of Civil Procedure.

SO ORDERED, this the 23rd day of September, 1998.

*James R. Fox*

James R. Fox, Chair  
On Behalf of and With the Approval  
of the Entire Panel

\* The claims of the complaint arise from alleged events occurring prior to adoption on July 24, 1997 of the Revised Rules of Professional Conduct and are therefore covered by the prior Rules of Professional Conduct. This Order and Judgment is based on application of the Rules of Professional Conduct in effect prior to July 24, 1997. No portion of this Order and Judgment rests upon or interprets for any purpose the Revised Rules of Professional Conduct.