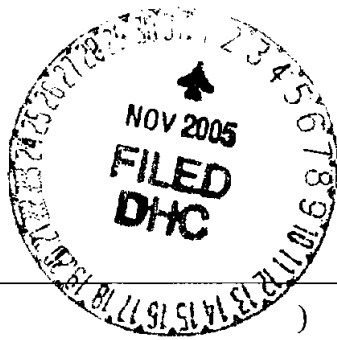


NORTH CAROLINA

WAKE COUNTY



BEFORE THE COUNCIL
OF THE
NORTH CAROLINA STATE BAR
05 BCS 7

IN THE MATTER OF THE
TENDER OF LICENSE OF:
RICHARD W. RUTHERFORD

AMENDED ORDER OF DISBARMENT

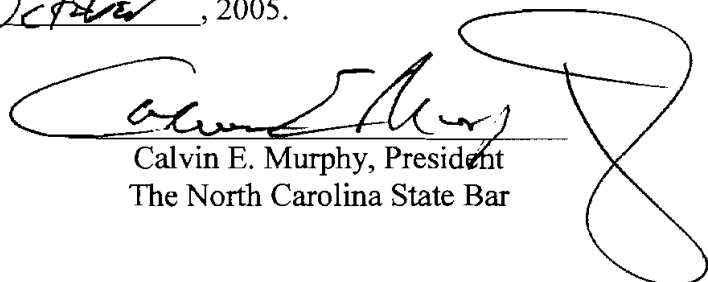
THIS MATTER coming on to be heard and being heard by the Council of the North Carolina State Bar pursuant to Section .0017 of Subchapter B of the Rules and Regulations of the North Carolina State Bar upon an affidavit of tender of license executed by Richard W. Rutherford and filed in the offices of the North Carolina State Bar on October 20, 2005.

Based upon the affidavit of tender of license, the Council finds that Richard W. Rutherford misappropriated at least \$383,000.00 in client funds from his trust account and used the misappropriated funds for his own personal use over a period of five years. The Council also finds that Richard W. Rutherford has waived his rights to notice of this hearing and the right to be heard before the Council. The Council concludes that the conduct of Richard W. Rutherford constitutes grounds for discipline under N.C. Gen. Stat. §84-28(b)(2) in that Richard W. Rutherford violated Rule 1.15-2(a), (j), and (m) and Rule 8.4 (b) and (c) of the Revised Rules of Professional Conduct and that the Council may enter an order of discipline accordingly.

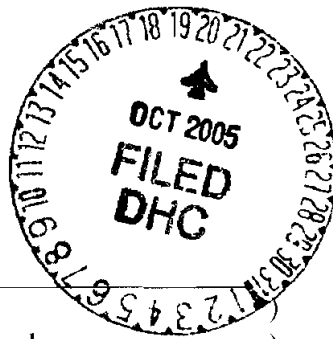
WHEREFORE, upon motion duly made and seconded, the Council of the North Carolina State Bar enters the following order:

1. The tender of surrender of license of Richard W. Rutherford is hereby accepted.
2. Richard W. Rutherford is hereby DISBARRED from the practice of law in North Carolina.
3. Richard W. Rutherford will comply with the provisions of Subchapter B, Section .0024 of the Rules and Regulations of the North Carolina State Bar and will surrender his license and permanent registration card to the Secretary of the North Carolina State Bar along with the affidavit required by Subchapter B, Section .0024.
4. The costs of this action are taxed against Richard W. Rutherford.

Done and Ordered, this the 31st day of October, 2005.


Calvin E. Murphy, President
The North Carolina State Bar

NORTH CAROLINA
WAKE COUNTY



BEFORE THE COUNCIL
OF
THE NORTH CAROLINA STATE BAR
05 BCS 7

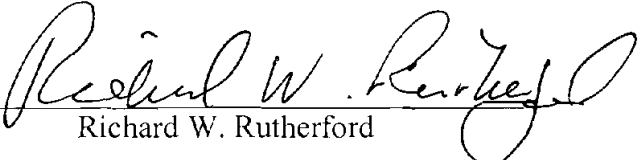
In re: Richard W. Rutherford,
Attorney at Law

**Affidavit
Of
Surrender Of License**

Richard W. Rutherford, being first duly sworn, deposes and says as follows:

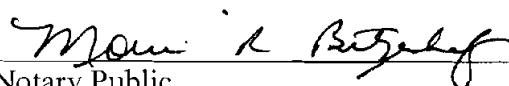
1. I desire to resign and hereby tender my license to practice law in North Carolina pursuant to the provisions of 27 N.C. Admin. Code Chapter 1, Subchapter B, Section .0117 of the N.C. State Bar Discipline & Disability Rules.
2. My resignation is freely and voluntarily rendered. It is not the result of coercion or duress. I am fully aware of the implications of submitting my resignation.
3. I am aware that there is pending an investigation by the North Carolina State Bar regarding allegations that I misappropriated funds entrusted to me by clients for my own use.
4. I acknowledge that the material facts upon which the investigation is predicated are true and that I have misappropriated at least \$383,000.00 in client and fiduciary funds to my own use over a period of three years. I further acknowledge and admit that I misappropriated client funds involving multiple clients, including but not necessarily limited to these clients: Cora Cone, Joseph Cooper, Herbert Nesbit, and Carlton and Edith Upchurch.
5. I am submitting my resignation because I know that if disciplinary charges were predicated upon the misconduct under investigation, I could not successfully defend against them.

This the 20 day of October, 2005.


Richard W. Rutherford

Sworn to and subscribed before me

this the 20th day of October, 2005.


Notary Public

My commission expires: 9.30.09

