

Address:
Mr. Alan M. Schneider
Cheshire, Parker, Schneider & Bryan, PLLC
133 Fayetteville Street, Suite 300
Raleigh, NC 27602

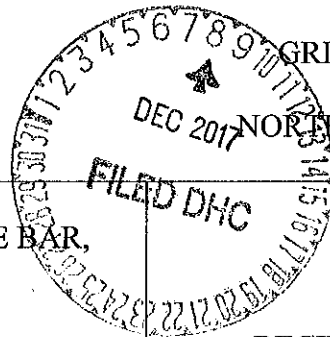
STATE OF NORTH CAROLINA

WAKE COUNTY

THE NORTH CAROLINA STATE BAR,
Petitioner

v.

JOEL M. BRESLER, Attorney,
Respondent



BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
14G0758

ORDER OF
RECIPROCAL DISCIPLINE

Pursuant to the authority vested in me as Chairperson of the Grievance Committee of the North Carolina State Bar by 27 N.C. Admin. Code Chapter 1, Subchapter B, Rules .0105(a)(12) and .0119(b)(3)¹ of the North Carolina State Bar Discipline & Disability Rules, and based upon the record in this matter, the undersigned finds as follows:

1. Respondent Joel M. Bresler (hereinafter "Bresler") is a North Carolina licensed attorney, and has been so since March 20, 1999. Bresler is also licensed in the State of Florida.
2. By order dated January 22, 2015, the Supreme Court of Florida suspended the Florida law license of Joel M. Bresler (hereinafter "Bresler") for a period of ninety-one (91) days, effective thirty days from the date of the order, and entered judgment for the Florida Bar of costs from Bresler in the amount of \$1,435. *The Florida Bar v. Joel Micah Bresler*, No. SC14-2427 (S. Ct. Fla., Jan. 22, 2015).
3. Bresler's November 25, 2014 conditional guilty plea and the consent judgment approved by the Supreme Court of Florida referenced in Paragraph 2 above arose from Bresler being a witness in the federal prosecution of his former employer ("former employer"), who was charged with fraud and conspiracy in *United States v. Wolf*, 12 CR 968 (KMW) (S.D.N.Y.). In that matter, Bresler was given immunity for assistance he gave in drafting a false promissory note for the former employer, for destroying his own bank records at the direction of the former employer, and exaggerating to law enforcement the extent of the attorney/client relationship between himself and the former employer.

¹ Amendments approved by the North Carolina Supreme Court on September 22, 2016 and published by the Court on August 21, 2017 caused the renumbering of former 27 N.C. Admin. Code Chapter 1, Subchapter B, Rule .0116 to .0119, as well as Rule .0124 to .0128.

ORIGINAL

4. Based upon his admitted conduct, Bresler violated the following Rules Regulating The Florida Bar: Rule 3-4.3 The standards of professional conduct to be observed by members of the bar are not limited to the observance of rules and avoidance of prohibited acts, and the enumeration herein of certain categories of misconduct as constituting grounds for discipline shall not be deemed to be all-inclusive nor shall the failure to specify any particular act of misconduct be construed as tolerance thereof. The commission by a lawyer of any act that is unlawful or contrary to honesty and justice, whether the act is committed in the course of the attorney's relations as an attorney or otherwise, whether committed within or outside the state of Florida, and whether or not the act is a felony or misdemeanor, may constitute a cause for discipline; and, Rule 4-8.4(c) A lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.
5. In mitigation, the consent judgment noted that Bresler had been a member of The Florida Bar since 2001 with no prior discipline; that Bresler was emotionally and physically abused by his former employer which complicated their relationship and contributed to Bresler's poor judgment and misconduct; that Bresler provided full and free disclosure to the office of the United States Attorney as well as to The Florida Bar; and, that Bresler had been cooperative throughout the disciplinary proceeding and had expressed remorse for his conduct.
6. On or about July 10, 2017, Bresler was served with the North Carolina State Bar's Notice of Reciprocal Discipline Proceeding by USPS Certified Mail.
7. On August 2, 2017, Bresler requested a brief extension of time in order to consult counsel concerning his response, if any, to the Notice of Reciprocal Discipline, and was afforded until Wednesday, August 16, 2017 to do so.
8. On August 17, 2017, Alan M. Schneider notified staff counsel that he had been retained to represent Bresler in connection with the reciprocal discipline proceeding, and that Bresler did not object to the imposition of reciprocal discipline of ninety-one (91) days of suspension of his law license in North Carolina.

BASED UPON THE FOREGOING FINDINGS, the Chairperson of the Grievance Committee makes the following CONCLUSIONS OF LAW:

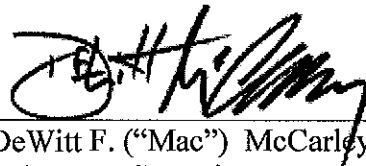
1. The North Carolina State Bar has jurisdiction over the subject matter of this proceeding and over the person of Joel M. Bresler.
2. The State Bar has complied with the procedure for imposition of reciprocal discipline pursuant to 27 N.C. Admin. Code Chapter 1, Subchapter B, Rule .0119(b) of the North Carolina State Bar Discipline & Disability Rules.

3. The conduct admitted by Bresler and found by the Supreme Court of Florida constitutes conduct in violation of Rule 8.4(c) of the North Carolina State Bar Rules of Professional Conduct and justifies the imposition of reciprocal discipline in this state.
4. The equivalent discipline imposed by the Supreme Court of Florida should be imposed on Bresler in the State of North Carolina. The equivalent discipline in North Carolina to that imposed by the Supreme Court of Florida is ninety-one (91) days of suspension of his law license in North Carolina.

THEREFORE IT IS HEREBY ORDERED THAT:

1. Joel M. Bresler's North Carolina law license is hereby suspended for ninety-one (91) days.
2. Bresler shall forthwith surrender his license certificate and membership card to the Secretary of the North Carolina State Bar.
3. In accordance with the policy adopted July 23, 2010 by the Council of the North Carolina State Bar regarding the taxing of administrative fees and investigative costs to any attorney issued discipline by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to Bresler.
4. Bresler shall comply with the wind down provisions of 27 N.C. Admin. Code Chapter 1, Subchapter B, Rule .0128 of the North Carolina State Bar Discipline & Disability Rules.

This the 7th day of December 2017.



DeWitt F. ("Mac") McCarley, Chair
Grievance Committee