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STATE OF NORTH CAROLINA 1978 JAN 18 PM 4: 29

BEFORE THE NORTH CAROLINA STATE BAR SEC.
THE N. C. STATE BAR

IN THE MATTER OF:

APPLICATION AND PETITION FOR)	FINDINGS, CONCLUSIONS AND
REINSTATEMENT OF WALTON P.)	RECOMMENDATIONS
BURKHIMER, Lenoir)	

This hearing coming on to be heard and being heard before a Hearing Committee of the Disciplinary Hearing Commission of The North Carolina State Bar, consisting of Harold K. Bennett, Chairman, Phillip Ellen and Winifred T. Wells, on December 9, 1977, in the office of The North Carolina State Bar, Raleigh, North Carolina, upon the application and petition for reinstatement of Walton P. Burkhirer, and Petitioner, Walton P. Burkhirer, being present at said hearing together with his counsel, J. Michael Correll, Attorney, and Harold D. Coley, Jr., Counsel for The North Carolina State Bar, being present and representing The North Carolina State Bar,

And it appearing to the Committee that on December 4, 1956 at a criminal term of the Superior Court of New Hanover County, the Petitioner pleaded guilty to one charge of embezzlement to which the Court entered Judgment of five to seven years imprisonment suspended for five years probation and payment of \$5,606.50 restitution plus the cost of court,

And it appearing that an Order was entered on December 4, 1956 as part of the aforementioned Judgment that the Petitioner's license to practice law be surrendered to The North Carolina State Bar and that the Petition be and he was disbarred from the practice of law in the State of North Carolina,

And it further appearing to the Committee that Petitioner has now filed a petition requesting the reinstatement of his license to practice law pursuant to the provisions of G.S. 84-23 and Rule 25 of the Rules and Regulations of The North Carolina State Bar governing the discipline and disbarment of attorneys; and,

The members of the Hearing Committee having heard the evidence, examined the exhibits filed on behalf of the Petitioner and on behalf of The North Carolina State Bar, and having heard argument of Counsel make the following:

FINDINGS

1. Walton P. Burkheimer, Petitioner, was admitted to practice law in the State of North Carolina on August 8, 1947 and practiced law in New Hanover County until December 4, 1956 at which time he was disbarred by a Judge of the Superior Court following his plea of guilty to one charge of embezzlement.

2. Following his disbarment, the Petitioner assumed residence in Lenoir, North Carolina where he has been gainfully employed. He is married and has a family in the City of Lenoir, North Carolina.

3. On December 7, 1960 an Order was entered by Superior Court Judge George B. Patton discharging Petitioner from probation and further ordering that the proceedings in the criminal case be terminated in as much as Petitioner had fully performed the terms of the Judgment and Order and paid into Court the amounts ordered to be paid along with all court costs.

4. The Petitioner has not engaged in the practice of law, but has maintained his learning in the law as a research assistant in the firm of Beal and Beal, Attorneys at Law, and Petitioner has further maintained his competency by reading advance sheets received from the North Carolina Supreme Court.

5. The reinstatement of Petitioner's license to practice law has been recommended by written communications from numerous persons including the following, said communications having been introduced in evidence:

Benjamin Beach, Attorney, Lenoir, North Carolina

Beverly T. Beal, Attorney, Lenoir, North Carolina

Fate J. Beal, Attorney, Lenoir, North Carolina

L. H. Wall, Attorney, Lenoir, North Carolina

R. Dewey Triplett, Lenoir Police Department, Lenoir,
North Carolina

Sam J. Ervin, III, Superior Court Judge, 25th Judicial
District of North Carolina

Livingston Vernon, Chief District Court Judge, Morganton,
North Carolina

G. C. Simmons, III, Attorney, Lenoir, North Carolina

Sam J. Ervin, Jr., United States Senate Retired, Morgan-
ton, North Carolina

CONCLUSION

Based upon the foregoing Findings of Fact, this Hearing
Committee concludes as follows:

1. The Hearing Committee concludes that Petitioner has
demonstrated by clear and convincing evidence that he has the
moral qualifications, competency and learning in law required
for admission to practice law in this State and that the resump-
tion of the practice of law within the State by the Petitioner
will neither be detrimental to the integrity and standing of
The North Carolina State Bar or the administration of justice
nor subversive to the public interest.


Based on the foregoing Findings and Conclusion, the Hearing
Committee makes the following:

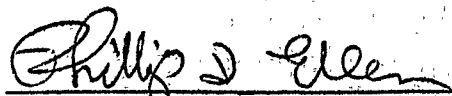
RECOMMENDATION

The undersigned Hearing Committee of the Disciplinary Hearing
Commission of The North Carolina State Bar pursuant to Rule 25
of the Rules and Regulations of The North Carolina State Bar
recommends to the Council of The North Carolina State Bar that
the license of Walton P. Burkheimer to practice law in the State
of North Carolina be restored to him.

This 9th day of December, 1977.


HAROLD K. BENNETT, Chairman


WINIFRED T. WELLS


PHILLIP I. ELLEN