

WAKE COUNTY

FILED IN THE GENERAL COURTS OF JUSTICE
SUPERIOR COURT DIVISION

NORTH CAROLINA

2016 SEP -7 P 3:50

15 M 2834

WAKE CO., C.S.C.

IN RE: ROBERT J. HOWELL,
Attorney at Law

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CONSENT ORDER OF DISBARMENT

THIS MATTER came before the undersigned Judge of Superior Court of Wake County. Petitioner, the North Carolina State Bar, was represented by Brian P.D. Oten. Respondent, Robert J. Howell, was represented by Alan M. Schneider.

Based upon the Affidavit of Surrender of Law License submitted to the Court by Robert J. Howell, and the consent of the parties, the Court makes the following:

FINDINGS OF FACT

1. Robert J. Howell ("Howell") was licensed to practice law in North Carolina on March 22, 2003.
2. Howell operated a law office in Wake County, North Carolina.
3. On 1 June 2016, Howell entered pleas of guilty to one (1) felony count of pointing and presenting firearms at a person, one (1) misdemeanor count of unlawful carrying of a pistol, and one (1) misdemeanor count of possession of cocaine in Charleston County, South Carolina. These charges stem from Howell's conduct in June 2015 when he held an individual at gunpoint while under the influence of cocaine.
4. Howell is in fact guilty of the criminal offenses to which he pled guilty.
5. Howell desires to resign his license to practice law and has tendered his license to practice law in North Carolina.
6. Howell's resignation is freely and voluntarily rendered. It is not the result of coercion or duress. Howell is fully aware of the implication of submitting his resignation.
7. Howell has submitted his resignation because he knows that if disciplinary charges were predicated upon the misconduct described above, he could not successfully defend against them.

Based upon the foregoing Findings of Fact and the consent of the parties, the Court makes the following:

CONCLUSIONS OF LAW

1. By committing the acts described in his Affidavit of Surrender of Law License and by being convicted of one (1) felony count of pointing and presenting firearms at a person, one (1) misdemeanor count of unlawful carrying of a pistol, and one (1) misdemeanor count of possession of cocaine in Charleston County, South Carolina, Howell committed criminal acts that reflect adversely on his honesty, trustworthiness, or fitness as a lawyer in violation of Rule 8.4(b) of the North Carolina Rules of Professional Conduct.
2. Howell's misconduct constitutes grounds for discipline pursuant to N.C. Gen. Stat. §§ 84-28(b)(1) and (2).
3. The courts of this State have inherent authority to take disciplinary action against attorneys licensed to practice law in North Carolina.
4. This Court has jurisdiction over Howell and over the subject matter of this proceeding.
5. Howell has engaged in professional misconduct warranting disbarment.

IT IS NOW, THEREFORE, **ORDERED**:

1. Robert J. Howell is **DISBARRED** from the practice of law in North Carolina.
2. This Order of Disbarment is effective immediately upon entry.
3. To the extent not already completed, Robert J. Howell shall comply with the provisions of Subchapter B, Section .0124 of the Rules and Regulations of the North Carolina State Bar and shall surrender his license and permanent membership card to the Secretary of the North Carolina State Bar along with the affidavit required by Subchapter B, Section .0124.
4. Howell shall not petition for reinstatement of his law license until the expiration of at least five years from the date of entry of this order.
5. Howell's law license shall not be reinstated until he has demonstrated to the satisfaction of the Disciplinary Hearing Commission and the Council of the North Carolina State Bar that he has complied with 27 N.C. Admin. Code, Chapter 1, Subchapter B, Section .0125 of the Rules and Regulations of the North Carolina State Bar.


6. The costs of this action are taxed against Howell.

Done and Ordered this 7th day of September, 2016.

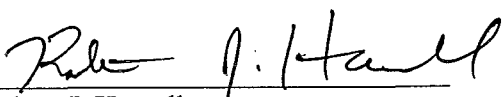


Superior Court Judge Presiding

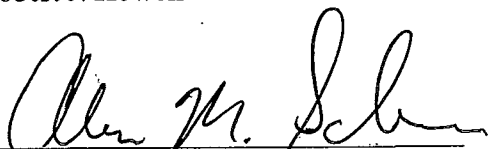
CONSENTED TO:



Brian P.D. Oten, Deputy Counsel
North Carolina State Bar



Robert J. Howell



Alan M. Schneider
Attorney for Robert J. Howell

WAKE COUNTY
NORTH CAROLINA

IN THE GENERAL COURTS OF JUSTICE
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2016 SEP - 7 P 3:49

IN RE: ROBERT J. HOWELL,
Attorney at Law

WAKE CO.)
C.S.C.)
BY [Signature]

AFFIDAVIT OF SURRENDER
OF LAW LICENSE

Robert J. Howell, 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.
2. My resignation is freely and voluntarily rendered. It is not the result of coercion or duress. I am fully aware of the implication of submitting my resignation.
3. On 1 June 2016, I entered pleas of guilty to one felony count of pointing and presenting firearms at a person, one misdemeanor count of unlawful carrying of a pistol, and one misdemeanor count of possession of cocaine in Charleston County, South Carolina (Charleston County case nos. 2015A1010202541, 2015A1010202540, and 2015A1010202537). These charges stem from my conduct in June 2015 when I held an individual at gunpoint while under the influence of cocaine. I am in fact guilty of these charges, and I acknowledge that the material facts upon which my guilty pleas were based are true.
4. I am submitting my resignation because I know that if disciplinary charges were predicated upon these criminal offenses, I could not successfully defend against them.
5. I consent to be disbarred from the practice of law in North Carolina.

This the 7 day of September, 2016.

[Signature]
Robert J. Howell

I, Benjamin M. Spiker, Notary Public of the County of Wake, State of North Carolina, certify that Robert J. Howell personally appeared before me this day, was sworn, attested that the foregoing Affidavit is true and accurate of his own personal knowledge, and executed the foregoing Affidavit.

This the 7th day of September, 2016.

[Signature]
Notary Public
Benjamin M. Spiker

My Commission Expires: 2/28/17

