

NORTH CAROLINA

WAKE COUNTY

BEFORE THE COUNCIL
OF THE NORTH CAROLINA STATE BAR
92 BCS 4

IN THE MATTER OF THE TENDER OF
SURRENDER OF LICENSE OF
CALVIN BANKS FINGER, ATTORNEY

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ORDER OF DISBARMENT

THIS MATTER came on to be heard and was heard by the Council of the North Carolina State Bar pursuant to Section 17 of the Discipline & Disbarment Rules of the North Carolina State Bar on Friday, Oct. 23, 1992 upon an affidavit of tender of surrender of license pursuant to Section 17(2)(a) of the Bar Rules executed by Calvin Banks Finger on Sept. 30, 1992. Based upon the affidavit of Calvin Banks Finger, the Council of the North Carolina State Bar makes the following FINDINGS OF FACT:

1. There is pending an investigation by the Office of Counsel of the North Carolina State Bar based upon Calvin Banks Finger's plea of guilty on July 27, 1992 in the U.S. District Court for the Middle District of North Carolina to one count of making a false statement on a bank loan application in violation of 18 U.S.C. Section 1014, and based upon his guilty plea entered on or about Oct. 20, 1992 in Forsyth County Superior Court to one count of embezzlement.

2. Finger rendered his resignation from the practice of law freely and voluntarily by affidavit dated Sept. 30, 1992. The tender of his surrender was not the result of coercion or duress. Finger was fully aware of the implication of submitting his resignation.

3. Finger submitted his resignation because he was aware that if a disciplinary hearing was held upon the charges set out in paragraph one above that he could not successfully defend against them. Finger further acknowledged that the material facts upon which the charges set out in paragraph one are predicated are true.

4. Finger, through his attorneys, was notified that the Council would consider his tender of surrender of license at its meeting on Friday, Oct. 23, 1992 at 9 a.m. or as soon thereafter as is possible in the Council Chambers of the North Carolina State Bar, 208 Fayetteville Street Mall, Raleigh, N.C. 27602.

BASED UPON THE FOREGOING FINDINGS OF FACTS, THE COUNCIL OF THE NORTH CAROLINA STATE BAR MAKES THE FOLLOWING CONCLUSIONS OF LAW:

1. The affidavit of surrender of Calvin Banks Finger complies with Section 17, Art. IX of the Discipline & Disbarment Procedures of the N.C. State Bar and the affidavit should be accepted.

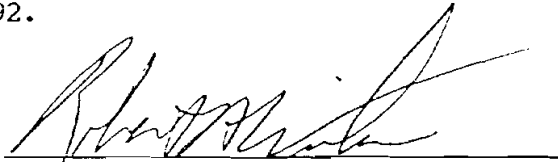
2. Finger's conduct in making a false statement on a bank loan

application in violation of 18 U.S.C. Section 1014 and of embezzling funds of others in violation of N.C. Gen. Stat. Section 14-90 violated Rules 1.2(B) and 1.2(C) of the Rules of Professional Conduct.

NOW, THEREFORE, UPON MOTION DULY MADE AND SECONDED, THE COUNCIL OF THE NORTH CAROLINA STATE BAR ORDERS THAT:

1. The tender of surrender of the license of Calvin Banks Finger is accepted.
2. Calvin Banks Finger is hereby DISBARRED from the practice of law in North Carolina.
3. Calvin Banks Finger shall surrender his license and membership card to the Secretary of the North Carolina State Bar immediately.
4. The costs of this proceeding are taxed to Calvin Banks Finger.

This the 23 day of October, 1992.

A handwritten signature in black ink, appearing to read 'Robert A. Wicker', is written over a horizontal line.

Robert A. Wicker, President
North Carolina State Bar

IN THE MATTER OF THE TENDER OF LICENSE
AND AFFIDAVIT OF CALVIN BANKS FINGER, JR.
PER SECTION 17 OF ARTICLE IX OF THE
NORTH CAROLINA STATE BAR

I, Calvin Banks Finger, Jr., being first duly sworn, say:

(1) I desire to resign and hereby forward my license to practice law;

(2) My resignation is freely and voluntarily rendered. It is not the result of coercion or duress, and I am fully aware of the implication of submitting my resignation;

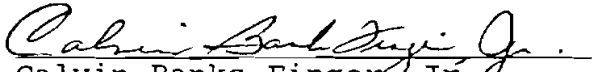
(3) I am aware that there is presently pending an investigation or other proceedings regarding allegations that I am guilty of misconduct. Specifically, I have entered a plea of guilty on July 27, 1992, in the U.S. District Court for the Middle District of North Carolina to one count of making a false statement on a bank loan application in violation of Title 18, United States Code, Section 1014. Further, I intend to enter a plea of guilty on October 19, 1992, in Superior Court of Forsyth County, to one charge of embezzling monies belonging to others, in violation of N. C. G. S. Section 14-90.

(4) I acknowledge that the material facts upon which the above charges are predicated are true;

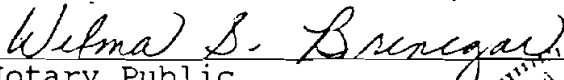
(5) This resignation is being submitted because I know that if a hearing were held predicated upon the above charges I could not successfully defend against them; and,

(6) The Council may impose any conditions upon the acceptance of my resignation as it deems appropriate.

Respectfully submitted, this the 30th day of September, 1992.


Calvin Banks Finger, Jr.

Subscribed and sworn to before me
this the 30th day of September, 1991.


Notary Public

My Commission expires:

3-2-97

