

STATE OF NORTH CAROLINA

FILED

IN THE GENERAL COURT OF JUSTICE

WAKE COUNTY

2019 JUN 11 AM 9:51

SUPERIOR COURT DIVISION

19 CVS 1686

THE NORTH CAROLINA STATE BAR,
Petitioner

v.

EDWARD F. DUNNAVANT, Attorney,
Respondent

ORDER OF DISBARMENT

THIS MATTER came before the undersigned Judge of the Superior Court of Wake County upon the tender of surrender of the law license of Edward F. Dunnivant. Petitioner, the North Carolina State Bar, was represented by Maria J. Brown. Respondent, Edward F. Dunnivant, appeared *pro se*.

Based upon the Affidavit of Surrender of Law License submitted to the Court by Edward F. Dunnivant and the consent of the parties, the court makes the following:

FINDINGS OF FACT

1. Dunnivant was licensed to practice law on 9 September 1994.
2. During all periods relevant hereto, Dunnivant was actively engaged in the practice of law in New Hanover County, North Carolina.
3. Dunnivant maintains an attorney trust account at Wells Fargo Bank, account number ending with 7219.
4. Dunnivant misappropriated entrusted funds by failing to promptly pay a third party \$4,230.00 as directed by the client from entrusted funds deposited into his trust account in June 2015 and then, before making the \$4,230.00 payment in December 2018, used a portion of those entrusted funds for his own benefit.
5. Dunnivant misappropriated entrusted funds by failing to deposit into his trust account and converting to his own use \$764.00 in entrusted funds for payments of court costs and fines: \$238.00 received from client J.F., \$263.00 received from client M.K.A., and \$263.00 received from client A.H.
6. Dunnivant failed to promptly pay the client or third parties as directed by the client \$2,883.87 from entrusted funds deposited in February 2018. Dunnivant made a \$1,500.00 payment in December 2018 and kept the remaining \$1,383.87 with the intent to use those entrusted funds for his own benefit.

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

CONCLUSIONS OF LAW

1. This court has jurisdiction over Dunnivant and over the subject matter of this proceeding.
2. The courts of this State have the inherent authority to take disciplinary action against attorneys licensed to practice law in North Carolina.
3. By failing to promptly pay the \$4,230.00 to the third party and misappropriating a portion of those funds, Dunnivant used entrusted property for the benefit of one other than the legal or beneficial owner in violation of Rule of Professional Conduct 1.15-2(k); failed to promptly pay a third person as directed by the client entrusted property belonging to the client and to which the client was then entitled in violation of Rule of Professional Conduct 1.15-2(n); engaged in a criminal act that reflects adversely on his honesty, trustworthiness, or fitness as a lawyer in violation of Rule of Professional Conduct 8.4(b); and engaged in conduct involving dishonesty, fraud, deceit or misrepresentation that reflects adversely on his fitness as a lawyer in violation of Rule of Professional Conduct 8.4(c).
4. By failing to deposit the \$764.00 in entrusted funds into his trust account and then misappropriating those funds, Dunnivant failed to deposit entrusted property he received into a general or dedicated trust account in violation of Rule of Professional Conduct 1.15-2(b); used entrusted property for the benefit of one other than the legal or beneficial owner in violation of Rule of Professional Conduct 1.15-2(k); engaged in a criminal act that reflects adversely on his honesty, trustworthiness, or fitness as a lawyer in violation of Rule of Professional Conduct 8.4(b); and engaged in conduct involving dishonesty, fraud, deceit or misrepresentation that reflects adversely on his fitness as a lawyer in violation of Rule of Professional Conduct 8.4(c).
5. By failing to promptly pay the \$2,883.87 to the client or third parties as directed by the client, Dunnivant failed to promptly pay the client or third parties as directed by the client entrusted property belonging to the client and to which the client was then entitled in violation of Rule of Professional Conduct 1.15-2(n) and engaged in conduct involving dishonesty, fraud, deceit or misrepresentation that reflects adversely on his fitness as a lawyer in violation of Rule of Professional Conduct 8.4(c).
6. Dunnivant's misconduct constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2).
7. Dunnivant has engaged in professional misconduct warranting disbarment.

IT IS NOW, THEREFORE, ORDERED:

1. The surrender of the license of Edward F. Dunnivant is hereby accepted.
2. Edward F. Dunnivant is DISBARRED from the practice of law in North Carolina effective upon entry of this Order.

3. Dunnavant shall comply with the provisions of 27 N.C. Admin. Code 1B.0128 and shall surrender his law license and permanent membership card to the Secretary of the North Carolina State Bar along with the affidavit required by Rule .0128.

4. Within 15 days of the effective date of this Order, Dunnavant shall provide the State Bar with an address and telephone number at which clients seeking return of files can communicate with Dunnavant and obtain such files.

5. Dunnavant shall promptly return client files in his possession, custody, or control to clients upon request, within five days of receipt of such request. Dunnavant will be deemed to have received any such request three days after the date the request is sent to him if the request is sent to the address Dunnavant provided to the State Bar pursuant to this Order.

6. Dunnavant 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.

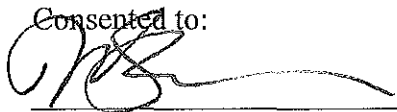
7. Dunnavant's law license shall not be reinstated until he has demonstrated to the satisfaction of the Disciplinary Hearing Commission and the Council of the North Carolina State Bar that he has complied with 27 N.C. Admin. Code 1B.0128 and .0129(a).

8. The costs of this action are taxed against Dunnavant.

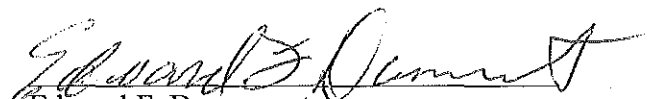
Done and Ordered this 11 day of June, 2019.



Superior Court Judge Presiding

Consented to:


Maria J. Brown, Deputy Counsel
Attorney for Petitioner



Edward F. Dunnavant
Respondent

STATE OF NORTH CAROLINA

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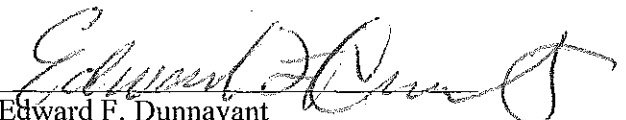
EDWARD F. DUNNAVANT, Attorney,
Respondent

AFFIDAVIT OF
SURRENDER OF LAW LICENSE

Edward F. Dunnavant, being first duly sworn, deposes and says as follows:

1. I desire to surrender and hereby tender my license to practice law in North Carolina.
2. My surrender is freely and voluntarily rendered. It is not the result of coercion or duress. I am fully aware of the implication of submitting my surrender.
3. I am aware that there is a pending investigation by the State Bar regarding the following allegations:
 - a. That I misappropriated entrusted funds by failing to promptly pay a third party \$4,230.00 as directed by the client from entrusted funds deposited in June 2015 and then, before making the \$4,230.00 payment in December 2018, using a portion of those entrusted funds for my own benefit;
 - b. That I misappropriated entrusted funds by failing to deposit into my trust account and converting to my own use \$764.00 in entrusted funds for payments of court costs and fines: \$238.00 received from client J.F., \$263.00 received from client M.K.A., and \$263.00 received from client A.H.; and
 - c. That I failed to promptly pay a client or third parties as directed by the client \$2,883.87 from entrusted funds deposited in February 2018. I made a \$1,500.00 payment in December 2018 and kept the remaining \$1,383.87 with the intent to use those entrusted funds for my own benefit.
4. I acknowledge that the material facts upon which the investigation is predicated are true.
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.

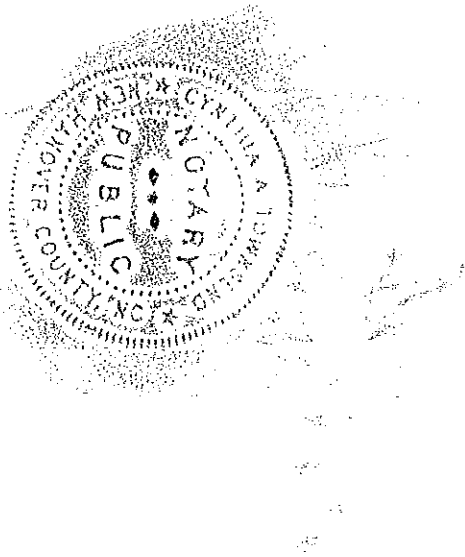
This the 10 day of June, 2019.


Edward F. Dunnavant

I, Cynthia A. Townsend, Notary Public of the County of New Hanover, State of North Carolina, certify that Edward F. Dunnavant 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.

Sworn to and subscribed before me, this the 10 day of June, 2019.

Cynthia A. Townsend
Notary Public
My Commission Expires: 11/20/2023



CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Order of Disbarment was served upon the Respondent by depositing a copy thereof in the United States first class mail, postage prepaid addressed as follows:

Edward F. Dunnavant
1711-D 41st Street
Wilmington, NC 28403

This the 11th day of June, 2019.



Maria J. Brown
Deputy Counsel
The North Carolina State Bar