NORTH CAROLINA

WAKE COUNTY

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

IN THE MATTER OF THE TENDER OF SURRENDER OF LICENSE OF:

WILLIAM C. CAPEL, JR.

ORDER OF DISBARMENT

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THIS MATTER coming on to be heard and being heard by the Council of the North Carolina State Bar pursuant to 27 N.C. Admin. Code Chapter 1, Subchapter B, §.0117(a) of the State Bar Discipline & Disability Rules upon an affidavit of tender of surrender of license executed by William C. Capel, Jr. on January 9, 1998 and filed in the offices of the North Carolina State Bar on January 12, 1998.

Based upon the affidavit, the Council finds that William C. Capel, Jr.'s conduct of misappropriating client funds is grounds for discipline pursuant to N.C. Gen. Stat. §84-28(b)(2) in that William C. Capel, Jr. violated Rules 1.2(b) and (c) of the Rules of Professional Conduct and Rules 8.4(b) and (c) of the Revised Rules of Professional Conduct (for conduct occurring after July 24, 1997).

WHEREFORE, upon motion duly made and seconded, the Council enters the following Order:

1. The tender of surrender of license of William C. Capel, Jr. is hereby accepted.

2. William C. Capel, Jr. is hereby is DISBARRED from the practice of law in North Carolina.

3. William C. Capel, Jr. shall comply with the provisions of 27 N.C.A.C. Chapter 1, Subchapter B, §.0124 of the State Bar Discipline & Disbarment Rules and shall surrender his license and permanent membership card to the Secretary of the North Carolina State Bar along with the affidavit required by §.0124 of the State Bar Discipline & Disbarment Rules.

4. The costs of this action are taxed against William C. Capel, Jr.

Done and ordered this 16th day of January, 1998.

William O. King, President
The N.C. State Bar

NORTH CAROLINA

ANSON COUNTY

In the Matter of

WILLIAM C. CAPEL, JR.,
Attorney
State Bar Number 7643

To: The Council of the North Carolina State Bar

Affidavit of Tender of License to Practice Law

As a member of the North Carolina State Bar I hereby tender my resignation and further say:

1. My resignation is freely and voluntarily rendered, is not the result of coercion or duress and I am fully aware of the implications of submitting this resignation.

2. I am aware that an investigation is or may soon be pending into my handling of client funds, specifically that I have converted funds entrusted to my care to my own uses. I have fully restored the funds converted, however, I recognize that my conduct is completely unacceptable.

3. I admit that this allegation of misconduct is true and that I cannot successfully defend against State Bar disciplinary charges, if initiated.

4. All trust account records have been turned over to the Staff Auditor of the State Bar.

5. I understand that the State Bar Council will consider this Affidavit of Surrender at its meeting on January 16, 1998 and I waive further notice.

Respectfully submitted this the 14th day of January, 1998.

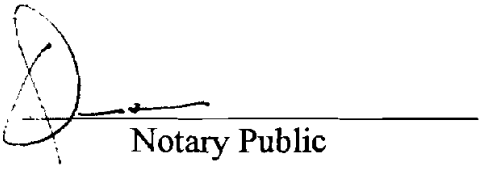
William C. Capel, Jr. (Seal)
William C. Capel, Jr.

NORTH CAROLINA

ANSON COUNTY

I, a notary public of above county and state, certify that WILLIAM C. CAPEL, JR. personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and notarial seal this the 14th day of January, 1998.



Notary Public

My Commission Expires:

5/24/2000