

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
89 DHC 9

THE NORTH CAROLINA STATE BAR,
Plaintiff

vs.

JERRY BRASWELL, ATTORNEY
Defendant

FINDINGS OF FACT
AND
CONCLUSIONS OF LAW

This cause was heard by a hearing committee of the Disciplinary Hearing Commission consisting of John G. Shaw, Chairman, James E. Ferguson, II and Emily W. Turner on October 31, 1989. The Plaintiff was represented by Fern E. Gunn and the Defendant was represented by Donald D. Pollock. Based upon the evidence, the prehearing stipulations, and the pleadings, the undersigned majority members of the hearing committee make the following Findings of Fact:

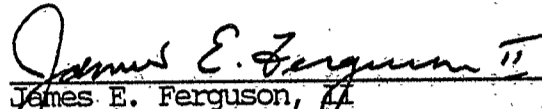
1. The Plaintiff, the North Carolina State Bar, is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar promulgated thereunder.
2. The Defendant, Jerry Braswell, was admitted to the North Carolina State Bar on November 21, 1977, and is, and was at all times referred to herein, an Attorney at Law licensed to practice in North Carolina, subject to the rules, regulations, and Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.
3. During all of the periods referred to herein, the Defendant was actively engaged in the practice of law in the State of North Carolina and maintained a law office in the City of Goldsboro, Wayne County, North Carolina.
4. The Plaintiff has failed to prove the allegations in its complaint by clear, cogent, and convincing evidence.

Based upon the foregoing Findings of Fact, the committee makes the following CONCLUSIONS OF LAW:

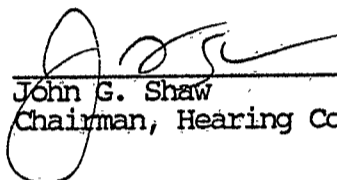
1. The Defendant has not violated any provision of the Rules of Professional Conduct regarding his representation of Deena Stutts Crowder.
2. The complaint in this matter should be dismissed.

3. The Plaintiff is taxed with the costs of this action.

Signed by James E. Ferguson, II for the majority with the full knowledge and consent of Emily W. Turner, this the 2nd day of February, 1990.


James E. Ferguson, II
(For the Majority)

I, John G. Shaw, dissent from the majority hearing committee members' Findings of Fact and Conclusions of Law.


John G. Shaw
Chairman, Hearing Committee

[231]

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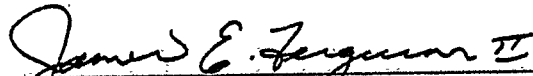
JERRY BRASWELL, ATTORNEY
Defendant

ORDER OF DISCIPLINE

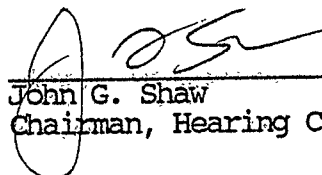
This cause was heard by a hearing committee of the Disciplinary Hearing Commission consisting of John G. Shaw, Chairman, James E. Ferguson, II, and Emily W. Turner on October 31, 1989. Based upon the Findings of Fact and Conclusions of Law, the majority members of the hearing committee hereby order that the complaint filed in this action be and is DISMISSED.

The costs of this action are taxed against the North Carolina State Bar.

Signed by James E. Ferguson, II for the majority with the full knowledge and consent of Emily W. Turner, this the 22nd day of February, 1990.


James E. Ferguson, II
(For the Majority)

I, John G. Shaw, dissent from the order entered by the majority of the hearing committee.


John G. Shaw
Chairman, Hearing Committee

[232]