

NORTH CAROLINA
WAKE COUNTY

BEFORE THE COUNCIL
OF THE
NORTH CAROLINA STATE BAR
93 BCS 7

IN THE MATTER OF THE
TENDER OF LICENSE OF:

JAMES D. COX

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ORDER

OF DISBARMENT

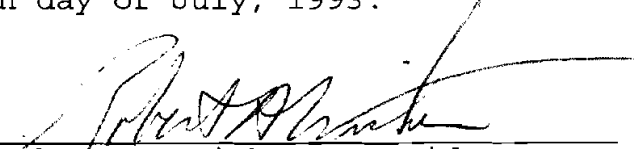
This matter coming on to be heard and being heard by the Council of the North Carolina State Bar on July 9, 1993 pursuant to Section 17 of Article IX of the Rules and Regulations of the North Carolina State Bar upon an affidavit of tender of license of James D. Cox sworn to and subscribed on July 6, 1993 and filed in the offices of The North Carolina State Bar on July 6, 1993; and

BASED UPON the affidavit, the Council finds that James D. Cox conduct of misappropriating client funds, is grounds for discipline pursuant to NCGS 84-28(b)(2) in that Cox violated Rule 1.2(B) and Rule 1.2(C) of the Rules of Professional Conduct.

WHEREFORE, upon Motion being duly made and seconded, the Council enters the following ORDER:

1. That the tender of surrender of license of James D. Cox.
2. That James D. Cox be and hereby is DISBARRED from the practice of law in North Carolina.
3. That the costs of this action be taxed against James D. Cox.

Done and Ordered this 9th day of July, 1993.


Robert A. Wicker, President
North Carolina State Bar

NORTH CAROLINA

WAKE COUNTY

AFFIDAVIT

TO: The Council of the North Carolina State Bar

I, James D. Cox, hereby tender my license to practice and desire to resign from The North Carolina State Bar. My resignation is tendered freely and voluntarily, is not the result of coercion or duress, and I am fully aware of the implications of submitting the resignation.

I am aware that there is presently pending an investigation or other proceedings regarding allegations that I have been guilty of misconduct to wit:

With respect to the Complaint of Terry Odom,

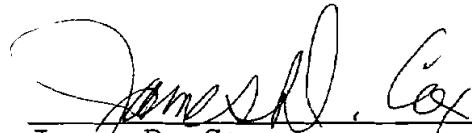
(1) Misrepresentations of material matters, both orally and written, to Mr. Odom: and

(2) Misrepresentations of material matters orally to North Carolina State Bar investigators.

(3) Disbursed funds to Terry Odom on November 17, 1992 from my trust account when Odom had no funds in the account and I had insufficient personal funds in the account to cover the amount of Odom's check. As a result, funds belonging to another client were used to pay Odom's check.

I acknowledge that the material facts upon which Mr. Odom's Complaint is predicated and as found in the Consent Order of Preliminary Injunction are true. I am submitting my resignation because I know that if charges were predicated upon the misconduct under investigation I could not successfully defend against them.

This 6th day of July, 1993.


James D. Cox

Subscribed and sworn to me this 6th day of July, 1993.


Notary Public

My commission expires: Dec. 5, 1993