

FILED  
STATE OF NORTH CAROLINA

2015 SEP 25 AM 10:14

WAKE COUNTY

WAKE COUNTY, C.S.C.

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

15 CVS 4444

THE NORTH CAROLINA STATE BAR,

Petitioner

v.

FRANKLIN McDEVIN HUGGINS,  
Attorney,

Respondent

CONSENT ORDER OF DISBARMENT

THIS MATTER came before the undersigned Judge of Superior Court of Wake County. Petitioner, the North Carolina State Bar, was represented by Brian P.D. Oten. Respondent, Franklin McDevin Huggins, represented himself.

Based upon the Affidavit of Surrender of Law License submitted to the Court by Respondent, Franklin McDevin Huggins, and the consent of the parties, the Court makes the following:

#### FINDINGS OF FACT

1. Respondent, Franklin McDevin Huggins ("Huggins"), was licensed to practice law in North Carolina on 28 February 2014 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.

2. During the periods relevant hereto, Huggins was engaged in the practice of law in Trenton, Jones County, North Carolina.

3. From April 2014 through March 2015, Huggins intentionally deposited entrusted client funds into his personal and business accounts, transferred entrusted client funds out of his attorney trust account and into his personal and business accounts without regard for whether he was entitled to the funds, and knowingly failed to track or account for his receipt and use of entrusted client funds. Huggins misused entrusted client funds by disbursing at least \$3,444.00 of entrusted client funds from his trust account for his personal benefit or for the benefit of third parties without any knowledge or evidence that such disbursements were justified.

4. In late 2014, Huggins received \$516.00 in entrusted funds for the purpose of paying his client's court costs and fines associated with his traffic tickets. Around this

same time, Huggins also received entrusted funds in the form of a \$5,000.00 advanced fee from a client to be held for the benefit of his client for future legal work performed. Huggins did not deposit these funds into his attorney trust account. Instead, Huggins utilized these funds for his personal benefit or for the benefit of third parties without authorization to do so from the beneficial owner of the funds.

5. Huggins desires to resign his license to practice law and has tendered his license to practice law in North Carolina.

6. Huggins's resignation is freely and voluntarily rendered. It is not the result of coercion or duress. Huggins is fully aware of the implication of submitting his resignation.

7. Huggins is aware that there is presently pending an investigation with the North Carolina State Bar regarding the conduct described above. Huggins acknowledges that the material facts upon which the State Bar's investigation is predicated are true.

8. Huggins has submitted his resignation because he knows that if disciplinary charges were predicated upon the misconduct under investigation, he could not successfully defend against them.

Based upon the foregoing Findings of Fact and the consent of the parties, the Court makes the following

#### CONCLUSIONS OF LAW

1. By misappropriating entrusted client funds, Huggins used entrusted funds for his personal benefit or for the benefit of third parties not entitled to the funds in violation of Rules 1.15-2(a), (b), and (j), engaged in a criminal act that reflects adversely on his honesty, trustworthiness, or fitness as a lawyer in violation of Rule 8.4(b), and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation in violation of Rule 8.4(c) of the Rules of Professional Conduct.

2. Huggins's misconduct constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2).

3. The courts of this State have inherent authority to take disciplinary action against attorneys licensed to practice law in North Carolina.

4. This Court has jurisdiction over the person of Franklin McDevin Huggins and over the subject matter of this proceeding.

5. Huggins has engaged in professional misconduct warranting disbarment.


IT IS NOW, THEREFORE, **ORDERED**:

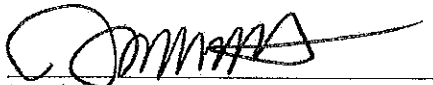
1. Franklin McDevin Huggins is DISBARRED from the practice of law in North Carolina.
2. Huggins shall comply with the provisions of 27 N.C. Admin. Code, Chapter 1, Subchapter B, Section .0124 of the Rules and Regulations of the North Carolina State Bar and shall surrender his license and permanent membership card to the Secretary of the North Carolina State Bar along with the affidavit required by § .0124. Huggins shall have thirty (30) days from the date of the entry of this order to complete the requirements of § .0124.
3. Huggins 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.
4. Huggins'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, Chapter 1, Subchapter B, Section .0125 of the Rules and Regulations of the North Carolina State Bar.
5. The costs of this action are taxed against Huggins.

Dated this 25<sup>th</sup> day of September, 2015.

  
\_\_\_\_\_  
Superior Court Judge Presiding

CONSENTED TO:

  
\_\_\_\_\_  
Brian P.D. Oten  
Deputy Counsel, North Carolina State Bar  
Attorney for Petitioner

  
\_\_\_\_\_  
Franklin McDevin Huggins  
Respondent

WAKE COUNTY, N.C.	
THE NORTH CAROLINA STATE BAR, BY _____ Petitioner  v.  FRANKLIN McDEVIN HUGGINS, Attorney,  Respondent	AFFIDAVIT OF SURRENDER OF LAW LICENSE

Franklin McDevin Huggins, being first duly sworn, deposes and says as follows:

1. I desire to resign and hereby tender my license to practice law in North Carolina.
2. My resignation is freely and voluntarily rendered. It is not the result of coercion or duress. I am fully aware of the implication of submitting my resignation.
3. From April 2014 through March 2015, I intentionally deposited entrusted client funds into my personal and business accounts, transferred entrusted client funds out of my attorney trust account and into my personal and business accounts without regard for whether I was entitled to the funds, and knowingly failed to track or account for my receipt and use of entrusted client funds. I misused entrusted client funds by disbursing at least \$3,444.00 of entrusted client funds from my trust account for my own personal benefit or for the benefit of third parties without any knowledge or evidence that such disbursements were justified.
4. In late 2014, I received \$516.00 in entrusted funds for the purpose of paying my client's court costs and fines associated with his traffic tickets. Around this same time, I also received entrusted funds in the form of a \$5,000.00 advanced fee from a client to be held for the benefit of my client for future legal work performed. I did not deposit these funds into my attorney trust account. Instead, I utilized these funds for my own personal benefit or for the benefit of third parties without authorization to do so from the beneficial owner of the funds.
5. I am aware that there is presently pending an investigation with the North Carolina State Bar regarding my conduct as described above.
6. I acknowledge that the material facts upon which the investigation is predicated are true.

7. 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.

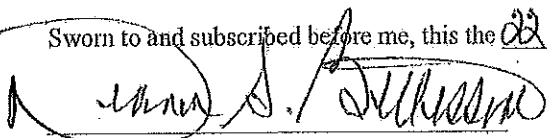
This the 22 day of Sept, 2015.

  
Franklin McDevin Huggins

State of North Carolina  
County of Jones

I Diann S. Bellissimo, Notary Public of the County of Jones, State of North Carolina, certify that Franklin McDevin Huggins personally appeared before me this day and acknowledged the due execution of the foregoing Affidavit.

Sworn to and subscribed before me, this the 22 day of September, 2015.

  
Notary Public

My Commission Expires: 3-27-2017

