

NORTH CAROLINA
WAKE COUNTY



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BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
98 DHC 4

THE NORTH CAROLINA STATE BAR,
Plaintiff

v.

JAMES P. WEAVER, Attorney,
Defendant

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) ORDER OF DISBARMENT
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THIS MATTER coming before the undersigned Chair of the Disciplinary Hearing Commission pursuant to 27 N.C. Admin. Code, Chapter 1, Subchapter B, §.0117(d) of the N.C. State Bar Discipline & Disability Rules upon the defendant's Affidavit of Consent to Order of Disbarment executed on the 25th day of March, 1998; and the undersigned finds from that Affidavit of Consent to Disbarment the following:

1. The defendant's Affidavit of Consent to Order of Disbarment was freely and voluntarily rendered, was not the result of coercion or duress and the defendant was fully aware of the implications of submitting the Affidavit of Consent to Order of Disbarment.
2. The defendant is aware that a hearing has been scheduled respecting the allegations contained in the State Bar's complaint in this matter and that by submitting the Affidavit of Consent to Order of Disbarment he is giving up the right to defend himself against those allegations at that hearing.
3. The defendant has admitted that he pled guilty to and, on October 28, 1996 in the US District Court for the Middle District of North Carolina, was convicted of mailing a threatening communication in violation of 18 U.S.C. §876.
4. The defendant has admitted that the felony conviction adversely reflects on his fitness to practice law in violation of rule 1.2(b) of the Rules of Professional Conduct.
5. The defendant's Consent to Disbarment was submitted because the defendant knows that he could not successfully defend against the allegations in the State Bar's complaint in this matter.

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BASED UPON the foregoing findings, the undersigned concludes as follows:

(a) The affidavit of the defendant contained in his Affidavit of Consent to Order of Disbarment meets the requirements of 27 N.C. Admin. Code, Chapter 1, Subchapter B, §.0117(d) of the N.C. State Bar Discipline & Disability Rules.

(b) The Affidavit of Consent to Order of Disbarment filed by the defendant herein should be accepted.

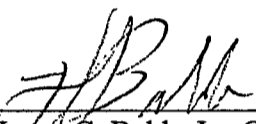
(c) The facts as found constitute grounds for disbarment.

THEREFORE it is hereby ORDERED:

1. The defendant, James P. Weaver, is hereby DISBARRED from the practice of law in North Carolina.

2. The defendant shall pay the costs of this proceeding as assessed by the Secretary by June 1, 1998.

This the 14 day of April, 1998.



Henry C. Babb, Jr., Chair
Disciplinary Hearing Commission

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