STATE OF NORTH CAROLINA

WAKE COUNTY

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
18 DHC 29

THE NORTH CAROLINA STATE BAR, Plaintiff v. ALVARO DE LA CALLE, Attorney, Defendant	ORDER OF DISBARMENT

This matter came before the undersigned Chair of The Disciplinary Hearing Commission pursuant to 27 N.C. Admin. Code 1B.0121(d) upon an affidavit of surrender of license executed by Alvaro De La Calle on 18 September 2018 and filed in the offices of the North Carolina State Bar on 24 September 2018.

Based upon the pleadings and the record, the undersigned makes the following:

FINDINGS OF FACT

1. Plaintiff, the North Carolina State Bar (hereafter "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. Defendant, Alvaro De La Calle, was licensed to practice law in North Carolina in 2012, and during all relevant periods herein he was an Attorney at Law 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. On 4 June 2018, the North Carolina State Bar filed a formal complaint against Defendant alleging that he committed violations of the Rules of Professional Conduct, including failing to communicate with clients, failing to act with reasonable diligence and promptness in representing clients, failing to make reasonable efforts to expedite litigation consistent with the interests of his clients, failing to keep clients informed about their case, failing to reasonably consult with clients about the means by which the client's objectives would be accomplished,

failing to promptly comply with reasonable request for information, failing to properly maintain and disburse entrusted funds and improperly disbursing entrusted funds for his own benefit, failing to provide a required accounting to a client, failing to explain a matter to the extent reasonably necessary to permit clients to make informed decisions regarding representation, by collecting a fee for services not provided and failing to participate in good faith in the fee dispute resolution process once he became aware of the client's disputation of the fee, by splitting fees with attorney Leah Shellberg, who is an attorney in a different firm without the client's knowledge or consent, engaging in conduct involving dishonesty and misrepresentation, by revealing to attorney Leah Shellberg confidential information obtained in the attorney-client relationship without the client's informed consent, by terminating representation of the client without giving notice to the client or returning their file, not returning unearned fees, making misrepresentations to his clients, and engaging in conduct prejudicial to the administration of justice. This conduct constitutes grounds for discipline under N.C. Gen. Stat. § 84-28(b)(2), in that Calle engaged in conduct in violation of Rule 1.3, Rule 1.4(a), Rule 1.4(b), Rule 1.5(a), Rule 1.5(e), Rule 1.6(a), Rule 3.2, Rule 1.15-2(a), Rule 1.15-2 (j), Rule 1.15-2 (m), Rule 1.15-3(e), Rule 1.16(d), Rule 7.1(a), Rule 8.4(c), and Rule 8.4(d) of the Rules of Professional Conduct.

4. Defendant has indicated his consent to disbarment by filing an affidavit of surrender with the Disciplinary Hearing Commission. The affidavit meets all requirements set forth in 27 N.C. Admin. Code 1B.0121(a)(1), (2), (3), (4) and (d).

Based upon the foregoing Findings of Fact. the undersigned makes the following

CONCLUSIONS OF LAW

1. 27 N.C. Admin. Code 1B.0108(a) provides that the Chair of the Disciplinary Hearing Commission has the power and duty to enter orders disbarring members by consent.

2. Defendant's affidavit meets all requirements set forth in 27 N.C. Admin. Code 1B.0121(a)(1), (2), (3), (4) and (d) and the facts upon which the affidavit is predicated warrant Defendant's disbarment.

3. Defendant has admitted that the material facts upon which the State Bar's complaint is predicated are true and the misconduct alleged in the complaint has been established. The State Bar's complaint is incorporated by reference herein.

Based upon the foregoing Findings of Fact and Conclusions of Law, the undersigned Chair of the Disciplinary Hearing Commission enters the following

ORDER

1. The surrender of the license of Alvaro De La Calle is hereby accepted.

2. Alvaro De La Calle is DISBARRED from the practice of law in North Carolina effective upon the entry of this order with the Secretary of the North Carolina State Bar.

3. Alvaro De La Calle shall comply with the provisions 27 N.C. Admin. Code 1B.0128 of the State Bar Discipline and Disability Rules.

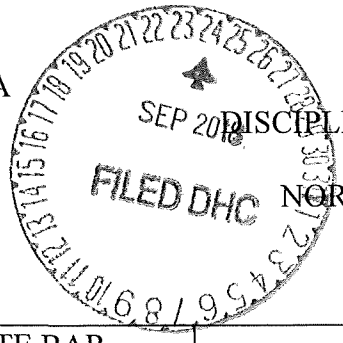
4. The costs of this action are taxed against Defendant.

This the 24th day of September, 2018.

Fred M. Morelock, Chair
Disciplinary Hearing Commission

STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
18 DHC 29

THE NORTH CAROLINA STATE BAR, Plaintiff v. ALVARO DE LA CALLE, Attorney, Defendant	**AFFIDAVIT OF SURRENDER OF LAW LICENSE**

In accordance with the requirements to surrender my law license and consent to my disbarment, found within 27 N.C. Admin. Code 1B.0121(d), and in accordance with the requirements that must be established to obtain an order of disbarment, found within 27 N.C. Admin. Code 1B .0121(a)(1) - (4), Alvaro De La Calle, being first duly sworn, deposes and says:

1. I desire to resign from the North Carolina State Bar. To that end, I hereby surrender my license to practice law in North Carolina, and I hereby consent to my disbarment.

2. In accordance with the requirements of 27 N.C. Admin. Code 1B .0121(a)(1), I hereby state that 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. In accordance with the requirements of 27 N.C. Admin. Code 1B .0121(a)(2), I hereby state that I am aware that there presently is a pending disciplinary matter against me before the Disciplinary Hearing Commission, 18DHC29, regarding allegations that I have been guilty of misconduct by committing violations of the Rules of Professional Conduct, the nature of which are specifically set forth herein in accordance with the Complaint filed by deputy counsel Joshua T. Walthall, and include: failing to communicate with clients, failing to act with reasonable diligence and promptness in representing clients, failing to make reasonable efforts to expedite litigation consistent with the interests of my clients, failing to keep clients informed about their case, failing to reasonably consult with clients about the means by which the client's objectives would be accomplished, failing to promptly comply with reasonable request for information, failing to properly maintain and disburse entrusted funds and improperly disbursing entrusted funds for my own benefit, failing to provide a required accounting to a client, failing to explain a matter to the extent reasonably necessary to permit clients to make informed decisions regarding representation, by collecting a fee for services not provided and failing to participate in good faith in the fee dispute resolution process once I became ware of the client's disputation of the fee, by splitting fees with attorney Leah Shellberg, who is an attorney in a different firm without the client's knowledge or consent, engaging in conduct involving dishonesty and misrepresentation, by revealing to attorney Leah Shellberg confidential information obtained in

the attorney-client relationship without the client's informed consent, by terminating representation of the client without giving notice to the client or returning their file, not returning unearned fees, making misrepresentations to my clients, and engaging in conduct prejudicial to the administration of justice.

4. In accordance with the requirements of 27 N.C. Admin. Code 1B .0121(a)(3), I hereby acknowledge that the material facts upon which the disciplinary matter, 18DHC29, is predicated are true.

5. In accordance with the requirements of 27 N.C. Admin. Code 1B .0121(a)(4), I hereby voluntarily submit my resignation because I know that I cannot successfully defend against the disciplinary charges brought against me in 18DHC29.

This 18th day of September, 2018.

Alvaro De La Calle

SWORN TO AND SUBSCRIBED BEFORE ME,
THIS 18th DAY OF SEPTEMBER, 2018.

Marion J. DelFavero.
Notary Public
Printed Name: MARION J. DELFAVERO.

My Commission Expires: 08/15/2020.

Marion J. DelFavero
Notary Public
Forsyth County, NC