

STATE OF NORTH CAROLINA
COUNTY OF WAKE

FILED

1983 APR -8 AM 10:24

B.E. JAMES, REC.
THE N.C. STATE BAR

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
83 BCS 3

IN THE MATTER OF THE TENDER OF)
SURRENDER OF THE LICENSE OF)
JOSEPH B. CHANDLER, JR., ATTORNEY)

ORDER OF COUNCIL

This matter was heard by the Council of The North Carolina State Bar pursuant to Rule 17 of Article IX of the Rules and Regulations of The North Carolina State Bar on Friday, April 8, 1983, upon the surrender of the license to practice law of Joseph B. Chandler, Jr. Pursuant to Rule 17(1) of Article IX of the Rules and Regulations of The North Carolina State Bar, Joseph B. Chandler, Jr. delivered to the Council an affidavit dated April 1, 1983, and filed on April 5, 1983, stating his desire to resign his license to practice law. Neither Joseph B. Chandler nor counsel appeared before the Council. The North Carolina State Bar was represented by David R. Johnson. Based upon the affidavit of Joseph B. Chandler, Jr. and the record, the Council makes the following FINDINGS OF FACT:

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1. Joseph B. Chandler, Jr. was admitted to the North Carolina State Bar on September 9, 1968.
2. Joseph B. Chandler freely and voluntarily tendered the surrender of his license on April 1, 1983, and the tender was not the result of any coercion or duress. Joseph B. Chandler, Jr. was and is fully aware of the implications of submitting his resignation.
3. On February 21, 1983, a complaint was filed by The North Carolina State Bar against Joseph B. Chandler, Jr. before the Disciplinary Hearing Commission in file number 83 DHC 2 alleging misconduct in violation

of the Code of Professional Responsibility of The North Carolina State Bar. Joseph B. Chandler, Jr. was duly served with the Summons and Complaint on March 1, 1983, and was and is aware that the matter was pending before the Disciplinary Hearing Commission.

4. Joseph B. Chandler, Jr. admits that the material facts of the Complaint in file number 83 DHC 2 are true. The Complaint is hereby incorporated by reference as if fully set out herein.

5. Joseph B. Chandler, Jr. pleaded guilty to three criminal informations charging him with violation of N. C. General Statute §14-90, embezzlement of monies entrusted to him as an attorney in excess of \$5000 in each of the three informations. The crimes for which he was convicted are serious crimes as defined by Section 3 of Article IX of the Rules and Regulations of The North Carolina State Bar and his license was suspended upon his conviction pending the final disposition of the disciplinary proceedings.

6. Joseph B. Chandler, Jr., was given notice of the hearing before the Council with regard to his tender of surrender and was and is aware that the hearing would be held on April 8, 1983. Joseph B. Chandler, Jr. was and is also aware of his right to be present and be heard. Joseph B. Chandler knowingly and voluntarily waived any right to further notice of hearing and any objections to the adequacy of the notice.

7. Joseph B. Chandler, Jr. has delivered his license to the Secretary of The North Carolina State Bar.

Based upon the foregoing FINDINGS OF FACT, the Council makes the following CONCLUSIONS OF LAW:

1. The affidavit of Joseph B. Chandler, Jr. to tender the surrender of his license complies with Section 17 of Article IX of the Rules and Regulations of The North Carolina State Bar.

2. The crimes for which Joseph B. Chandler, Jr. has been convicted are serious crimes as defined by Section 3(30) of the Rules and Regulations of The North Carolina State Bar.

3. Joseph B. Chandler, Jr., could not defend on the charges pending before the Disciplinary Hearing Commission in 83 DHC 2.

THEREFORE, upon Motion duly made and seconded, the Council ORDERS that:

1. The tender of surrender of the license of Joseph B. Chandler, Jr. is hereby accepted.

2. Joseph B. Chandler, Jr. is hereby DISBARRED.

3. Joseph B. Chandler, Jr. shall surrender his membership card to the Secretary of The North Carolina State Bar.

4. The costs of this proceeding are taxed to Joseph B. Chandler, Jr.

This the 8th day of April, 1983.



Louis J. Fisher, Jr., President
The North Carolina State Bar