



8. Verbal never paid any part of the \$3,250 in settlement proceeds to Ms. Atilano, despite her requests for payment.

9. The balance in Verbal's trust account as of May 31, 1988, was zero.

10. On October 6, 1987, Verbal was served with a Letter of Notice concerning his representation of Ms. Atilano and with a subpoena ordering production of Verbal's files relating to Ms. Atilano.

11. Verbal failed to appear and produce records relating to Ms. Atilano, as commanded by the subpoena and failed to respond to the Letter of Notice.

Based upon the foregoing Findings of Fact the Hearing Committee makes the following Conclusions of Law:

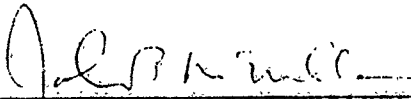
(a) By misappropriating the proceeds of a settlement draft sent to him by Nationwide Mutual Insurance Company for his client, Pat Atilano, Verbal committed a criminal act which reflects adversely on his honesty, trustworthiness, or fitness as a lawyer in other respects, in violation of Rule 1.2(B) and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation, in violation of Rule 1.2(C).

(b) By refusing to deliver to Ms. Atilano her share of the settlement proceeds, Verbal failed to promptly pay to the client funds belonging to the client, in violation of Rule 10.2(E).

(c) By refusing to respond to the Letter of Notice, Verbal failed to answer a formal inquiry issued in the name of the North Carolina State Bar, in violation of G.S. 84-28(b)(3).

(d) By refusing to respond to the subpoena served on him on October 6, 1987, Verbal is in contempt of the Grievance Committee of the North Carolina State Bar, in violation of G.S. 84-28(b)(3).

Signed by the undersigned Chairman with the full accord and consent of the other members of the Hearing Committee this the 15<sup>th</sup> day of November, 1988.

  
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John B. McMillan, Chairman  
For the Committee

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NOV 15 1988

STATE OF NORTH CAROLINA

WAKE COUNTY

BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
88 DHC 15

THE NORTH CAROLINA STATE BAR  
Plaintiff,

vs.

SIDNEY VERBAL II, ATTORNEY  
Defendant

ORDER OF DISCIPLINE

This matter was heard on November 3, 1988, before a Hearing Committee composed of John B. McMillan, Chairman, Fred Folger, Jr., and Sam L. Beam. Based upon the Findings of Fact and Conclusions of Law entered by the Hearing Committee the following Order of Discipline is entered:

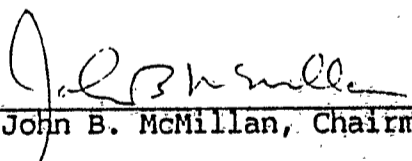
1. That Defendant, Sidney Verbal, II, is disbarred from the practice of law in North Carolina.

2. The Defendant, Sidney Verbal, II, shall forthwith surrender his license and permanent membership card to the Secretary of the North Carolina State Bar.

3. The Defendant, Sidney Verbal, II, shall comply with the provisions of Section 24 of Article 9 of the Rules and Regulations of the North Carolina State Bar.

4. The Defendant, Sidney Verbal, II, is hereby taxed with the costs of this action.

Signed by the undersigned Chairman with the consent of the other members of the Hearing Committee, this the 15<sup>th</sup> day of November, 1988, nunc pro tunc to the 3rd day of November 1988.

  
John B. McMillan, Chairman

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