

6353

NORTH CAROLINA
WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
95 DHC 9

THE NORTH CAROLINA STATE BAR,
Plaintiff

vs.

WILTON E. RAGLAND, Jr. ATTORNEY
Defendant

CONSENT ORDER OF DISCIPLINE

THIS MATTER, coming before the undersigned Hearing Committee of the Disciplinary Hearing Commission pursuant to 27 N.C. Admin. Code, Chapter 1, Subchapter D, Section .0214(h) of the Discipline & Disbarment Procedures of the N.C. State Bar; and it appearing that both parties have agreed to waive formal hearing in this matter and it further appearing that both parties stipulate and agree to the following Findings of Fact and Conclusions of Law recited in this Consent Order and to the discipline imposed, the Hearing Committee therefore enters the following

FINDINGS OF FACT

1. The Plaintiff, the North Carolina 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 The Defendant, Wilton E. Ragland, Jr., was admitted to the North Carolina State Bar in 1974, 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.

3. Ragland did not file North Carolina individual income tax returns for calendar years 1991, 1992, and 1993.

4. On November 28, 1994, Ragland pled guilty to three (3) counts of willful failure to file individual state income tax returns for 1991, 1992, and 1993 in Wake County District Court.

5. Judge Donald Overby found Ragland guilty as charged. Ragland received a six-year sentence suspended on certain conditions.

6. The criminal offense of which Ragland was convicted is a serious crime as defined in section 3(30) of Article IX of the Rules and Regulations of the North Carolina State Bar.

7. Ragland received an admonition from the Grievance Committee of the N.C. State Bar in 1994. The admonition found that Ragland had violated Rules 6(b)(1)(2)(3) by neglecting a wrongful death case, that he violated Rule 1.2(d) by failing to pay a negotiated settlement of \$7,500.00 to a former client, and that he violated Rules 10.1(a), 10.2(e) and 3.3 by failing to properly supervise a former secretary which resulted in the defalcation of client funds by the secretary. In the admonition, the Grievance Committee strongly urged Ragland to organize his law practice.

CONCLUSIONS OF LAW

By failing to file timely state and federal income tax returns for the years 1991, 1992 and 1993, Ragland committed criminal acts which reflect adversely on his honesty, trustworthiness or fitness as a lawyer in other respects in violation of Rules 1.2(b) of the Rules of Professional Conduct.

Based upon the Findings of Fact and Conclusions of Law and the consent of the parties, the hearing committee hereby makes the following additional:

ORDER OF DISCIPLINE

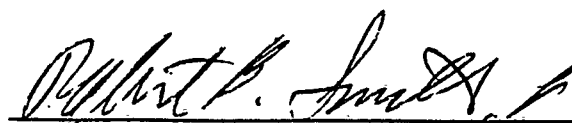
The Defendant, Wilton E. Ragland, Jr., is hereby suspended from the practice of law for two years, with all but six months of the suspension stayed for two years on the following conditions:

a. Within one month of the date of this Order, the Defendant shall contact the Lawyers' Management Assistance Program at the North Carolina State Bar and make arrangements to participate in the program for a period of one year to begin as soon as possible after Defendant's active suspension from the practice of law ends.

b. The Defendant shall violate no laws of the State of North Carolina or the United States of America.

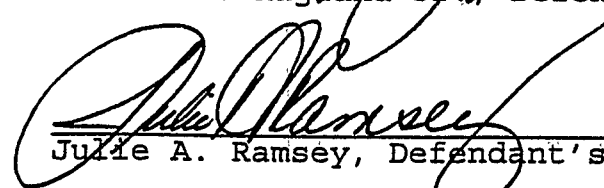
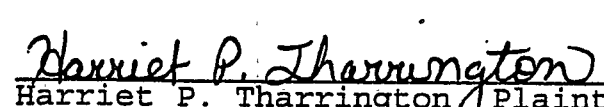
c. The Defendant shall violate no provisions of the North Carolina Rules of Professional Conduct.

d. The Defendant shall comply with all conditions of his probationary sentence relating to his convictions for failure to file North Carolina individual income tax returns for 1991, 1992, and 1993.



Robert B. Smith, Jr.
Chairman, Disciplinary Hearing Committee

Seen and consented to:


Wilton E. Ragland, Jr. Defendant
Julie A. Ramsey, Defendant's Attorney
Harriet P. Tharrington Plaintiff's Attorney

#21