

WAKE COUNTY, D.S.C.	
THE NORTH CAROLINA STATE BAR, BY Petitioner v. W. RICKERT HINNANT, Attorney, Respondent	CONSENT ORDER OF DISBARMENT

THIS MATTER was considered by the undersigned Judge of the Superior Court of Wake County upon the tender of surrender of the law license of W. Rickert Hinnant. The State Bar was represented by Jennifer A. Porter. W. Rickert Hinnant was represented by Dudley A. Witt.

Based upon the Affidavit of Surrender of Law License submitted to the Court by Respondent, W. Rickert Hinnant (hereinafter "Hinnant"), and the consent of the parties, the Court makes the following:

FINDINGS OF FACT

1. Hinnant was admitted to the North Carolina State Bar in 1989 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.
2. During all of the periods relevant hereto, Hinnant was engaged in the practice of law in Winston-Salem, Forsyth County, North Carolina.
3. Hinnant is aware that there is presently pending an investigation regarding allegations that he failed to maintain entrusted funds in an appropriate trust account, mishandled entrusted funds, and misappropriated at least \$10,000.00 of client funds and used those funds for his personal purposes without authorization to do so from the beneficial owner of the funds.
4. Hinnant desires to resign his license to practice law and has tendered his license to practice law in North Carolina.

5. Hinnant's resignation is freely and voluntarily rendered. It is not the result of coercion or duress. Hinnant is fully aware of the implication of submitting his resignation.

6. Hinnant acknowledges that the material facts upon which the investigation is predicated are true.

7. Hinnant has submitted his resignation because he knows that if disciplinary charges were predicated upon the misconduct under investigation, he could not successfully defend against them.

Based upon the foregoing Findings of Fact, the court makes the following:

CONCLUSIONS OF LAW

1. By failing to maintain entrusted funds in a trust account and not appropriately disbursing entrusted funds, Hinnant violated Rule 1.15-2(a) and (m) of the Rules of Professional Conduct. By misappropriating client funds, Hinnant engaged in criminal acts that reflect adversely on his honesty, trustworthiness or fitness as a lawyer in other respects in violation of Rule 8.4(b) of the Rules of Professional Conduct and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation in violation of Rule 8.4(c) of the Rules of Professional Conduct.

2. Hinnant's misconduct constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2).

3. The courts of this State have the inherent authority to take disciplinary action against attorneys licensed to practice law in North Carolina.

4. This Court has jurisdiction over the person of W. Rickert Hinnant and of the subject matter of this proceeding.

5. Hinnant has engaged in professional misconduct warranting disbarment.

IT IS NOW, THEREFORE, ORDERED:

1. W. Rickert Hinnant is DISBARRED from the practice of law in North Carolina. This disbarment is effective 30 days from entry of this order by the court.

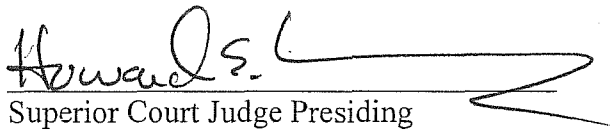
2. Hinnant shall comply with the provisions of 27 N.C. Admin. Code, Chapter 1, Subchapter B, Section .0124 of the Rules and Regulations of the North Carolina State Bar and shall surrender his license and permanent membership card to the Secretary of the North Carolina State Bar along with the affidavit required by § .0124.

3. Hinnant shall not petition for reinstatement of his law license until the expiration of at least five (5) years from the date of entry of this order.

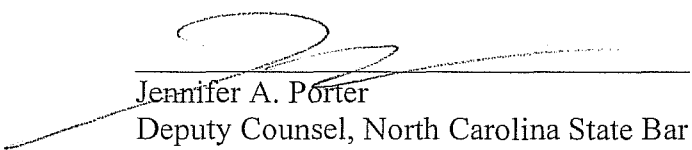
4. Hinnant's law license shall not be reinstated until he has demonstrated to the satisfaction of the Disciplinary Hearing Commission and the Council of the North Carolina State Bar that he has complied with 27 N.C. Admin. Code, Chapter 1, Subchapter B, Section .0125.

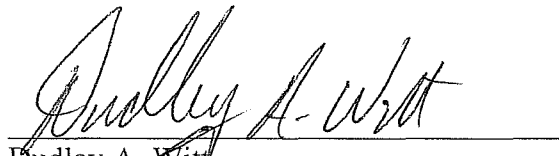
5. The costs of this action are taxed against Hinnant.

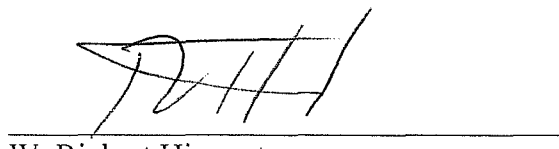
Done and Ordered this 15th day of June, 2011.


Superior Court Judge Presiding

CONSENTED TO BY:


Jennifer A. Porter
Deputy Counsel, North Carolina State Bar
Attorney for Petitioner


Dudley A. Witt
Attorney for Respondent


W. Rickert Hinnant
Respondent

STATE OF NORTH CAROLINA
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO.: 11CVS02618

THE NORTH CAROLINA STATE BAR,

Petitioner

v.

W. RICKERT HINNANT, Attorney,

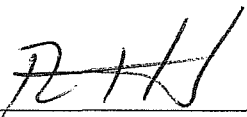
Respondent

AFFIDAVIT OF SURRENDER OF
LAW LICENSE

W. Rickert Hinnant, being first duly sworn, deposes and says as follows:

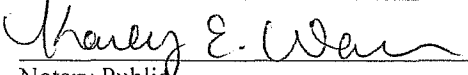
1. I desire to resign and hereby tender my license to practice law in North Carolina.
2. My resignation is freely and voluntarily rendered. It is not the result of coercion or duress. I am fully aware of the implication of submitting my resignation.
3. I am aware that there is presently pending an investigation regarding allegations that I failed to maintain entrusted funds in an appropriate trust account, mishandled entrusted funds, and misappropriated at least \$10,000.00 of client funds and used those funds for my personal purposes without authorization to do so from the beneficial owner of the funds.
4. I acknowledge that the material facts upon which the investigation is predicated are true.
5. I am submitting my resignation because I know that if disciplinary charges were predicated upon the misconduct under investigation, I could not successfully defend against them.

This the 10th day of June ~~May~~ 2011.


W. Rickert Hinnant

I, Karly E. Warner, Notary Public of the County of Forsyth, State of North Carolina, certify that W. Rickert Hinnant personally appeared before me this day, was sworn, attested that the foregoing Affidavit is true and accurate of his own personal knowledge, and executed the foregoing Affidavit.

This the 10 day of June, 2011.


Notary Public
My Commission Expires: December 16, 2013

