

NORTH CAROLINA

WAKE COUNTY

6031

BEFORE THE
GRIEVANCE COMMITTEE OF THE
NORTH CAROLINA STATE BAR
93G 775

IN RE: WILLIAM J. BENTLEY
ATTORNEY AT LAW

ORDER OF RECIPROCAL
DISCIPLINE

Pursuant to the authority vested in me as Chair of the Grievance Committee of the North Carolina State Bar by Art. IX, Sections 5(A)(12) and 16(B)(4) of the Rules and Regulations of the North Carolina State Bar; and based upon the record in this matter, the undersigned finds as follows:

1. By order dated June 24, 1993, the Illinois Supreme Court entered an order striking the name of William J. Bentley from the rolls of attorneys licensed to practice law in Illinois. The Supreme Court order was based upon Bentley's admission to allegations set out in a Statement of Charges filed by the Illinois Attorney Registration and Disciplinary Commission on May 27, 1993.
2. The Statement of Charges filed by the Illinois Attorney Registration and Disciplinary Commission alleged that Bentley had commingled personal funds with funds belonging to a client named Harry Heath and that Bentley had converted \$19,895 belonging to Heath, in violation of the Illinois Code of Professional Responsibility.
3. On or about Aug. 22, 1993, the North Carolina State Bar mailed a Notice of Reciprocal Discipline Proceeding to Bentley by certified mail, return receipt requested. The Notice of Reciprocal Discipline stated that the North Carolina State Bar had received a copy of the Illinois Supreme Court order striking Bentley's name from the rolls of attorneys in Illinois and directed Bentley to show cause, if any, why identical discipline should not be imposed by the North Carolina State Bar within 30 days of service of the Notice of Reciprocal Discipline.
4. The Notice of Reciprocal Discipline Proceeding further provided that identical discipline would be imposed by the North Carolina unless Bentley established within 30 days of service of the Notice that one of the following grounds existed: 1) the procedure employed in the other jurisdiction was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; 2) there was such an infirmity of proof establishing the misconduct as to give rise to the clear conviction that the

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grievance committee could not, consistent with its duty, accept as final the conclusion on the subject; or 3) that the imposition of the same discipline would result in grave injustice.

5. The Notice of Reciprocal Discipline Proceeding was served upon Bentley on Sept. 2, 1993 as evidenced by Bentley's signature on the return receipt.
6. Bentley did not respond to the Notice of Reciprocal Discipline Proceeding or establish any of the grounds referred to in paragraph 4.

BASED UPON the foregoing findings, the undersigned Chair of the Grievance Committee makes the following conclusions of law:

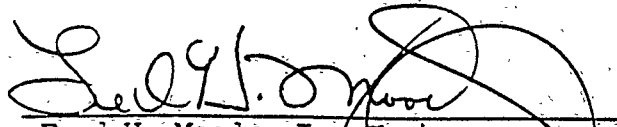
1. The North Carolina State Bar has jurisdiction over the subject matter and the person of William J. Bentley.
2. The procedure for imposition of reciprocal discipline pursuant to Art. IX, Section 16 of the Rules and Regulations of the North Carolina State Bar has been complied with.
3. Bentley has admitted to commingling personal funds with funds belonging to a client named Harry Heath, which constitutes a violation of Rule 10.1(C) of the North Carolina Rules of Professional Conduct. Bentley has also admitted that he converted \$19,895 belonging to Heath without Heath's permission or knowledge, which constitutes a criminal act in violation of Rule 1.2(B) of the North Carolina Rules of Professional Conduct and which constitutes conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 1.2(C) of the North Carolina Rules of Professional Conduct.
4. The order striking William J. Bentley's name from the rolls of attorneys licensed to practice law in Illinois is the equivalent of an order of disbarment.
5. Disbarment is the appropriate discipline for the violations of the Rules of Professional Conduct which William J. Bentley has admitted committing.

THEREFORE IT IS HEREBY ORDERED THAT:

1. William J. Bentley is hereby DISBARRED from the practice of law in the State of North Carolina.
2. This order of disbarment is effective thirty days from service of the Order of Reciprocal Discipline upon William J. Bentley.
3. William J. Bentley must wind down his practice of law pursuant to Art. IX Section 24 of the Rules and Regulations of the North Carolina State Bar during the 30 day period after service of this order.

4. William J. Bentley shall surrender his license certificate and membership card to the Secretary of the North Carolina State Bar by the effective date of this order of disbarment.
5. William J. Bentley is taxed with the costs of this proceeding as assessed by the Secretary.

This the 27th day of October, 1993.


Fred H. Moody, Jr. Chair
Grievance Committee