

NORTH CAROLINA

WAKE COUNTY

BEFORE THE COUNCIL OF THE

NORTH CAROLINA STATE BAR

IN THE MATTER OF E. JOHNSTON IRVIN,)
A PRACTICING ATTORNEY OF CABARRUS)
COUNTY, NORTH CAROLINA)

O R D E R

It appearing to the Council of The North Carolina State Bar at its regular quarterly meeting held in Raleigh, North Carolina on January^{ary} 13, 1961:

1. That certain charges alleging professional misconduct on the part of E. Johnston Irvin, Attorney, of Concord, North Carolina, were initiated by the Council of The North Carolina State Bar, upon information coming into its possession through its Committee on Grievances;

2. That upon full consideration of the recommendations of the Grievance Committee, a trial committee was duly ordered by the Council and appointed for the purpose of holding hearing in the matter;

3. That Notice of Hearing and Statement of Charges was duly filed and personal service accepted and further notice waived by the said E. Johnston Irvin on or about April 13, 1960;

4. That Motion in the cause was filed by the respondent, E. Johnston Irvin, on May 11, 1960; and Answer to Statement of Charges was filed by the respondent, E. Johnston Irvin, on May 12, 1960;

5. That prior to the setting of a date, time and place for hearing by the trial committee appointed, pre-trial conference was requested by counsel for the respondent, E. Johnston Irvin;

6. That such request was granted, and on October 25, 1960, at said pre-trial conference, with counsel for the respondent, E. Johnston Irvin, and counsel for the complainant, The North Carolina State Bar being present, certain stipulations were entered into, and consented to by the trial committee, said committee being composed of Mr. W. M. Allen, Chairman, and Messrs. J. H. Whicker, Sr. and W. D. Sabiston;

7. That the respondent, E. Johnston Irvin, filed with The North Carolina State Bar his affidavit and agreement to said stipulations, waiving any and all procedural rights, consenting to the findings of fact, conclusions and recommendations of the trial committee, and further waiving all objections and exceptions thereto and to the entry of order of judgment by the Council of The North Carolina State Bar upon the report of the trial committee;

8. That the trial committee duly filed its findings of fact, conclusions and recommendations, and a copy thereof was furnished to counsel for the respondent, E. Johnston Irvin, as stipulated and agreed.

9. That the Council heard this matter on January 13, 1961, and thereupon, after hearing and consideration, did upon motion duly adopted direct the following judgment and order to be entered:

"That upon the whole record the Council finds that the respondent, E. Johnston Irvin, through his actions and conduct as alleged in the complaint in this cause, and as stipulated, has been guilty of unprofessional conduct in accordance with the General Statutes and with the Rules and Regulations of The North Carolina State Bar; and that for such acts the respondent, E. Johnston Irvin ought to be reprimanded by the Council;

That order be entered that the respondent, E. Johnston Irvin, be given a reprimand, said reprimand to be administered personally at the next quarterly meeting of the Council on April 14, 1961, and that the respondent be required to pay all costs of said proceeding as taxed by the Council;

That the respondent be given notice of the time and place of said reprimand by the Secretary and that he appear personally."

NOW, THEREFORE, IT IS HEREBY ORDERED


1. That the respondent, E. Johnston Irvin, be reprimanded by the Council of The North Carolina State Bar at its regular quarterly meeting on April 14, 1961, and that he shall appear in person to receive such reprimand; and the Secretary is directed to make proper entry on all records of the Council showing the disciplinary action taken.

2. That the findings of the Council are ordered filed as a part of the record in this cause.

3. That a copy of this order be filed with the Clerk of the Supreme Court of North Carolina, and with the Clerk of the Superior Court of Cabarrus County, North Carolina.

4. That respondent, E. Johnston Irvin, be taxed with all costs of the proceedings in this cause, as certified by the Council.

Given over my hand and seal of The North Carolina State Bar, this
the 13th day of January, 1961.



R. P. Reade, President
The North Carolina State Bar