

6059

NORTH CAROLINA
WAKE COUNTY

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

THE NORTH CAROLINA STATE BAR,
Plaintiff,

vs.

B. FRANK BULLOCK, Attorney,
Defendant.

FINDINGS OF FACT
AND
CONCLUSIONS OF LAW

This cause coming on to be heard and being heard before the undersigned hearing committee of the Disciplinary Hearing Commission of The North Carolina State Bar at a regularly scheduled hearing held on November 3, 1978 in the office of The North Carolina State Bar, 107 Fayetteville Street Mall, Raleigh, North Carolina, and said hearing committee having heard the evidence and arguments and contentions of counsel, make 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.

2. The defendant, B. Frank Bullock, is a citizen and resident of Durham County, North Carolina and was admitted to The North Carolina State Bar in 1974 and is, and was at all times relevant to this proceeding, an attorney at law licensed to practice law in the State of North Carolina and was and is subject to the Rules, Regulations, Canons of Ethics and Code of Professional Responsibility of The North Carolina State Bar and the laws of the State of North Carolina.

3. The defendant represented Boice Arnold Taylor, William Taylor and Willie Wester in a post-conviction hearing at the October 18, 1976 session of the Superior Court of Nash County. By Order of October 22, 1976 the Honorable Albert Cowper, Judge Presiding, denied the petition of each of the petitioners for a new trial and appointed the defendant to prepare and file application for writ of certiorari.

4. The defendant filed a "Motion for Extension of Time to File Writ of Certiorari" with the Superior Court of Nash County on January 7, 1977. The Honorable George Fountain declined to enter an Order extending the time to file.

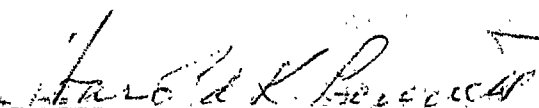
5. The defendant filed a "Motion for Extension of Time to File Writ of Certiorari" with the North Carolina Court of Appeals on April 20, 1977. Said motion was denied without prejudice by Order of the North Carolina Court of Appeals on May 3, 1977.

6. Thereafter until this date the defendant has neither filed further motions for extension of time to file with either the Superior Court of Nash County or the North Carolina Court of Appeals nor prepared and filed application for Writ of Certiorari with the North Carolina Court of Appeals.

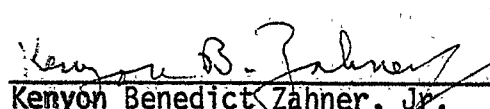
Based upon the foregoing findings of fact, the hearing committee hereby makes the following CONCLUSIONS OF LAW:

The defendant, a duly licensed attorney in the State of North Carolina subject to the Code of Professional Responsibility and of the laws of the State of North Carolina neglected a legal duty entrusted to him by failing to prepare and file an application for Writ of Certiorari for his clients as he had been appointed by the Court to do and that such acts involved professional conduct prejudicial to the administration of justice and professional conduct that adversely reflects upon his fitness to practice law, all in violation of Disciplinary Rules 6-101(A)(3), 1-102(A)(5) and 1-102(A)(6) of the Code of Professional Responsibility of The North Carolina State Bar.

This 3rd day of November, 1978.


Harold K. Bennett, Chairman


Warren C. Stack


Kenyon Benedict Zahner, Jr.