

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

WAKE COUNTY

SUPERIOR COURT DIVISION

17CVS 4492

THE NORTH CAROLINA STATE BAR,
Petitioner

v.

LAWRENCE WITTENBERG, Attorney,
Respondent

ORDER OF DISBARMENT

THIS MATTER came before the undersigned Judge of the Superior Court of Wake County upon the tender of surrender of the law license of Lawrence Wittenberg. Petitioner, the North Carolina State Bar, was represented by Carmen Hoyme Bannon. Respondent, Lawrence Wittenberg, was represented by Alan M. Schneider.

Based upon the Affidavit of Surrender of Law License submitted to the Court by Lawrence Wittenberg and the consent of the parties, the court makes the following:

FINDINGS OF FACT

1. Wittenberg was licensed to practice law on 23 March 1985.
2. During all periods relevant hereto, Wittenberg was actively engaged in the practice of law in Durham County, North Carolina.
3. Wittenberg misappropriated at least \$170,000.00 from his law firm by cashing attorney fee checks for legal services performed while he was a salaried employee of the firm. The firm was entitled to all attorney fees earned by Wittenberg while he was a salaried employee.

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

CONCLUSIONS OF LAW


1. This court has jurisdiction over Wittenberg and over the subject matter of this proceeding.
2. The courts of this State have the inherent authority to take disciplinary action against attorneys licensed to practice law in North Carolina.
3. By misappropriating funds to which his employer was entitled, Wittenberg engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule of Professional Conduct 8.4(c).
4. Wittenberg's misconduct constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2).

5. Wittenberg has engaged in professional misconduct warranting disbarment.

IT IS NOW, THEREFORE, ORDERED:


1. The surrender of the license of Lawrence Wittenberg is hereby accepted.
2. Lawrence Wittenberg is DISBARRED from the practice of law in North Carolina effective upon entry of this Order.
3. Wittenberg shall comply with the provisions of 27 N.C. Admin. Code 1B §.0128 and shall surrender his law license and permanent membership card to the Secretary of the North Carolina State Bar along with the affidavit required by Rule .0128.
4. Within 15 days of the effective date of this Order Wittenberg shall provide the State Bar with an address and telephone number at which clients seeking return of files can communicate with Wittenberg and obtain such files.
5. Wittenberg shall promptly return client files in his possession, custody, or control to clients upon request, within five days of receipt of such request. Wittenberg will be deemed to have received any such request three days after the date the request is sent to him if the request is sent to the address Wittenberg provided to the State Bar pursuant to this Order.
6. Wittenberg shall not petition for reinstatement of his law license until the expiration of at least five years from the date of entry of this order.
7. Wittenberg'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 1B §§ .0128 and .0129(a).
8. The costs of this action are taxed against Lawrence Wittenberg.

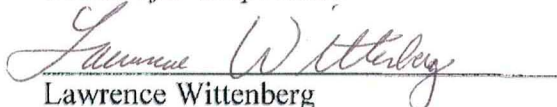
Done and Ordered this 13 day of July, 2018.


Superior Court Judge Presiding

Consented to:


Carmen Hoyme Bannon, Deputy Counsel
Attorney for Petitioner


Alan M. Schneider
Counsel for Respondent


Lawrence Wittenberg
Respondent

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
17CVS 4492

WAKE COUNTY

THE NORTH CAROLINA STATE BAR,

Petitioner

v.

LAWRENCE WITTENBERG, Attorney,

Respondent

AFFIDAVIT OF
SURRENDER OF LAW LICENSE

Lawrence Wittenberg, being first duly sworn, deposes and says as follows:

1. I desire to surrender and hereby tender my license to practice law in North Carolina.
2. My surrender is freely and voluntarily rendered. It is not the result of coercion or duress. I am fully aware of the implication of submitting my surrender.
3. I am aware that there is a pending investigation by the State Bar regarding allegations that I misappropriated at least \$170,000.00 to which my law firm was entitled by cashing attorney fee checks for services performed while I was a salaried employee of the firm.
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 11 day of July, 2018.


Lawrence Wittenberg

I, SUEHELLY VELEZ, Notary Public of the County of DURHAM, State of North Carolina, certify that LAWRENCE WITTENBERG 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.

Sworn to and subscribed before me, this the 11th day of JULY, 2018.


Notary Public

My Commission Expires: 3.21.2021

