

NORTH CAROLINA
WAKE COUNTY

FILED
1985 JUL 31 PM 2:47
W.L. JAMES, SEC.
THE N.C. STATE BAR
BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
85 DHC 2

THE NORTH CAROLINA STATE BAR,)	
Plaintiff)	
)	
vs.)	FINDINGS OF FACT
)	AND CONCLUSIONS OF LAW
ROBERT DeROSSETT, JR.,)	
Defendant)	

This matter being heard on July 19, 1985 by a hearing committee composed of George Ward Hendon, Chairman, James E. Ferguson, II, and Alton Ingalls; with A. Root Edmonson representing the North Carolina State Bar and the Defendant appearing pro se; and based upon the admissions of the Defendant deemed by his default for failure to file an Answer or other pleading in this matter and the evidence offered at the hearing, the hearing committee finds the following by clear, cogent, and convincing evidence:

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, and the Rules and Regulations of the North Carolina State Bar promulgated thereunder.
2. The Defendant, Robert DeRossett, Jr., was admitted to the North Carolina State Bar on September 7, 1965 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 Code of Professional Responsibility of the North Carolina State Bar and of the laws of the State of North Carolina.
3. During all of the periods referred to herein, the Defendant was actively engaged in the practice of law in the State of North Carolina and maintained a law office in the City of Charlotte, Mecklenburg County, North Carolina.
4. Accused maintained an attorney's trust account at North Carolina National Bank (NCNB), account number 0015566687.

5. On June 16, 1983, Defendant wrote a check, number 0185, payable to the Clerk of Superior Court in the amount of ninety dollars (\$90.00) on his attorney's trust account for payment of a personal obligation.

6. When check number 0185 was presented to NCNB for payment on June 30, 1983, there were not sufficient funds in Defendant's trust account to pay the check and the check was returned.

7. Between September 7, 1983, and May 16, 1984, forty-nine (49) checks Defendant had written on his trust account were presented for payment and returned for insufficient funds.

8. A number of the checks returned for insufficient funds as alleged in paragraph 7 above were written to pay court costs, expenses, and other client obligations that Defendant's clients had instructed Defendant to pay from funds advanced to Defendant by those clients.

9. A number of the checks returned for insufficient funds as alleged in paragraph 7 above were written to pay for personal obligations of Defendant's.

BASED UPON the foregoing Findings of Fact, the hearing committee makes the following:

CONCLUSIONS OF LAW

The conduct of Defendant as set forth above constitutes grounds for discipline pursuant to N.C.G.S. §84-28(b)(2) in that Defendant violated the Disciplinary Rules of the Code of Professional Conduct as follows:

- (a) By failing to maintain an account balance sufficient at all times to account for all funds belonging to his clients, the Defendant misappropriated client funds in violation of Disciplinary Rule 9-102(A); and failed to preserve the identity of all funds of clients paid to the lawyer in violation of Disciplinary Rule 9-102(A).
- (b) By writing checks to pay personal obligations out of his trust account, Defendant commingled personal funds with clients' funds in his trust account in violation of Disciplinary Rule 9-102(A); and failed to preserve the identity of all funds of clients paid to the lawyer in violation of Disciplinary Rule 9-102(A).

Signed by the undersigned Chairman with the full accord and
consent of the other members of the hearing committee this the
29 day of July, 1985.


George Ward Hendon, Chairman

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vs.)

ROBERT DeROSSETT, JR.,)
Defendant)

ORDER OF DISCIPLINE

BASED UPON the FINDINGS OF FACT and CONCLUSIONS OF LAW entered in this matter of even date herewith, the hearing committee enters the following ORDER OF DISCIPLINE:

(1) The Defendant, Robert DeRossett, Jr. is hereby SUSPENDED from the practice of law in North Carolina for a period of three years.

(2) As a condition precedent to reinstatement of his North Carolina law license, Defendant must pass the Multistate Professional Responsibility Exam or such comparable testing as the State Bar may accept upon Defendant's application for reinstatement.


(3) Defendant shall surrender his license and membership card to the Secretary of the North Carolina State Bar.

(4) Defendant shall comply with the provisions of §24 of Article IX of the Rules and Regulations of the North Carolina State Bar contained in the Red Book.

(5) Defendant is taxed with the costs of this action.

Signed by the Undersigned Chairman with the full accord and consent of the other members of the hearing committee.

This the 29 day of July, 1985.


George Ward Hendon, Chairman