

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

WAKE COUNTY

FILED

SUPERIOR COURT DIVISION

17 CVS 3828

THE NORTH CAROLINA STATE BAR,

Petitioner

v.

A. SCOTT HAMILTON, Attorney,

Respondent

2018 OCT 10 PM 2:08

WAKE CO., C.S. 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 A. Scott Hamilton. Petitioner, the North Carolina State Bar, was represented by Mary D. Winstead. Respondent, A. Scott Hamilton, was represented by Alan M. Schneider.

Based upon the Affidavit of Surrender of Law License submitted to the Court by A. Scott Hamilton and the consent of the parties, the court makes the following:

FINDINGS OF FACT

1. Hamilton was licensed to practice law on December 10, 2010.
2. During all periods relevant hereto, Hamilton was actively engaged in the practice of law in Henderson, Vance County, North Carolina.
3. Hamilton represented Robbie and Amanda Ayscue in personal injury lawsuits arising from an automobile accident.
4. Pursuant to the fee agreements, Hamilton was authorized to disburse to himself and/or his law firm no more than \$11,127.75 from the settlement proceeds.
5. Hamilton disbursed to himself and his law firm \$14,250.
6. Hamilton misappropriated at least \$3,122.25 from the Ayscues' settlement funds by disbursing to himself and his law firm more than he was entitled to receive under the fee agreements.

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

CONCLUSIONS OF LAW

1. This court has jurisdiction over Hamilton 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 clients Robbie and Amanda Ayscue were entitled, Hamilton engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule of Professional Conduct 8.4(c).
4. Hamilton's misconduct constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2).


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5. Hamilton has engaged in professional misconduct warranting disbarment.

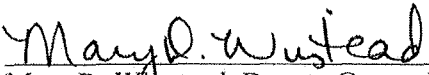
ORDER

1. The surrender of the license of A. Scott Hamilton is hereby accepted.
2. A. Scott Hamilton is DISBARRED from the practice of law in North Carolina effective upon entry of this Order.
3. Hamilton shall wind-down his law practice within 30 days of entry of this order in accordance with 27 N.C. Admin. Code 1B.0121(e).
4. Hamilton 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 27 N.C. Admin. Code 1B.0128.
5. Within 15 days of the effective date of this Order, Hamilton shall provide the State Bar with an address and telephone number at which clients seeking return of files can communicate with Hamilton and obtain such files.
6. Hamilton shall promptly return client files in his possession, custody, or control to clients upon request, within five days of receipt of such request. Hamilton 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 Hamilton provided to the State Bar pursuant to this Order.
7. Hamilton 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.
8. Hamilton'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.0129.
9. The costs of this action and administrative fees assessed by the State Bar are taxed against A. Scott Hamilton.

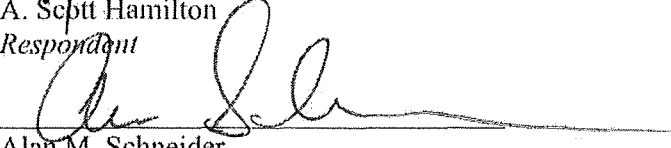
Done and Ordered this 9 day of October, 2018.


Superior Court Judge Presiding

Consented to:


Mary D. Winstead, Deputy Counsel
Attorney for Petitioner


A. Scott Hamilton
Respondent


Alan M. Schneider
Counsel for Respondent

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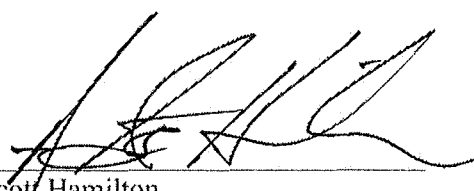
Respondent

AFFIDAVIT OF
SURRENDER OF LAW LICENSE

A. Scott Hamilton, 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 \$3122.50 from the settlement proceeds of my clients, the Ayscues, by disbursing more to myself and my law firm than I was entitled to receive under the fee agreements.
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 3 day of October, 2018.


A. Scott Hamilton

I, Monique L Jackson, Notary Public of the County of VANCE, State of North Carolina, certify that SCOTT HAMILTON 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 3 day of October, 2018.


Notary Public

My Commission Expires: September 30, 2022

