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NORTH CAROLINA

WAKE COUNTY

FILED

JAN 10 1987

BEFORE THE COUNCIL

OF THE

NORTH CAROLINA STATE BAR

86 BCS 4

IN THE TENDER OF SURRENDER OF
LICENSE OF

DAVID ROCK WHITTEN

ORDER OF DISCIPLINE

This matter coming on to be heard and being heard upon an affidavit of David Rock Whitten filed in the offices of the North Carolina State Bar on January 5, 1987 pursuant to §17 of Article IX of the Rules and Regulations of the North Carolina State Bar; and

BASED UPON the admissions contained in the affidavit, the Council concludes that David Rock Whitten violated the Rules of Professional Conduct by:


1. commingling his own funds with the funds of various clients in violation of RPC 10.1(C);
2. failing to maintain complete records of all funds of clients in violation of RPC 10.2(A);
3. using or pledging funds held in trust to obtain a personal financial benefit in violation of RPC 10.1(D);
4. failing to promptly pay or deliver to third persons as directed by the client funds belonging to the client to which the client was entitled in violation of RPC 10.2(E); and
5. failing to reconcile the trust account balances of funds belonging to all clients on at least a quarterly basis in violation of RPC 10.2(D).

THEREFORE, the Council, upon motion duly made and seconded, enters the following ORDER OF DISCIPLINE:

1. The tender of surrender of license of David Rock Whitten should be accepted;
2. David Rock Whitten is hereby DISBARRED from the practice of law in North Carolina;

3. David Rock Whitten shall surrender his license and membership card to the Secretary;
4. David Rock Whitten is taxed with the costs of this action.

Done and ordered this the 16th day of January, 1987.



William K. Davis, President
The North Carolina State Bar