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NORTH CAROLINA  
WAKE COUNTY

BEFORE THE COUNCIL  
OF THE  
NORTH CAROLINA STATE BAR

IN THE MATTER OF  
JOHN DANIEL McCONNELL, JR.  
Attorney at Law  
Raleigh, North Carolina

O R D E R

This cause coming on for consideration by the Council of The North Carolina State Bar at its quarterly meeting on Friday, January 13, 1978, in the State Bar offices, 107 Fayetteville Street Mall, Raleigh, North Carolina, upon the Tender of Surrender of License by John Daniel McConnell, Jr., Attorney, of Raleigh, North Carolina, pursuant to Section 17 of Article IX of the Rules and Regulations of The North Carolina State Bar entitled "Surrender of License While Proceeding Pending", and it appearing from Mr. McConnell's sworn affidavit, the Tender of License filed in this cause, and from the oral arguments and representations made to the Council by Mr. McConnell's attorney, Roger Smith, Esquire, of Raleigh, North Carolina, the Council finds the following facts:

1. That John Daniel McConnell, Jr. was duly licensed to practice law in the Courts of the State of North Carolina on August 15, 1964.
2. That from September, 1964 until July 21, 1977, John Daniel McConnell, Jr. was engaged in the general practice of law in Raleigh, North Carolina.
3. That on July 14, 1977, John Daniel McConnell, Jr. entered pleas of guilty to four counts of perjury in the United States District Court for the Southern District of New York.
4. That on September 27, 1977, John Daniel McConnell, Jr. was convicted in the United States District Court for the Southern District of New York of four counts of violating Title 18, United States Code, Section 1623 in that he, after having duly taken an oath as a witness that he would testify truthfully before a

Court of the United States of America. Unlawfully, willfully and knowingly and contrary to said oath did make false material declarations knowing the same to be false. The U. S. District Judge sentenced John Daniel McConnell, Jr. to a sentence of one (1) year and one (1) day on each of the counts to run concurrently.

5. That John Daniel McConnell, Jr. acknowledges the charges of which he was convicted constitute misconduct and acknowledges the truth of the facts which constitute the misconduct and desires to resign and surrender his license to practice law.

\* 6. That the Tender of Surrender of his license by John Daniel McConnell, Jr. is freely and voluntarily tendered; that it is not the result of coercion or duress; and that John Daniel McConnell, Jr. is fully aware of the implications of submitting this tender of license.

7. That John Daniel McConnell, Jr. does not desire to contest the charges of misconduct now under investigation and feels if the charges were litigated, he could not successfully defend himself against the charges.

After giving full consideration to the facts found by the Council in this case, based upon the affidavit of John Daniel McConnell, Jr. and the oral representation of his attorney, Roger Smith, Esquire, the Council concludes that John Daniel McConnell's misconduct is a violation of Disciplinary Rules 1-102(A)(3) and (4) of the Code of Professional Responsibility and upon motion duly made and seconded, the Council:

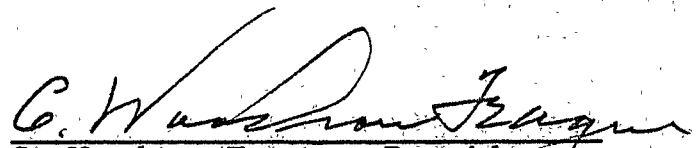
RESOLVED, that the license to practice law in North Carolina heretofore issued to John Daniel McConnell, Jr. and being tendered by John Daniel McConnell, Jr. through his attorney, Roger Smith, Esquire, be accepted as a surrender of license and John Daniel McConnell, Jr. is disbarred from the practice of law in North Carolina beginning September 7, 1977;

BE IT FURTHER RESOLVED, that John Daniel McConnell, Jr. be taxed with the cost of this proceeding; be it further resolved that the President is authorized and directed to enter an appropriate order.

Pursuant to the resolution adopted by the Council of The North Carolina State Bar, John Daniel McConnell, Jr. is hereby disbarred from the practice of law in North Carolina from September 7, 1977 and that he is not to engage in the practice of law in North Carolina hereafter; that he be taxed with the cost of this proceeding; that a copy of this order be forwarded to the General Court of Justice of the State of North Carolina and to the appropriate authorities of the United States Federal Courts in the State of North Carolina.

Done at Raleigh, North Carolina, pursuant to the resolution duly adopted by the Council of The North Carolina State Bar on January 13, 1978.

This 30<sup>th</sup> day of January, 1978.

  
C. Woodrow Teague, President  
The North Carolina State Bar