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WAKE COUNTY 2001 JUN 25 AM 10:04
NORTH CAROLINA WAKE COUNTY, C.S.C.

IN THE GENERAL COURTS OF JUSTICE
SUPERIOR COURT DIVISION
01 CVS 7413

BY _____

THE NORTH CAROLINA STATE BAR,
PETITIONER,

v.

WILLIAM E. LAMB, JR., ATTORNEY,
RESPONDENT.

**CONSENT ORDER OF
DISBARMENT**

THIS MATTER came on to be heard and was heard by the undersigned Judge of Superior Court of Wake County on motion of the North Carolina State Bar. Petitioner, the North Carolina State Bar, was represented by Michael D. Zetts, III. The respondent, William E. Lamb, Jr., did not appear nor was he represented by counsel. Based upon the pleadings herein and the consent of the parties, the Court makes the following:

FINDINGS OF FACT

1. Respondent, William E. Lamb, Jr. (hereafter, Lamb), was licensed to practice law in North Carolina in 1970.
2. Lamb's address of record on file with the North Carolina State Bar (hereafter, State Bar) is Post Office Box 1149, Shelby, North Carolina 28151.
3. Lamb waived Notice of Hearing in this case, and neither desires to be present, nor to be represented by legal counsel at the hearing of this matter.
4. The State Bar discovered Lamb misappropriated client funds that were the proceeds of a personal injury settlement made on behalf of his client, Nathan Nejberger (hereafter, Nejberger).
5. On or about September 7th, 1996, Nejberger was involved in a motor vehicle collision and sustained serious injury, including mild traumatic brain injury. Nejberger is the son of Carolyn Costner, and he was a minor at the time of the collision.
6. On or about January 29, 1998, Lamb settled a personal injury case on behalf of Nejberger in the sum of \$865,000.00. At the time of the settlement, Nejberger was 19 years of age.

7. On or about April 2, 1998, Lamb transferred \$602,000.00 from Nejberger's trust account into a separate fiduciary account at First National Bank of Shelby, North Carolina, account number 1126881.

8. Lamb failed to conduct quarterly reconciliations on his trust accounts and failed to produce annual accountings of his trust accounts and fiduciary accounts.

9. On April 3, 1998, Lamb transferred \$500,000.00 from the Nejberger fiduciary account into a risky investment wherein the entire fund was lost and now appears unrecoverable.

10. On April 3, 1998, Lamb transferred \$50,000.00 as commission on the investment from the Nejberger fiduciary account into his own operating account for his own use and benefit without the knowledge and consent of his client.

11. Lamb failed to disclose to Nejberger and his mother that he anticipated obtaining large fees or commissions on the investment, which were to be much larger than Nejberger's investment and return on investment combined.

12. Between June 14, 2000 and July 28, 2000, Lamb misappropriated for his own use and benefit \$39,250.80 of Nejberger's fiduciary funds without the knowledge and consent of his client.

13. On June 19, 2001, the Honorable Judge Donald W. Stephens signed a Consent Order of Preliminary Injunction in this case, which effectively froze all of Lamb's accounts into which client funds had been deposited.

14. Lamb agrees and consents to tender his license to practice law to this court, to voluntary disbarment, and to immediately cease and desist the practice of law for all times.

Based upon the foregoing findings, the Court makes the following

CONCLUSIONS OF LAW

1. By misappropriating client and fiduciary funds for his own use and benefit, which involves dishonesty, fraud, deceit or misrepresentation, Lamb violated Revised Rules of Professional Conduct 1.15-2(j) and 8.4(c).

2. By failing to conduct quarterly reconciliations of his trust accounts and failing to render to clients annual accountings of his trust accounts and fiduciary accounts, Lamb violated Revised Rules of Professional Conduct 1.15-3(c), (d), and (e).

3. By acting as investment broker, investing \$500,000.00 of Nejberger's settlement funds in anticipation of large commissions for himself, without the knowledge or consent of his client, Lamb engaged in a conflict of interest, violating Revised Rule of Professional Conduct 1.8(b).

4. The courts of this state have inherent authority to take disciplinary action against attorneys practicing therein.

5. This court has jurisdiction over the subject matter of this proceeding and the person of William E. Lamb, Jr.

6. Lamb has engaged in professional misconduct warranting disbarment.

THEREFORE, IT IS HEREBY ORDERED:

1. William E. Lamb, Jr. is disbarred, effective immediately, and there shall be no wind-up period regarding the practice of law; provided however, Lamb may prepare motions and orders and make court appearances for the limited and sole purpose of withdrawing from representing existing clients.

2. William E. Lamb, Jr. shall either withdraw from all cases without prejudice to clients or effectuate the transfer of all client matters to other legal counsel, as well as complete all administrative wind-up within 30 days of the date of this order.


3. William E. Lamb, Jr. shall comply with the provisions of 27 N.C.A.C. Chapter 1, Subchapter B, §.0124 of the State Bar Discipline & Disbarment Rules and shall immediately surrender his license and permanent membership card to the Secretary of the North Carolina State Bar along with the affidavit required by § .0124 of the State Bar Discipline & Disbarment Rules.

4. William E. Lamb, Jr. shall not petition for reinstatement until the expiration of at least five years from the date of this order.

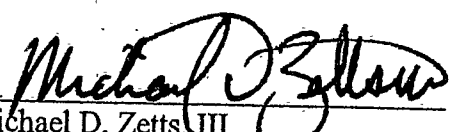
5. William E. Lamb, Jr.'s license to practice law in North Carolina shall not be reinstated unless and until he has fully complied with 27 N.C.A.C Chapter 1, Subchapter 2, §.0125 and the North Carolina State Bar Council orders any such reinstatement.

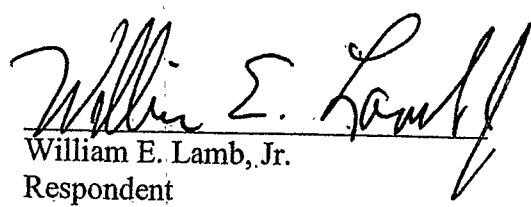
6. William E. Lamb, Jr. shall pay the costs of this action.

THIS the 25 day of June, 2001.


Wake County Superior Court Judge

Seen and consented to:


Michael D. Zetts, III
Attorney for the Petitioner
The North Carolina State Bar


William E. Lamb, Jr.
Respondent