

WAKE COUNTY
NORTH CAROLINA

IN THE GENERAL COURTS OF JUSTICE
FILED SUPERIOR COURT DIVISION
14 CVS _____

2014 JUL 22 P 12:24

THE NORTH CAROLINA STATE BAR,)	
PETITIONER, WAKE COUNTY, C.S.C.)	CONSENT ORDER OF
v.	BY _____)	DISBARMENT
)	
RICHARD Z. POLIDI, ATTORNEY,)	
RESPONDENT)	

THIS MATTER came before the undersigned Judge of the Superior Court of Wake County. Petitioner, the North Carolina State Bar, was represented by Carmen Hoyme Bannon. Respondent, Richard Z. Polidi, was represented by Alan M. Schneider.

Based upon the Affidavit of Surrender of Law License submitted to the Court by Respondent and the consent of the parties, the Court makes the following:

FINDINGS OF FACT

- Respondent was admitted to the North Carolina State Bar in 2004 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 Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.
- During the periods relevant hereto, Respondent was engaged in the practice of law in Raleigh, North Carolina.
- In September 2012, Respondent received approximately \$16,000.00 in connection with the representation of a client. At the time he received the funds, Respondent was aware that his client had assigned the right to those funds to a third party. He used the funds for the benefit of himself and the client without the third party's authorization. Respondent ultimately transferred to the client an amount at least equal to the entrusted funds he had received in connection with the case.

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

CONCLUSIONS OF LAW

- Respondent's unauthorized use of entrusted funds for personal benefit or the benefit of third parties was in violation of Rule 1.15-2(j) and Rule 8.4(c) of the Rules of Professional Conduct.

2. Respondent's misconduct constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2).

3. The courts of this State have inherent authority to take disciplinary action against attorneys licensed to practice law in North Carolina.

4. This Court has jurisdiction over the person of Respondent and of the subject matter of this proceeding.

5. Respondent has engaged in professional misconduct warranting disbarment.

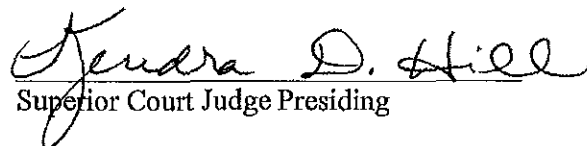
IT IS NOW, THEREFORE, ORDERED:

1. Respondent, Richard Z. Polidi, is **DISBARRED** from the practice of law in North Carolina.

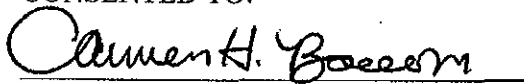
2. Polidi shall comply with the provisions of 27 N.C. Admin. Code, Chapter 1, Subchapter B, Section .0124 of the Rules and Regulations of the North Carolina State Bar and shall surrender his license and permanent membership card to the Secretary of the North Carolina State Bar along with the affidavit required by § .0124. Polidi shall have thirty (30) days from the date of the entry of this order to complete the requirements of § .0124.


3. The costs of this action are taxed against Polidi.

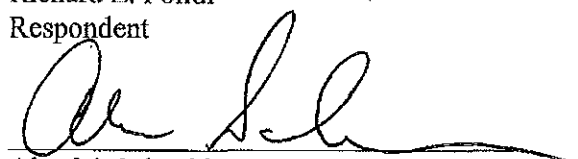
Dated this 22ND day of July, 2014.


Kendra D. Hill
Superior Court Judge Presiding

CONSENTED TO:


Carmen Hoyme Bannon
Deputy Counsel, North Carolina State Bar
Attorney for Petitioner


Richard Z. Polidi
Respondent


Alan M. Schneider
Attorney for Respondent

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)
BY _____)
RICHARD Z. POLIDI, ATTORNEY,)
RESPONDENT.)

AFFIDAVIT OF SURRENDER

RICHARD Z. POLIDI, being first duly sworn, deposes and says as follows:

1. I desire to resign and hereby tender my license to practice law in North Carolina.
2. My resignation is freely and voluntarily rendered, and is not the result of coercion or duress. I am fully aware of the implications of submitting my resignation.
3. I am aware that there is a pending investigation by the North Carolina State Bar regarding allegations that I used approximately \$16,000.00 of funds received in connection with the representation of a client for the benefit of myself and the client, when the client had assigned the right to those entrusted funds to a third party.
4. I acknowledge that the material facts upon which the investigation referenced above 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 is the 21st day of July, 2014.

Richard Z. Polidi
Richard Z. Polidi

I, Moira R. Bitzenhofer, Notary Public of the County of Wake, State of North Carolina, certify that Richard Z. Polidi 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.

This the 21st day of July, 2014.

Moira R. Bitzenhofer
Notary Public

Moira R. Bitzenhofer
My commission expires: 10-1-14

