

21861

v.

CONSENT  
FINDINGS OF FACT;  
CONCLUSIONS OF LAW  
AND ORDER OF DISCIPLINE

## FINDINGS OF FACT

- 848

5. On October 17, 2005, Hugo was sent a Letter of Notice by certified mail, Article Number 91 7108 2133 3931 4414 3201, that directed Hugo to respond to the substance of the grievance that was attached to the letter within 15 days.

6. On November 4, 2005 the United States Postal Service returned the envelope for Article Number 91 7108 2133 3931 4414 3201 to the North Carolina State Bar. The envelope showed that notices had been left with Hugo on October 19, 2005 and October 27, 2005 before the envelope was returned.

7. On November 16, 2005 the return receipt for the October 17, 2005 Letter of Notice, Article Number 91 7108 2133 3931 4414 3201, was signed by someone on Hugo's behalf.

8. Prior to receiving the signed return receipt from the United States Postal Service, on November 17, 2005 a copy of the October 17, 2005 Letter of Notice and its attachment were sent to the Wake County Sheriff in a sealed envelope for service upon Hugo.

9. On November 29, 2005, Hugo was personally served with a copy of the October 17, 2005 Letter of Notice and its attachment by a Wake County Deputy Sheriff.

10. On December 1, 2005, because of a trial that would occupy Hugo through December 19, 2005, Hugo sought, and was granted, an extension of time to respond to the Letter of Notice until December 30, 2005.

11. On February 7, 2006, Hugo advised a representative of the North Carolina State Bar that he would be in a position to respond to the Letter of Notice the following week.

12. Hugo thereafter failed to respond to the October 17, 2005 Letter of Notice or seek any further extension of time to respond.

BASED UPON the foregoing Findings of Fact, the hearing committee makes the following:

#### CONCLUSIONS OF LAW

1. All parties are properly before the hearing committee of the Disciplinary Hearing Commission and the hearing committee has jurisdiction over Hugo and the subject matter.

2. Hugo's conduct, as set out above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) as follows:

- (a) by failing to respond to a lawful demand for information from a disciplinary authority, the October 17, 2005 Letter of Notice and its attachment, Hugo violated Rule 8.1(b).

BASED UPON the foregoing Findings of Fact, the Conclusions of Law, and the evidence presented at the hearing, the hearing committee hereby makes the following:

#### FINDINGS OF FACT REGARDING DISCIPLINE

1. Hugo's misconduct is aggravated by the following factor:

(a) A prior disciplinary offense:

An Admonition issued by the Grievance Committee in 05G0260 for continuing to practice law after being notified of an administrative suspension and failing to file a timely response to the letter of notice issued in that case.

2. Hugo's misconduct is mitigated by the following factors:

(a) Absence of a dishonest or selfish motive;

3. The aggravating factor outweighs the mitigating factor.

4. After Hugo failed to respond to the Letter of Notice issued in this case, the State Bar conducted an investigation that did not show that Hugo had engaged in conduct that warranted discipline in his representation of Lawrence W. However, the State Bar would not have had to conduct that investigation if Hugo had simply responded to the Letter of Notice.

5. Entry of an order imposing lesser discipline than a Reprimand would fail to acknowledge the seriousness of Hugo's failure to attend to his obligation to abide by the rules of the North Carolina State Bar concerning the administration of the disciplinary process.


BASED UPON the foregoing Findings of Fact Regarding Discipline and the consent of the parties, the hearing committee hereby enters the following:

#### ORDER OF DISCIPLINE


1. The appropriate discipline to be imposed against Hugo is a Reprimand. The Reprimand is contained in a separate document of even date herewith.

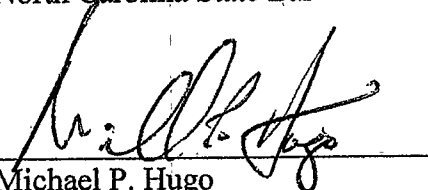
2. Hugo is taxed with the costs of this action as assessed by the Secretary.

Signed by the chair with the consent of the other hearing committee members, this  
the 9<sup>th</sup> day of MARCH 2007.

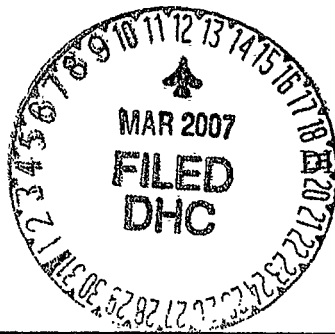
  
\_\_\_\_\_  
T. Richard Kane, Chair  
Hearing Committee

CONSENTED TO:

  
\_\_\_\_\_  
A. Root Edmonson  
Deputy Counsel  
North Carolina State Bar

  
\_\_\_\_\_  
Michael P. Hugo  
*Pro Se*

NORTH CAROLINA  
WAKE COUNTY



BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
06 DHC 33

THE NORTH CAROLINA STATE BAR,  
Plaintiff

v.

MICHAEL P. HUGO, Attorney,  
Defendant

REPRIMAND


This matter was considered by a hearing committee of the Disciplinary Hearing Commission composed of T. Richard Kane, Chair; John Breckenridge Regan, and Donald G. Willhoit. The hearing committee's Findings of Fact, Conclusions of Law and Order of Discipline were entered of even date herewith.

The hearing committee found that you had violated one of the Revised Rules of Professional Conduct, and ordered that you be Reprimanded. A Reprimand is a written form of discipline more serious than an Admonition issued in cases in which an attorney has violated one or more provisions of the Revised Rules of Professional Conduct and has caused harm or potential harm to a client, the administration of justice, the profession, or a member of the public, but the misconduct does not require a Censure. This document constitutes that Reprimand.

On October 17, 2005, you were sent a Letter of Notice in a grievance pending before the State Bar's Grievance Committee by certified mail that directed you to respond to the substance of the grievance that was attached to the letter within 15 days of receipt. On November 29, 2005, you were served with the Letter of Notice and the substance of the grievance. Although you requested, and were granted, an extension of time to respond to the Letter of Notice, you failed to do so. By failing to respond to a lawful demand for information from a disciplinary authority, the October 17, 2005 Letter of Notice and its attachment, you violated Rule 8.1(b). Although the State Bar's subsequent independent investigation of your representation of the complainant failed to show that your conduct warranted discipline, that investigation would not have been necessary had you simply responded to the Letter of Notice.

The hearing committee of the Disciplinary Hearing Commission hereby Reprimands you for your professional misconduct. The hearing committee hopes that you will heed this Reprimand, that it will be remembered by you, that it will be beneficial to you, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession.

Issued this the 9<sup>th</sup> day of MARCH 2007.

  
T. Richard Kane, Chair  
Hearing Committee