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FILED

STATE OF NORTH CAROLINA 1978 DEC -8 AM 11:28

COUNTY OF WAKE

B.E. JAMES, SEC.
THE N.C. STATE BAR

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
78 DHC 13

THE NORTH CAROLINA STATE BAR,
Plaintiff

vs.

THOMAS M. MULLEN, Attorney,
Defendant

FINDINGS OF FACT
AND
CONCLUSIONS OF LAW

This cause was heard before the undersigned Hearing Committee of the Disciplinary Hearing Commission of The North Carolina State Bar on December 8, 1978 in the office of The North Carolina State Bar, 107 Fayetteville Street Mall, Raleigh, North Carolina. The North Carolina State Bar was represented by Harold D. Coley, Jr., Counsel. The defendant was represented by Keith M. Stroud. The Hearing Committee, after hearing evidence and argument, as appears of record, makes the following Findings of Fact:

(1) The North Carolina State Bar is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted in Chapter 84, General Statutes of North Carolina.

(2) The defendant, Thomas M. Mullen, is a citizen and resident of Mecklenburg County, North Carolina, and was admitted to The North Carolina State Bar in April, 1950, and is and was at all times referred to herein an attorney at law licensed to practice law in the State of North Carolina, subject to the Rules, Regulations, Canons of Ethics and Code of Professional Responsibility of The North Carolina State Bar and the laws of the State of North Carolina.

(3) As a result of being employed to handle a VA loan closing by James E. Taylor, on March 29, 1977, Stockton White and Company prepared loan closing documents and instructions and forwarded them to the defendant for execution and closing; that the loan closing took place on April 6, 1977 in the law office of the defendant; that the loan was closed, the necessary documents recorded with the Register of Deeds shortly thereafter, and funds were disbursed pursuant to the instructions received from said Stockton White; that not until August 24, 1977, did the defendant return the various loan documents to the said Stockton White Company; that as a result of the untimely delay in returning said documents to said Stockton White, Stockton White was unable to negotiate a sale of the loan to potential investors at the interest rates which prevailed in April, 1977.

UNPON THE FOREGOING FINDINGS OF FACT, THE HEARING COMMITTEE MAKES THE FOLLOWING CONCLUSIONS OF LAW:

1. That the defendant neglected to attend to the legal matters entrusted to him by said client in violation of Disciplinary Rule 6-101(A)(3) of the Code of Professional Responsibility of The North Carolina State Bar.

This the 5TH day of December, 1978.

Harold K. Bennett
Harold K. Bennett, Chairman

Dudley Humphrey, Jr.
Dudley Humphrey, Jr.

Phillip D. Ellen
Phillip D. Ellen

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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78 DHC 13

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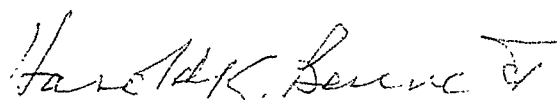
ORDER

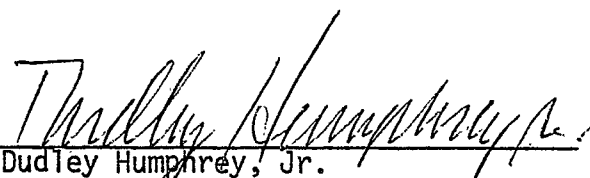
The hearing committee having made Findings of Fact and Conclusions of Law in the above-entitled action, hereby enters the following ORDER:

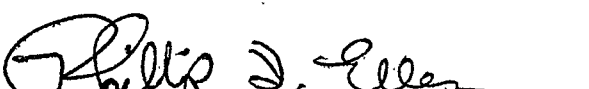
IT IS HEREBY ORDERED that the defendant, Thomas M. Mullen, be disciplined under the provisions of the North Carolina General Statutes 84-28(c)(4), and that a letter of Private Reprimand be prepared by the Chairman of the Disciplinary Hearing Commission and delivered to the defendant at his address, 909 East Boulevard, Charlotte, North Carolina 28203, a copy of said Reprimand to be filed with the Secretary of The North Carolina State Bar.

IT IS FURTHER ORDERED that the cost of this disciplinary action be taxed against the defendant, Thomas M. Mullen and paid by him.

This 8th day of December, 1978.


Harold K. Bennett, Chairman


Dudley Humphrey, Jr.


Phillip I. Ellen