

NORTH CAROLINA
WAKE COUNTY

15 APR 88 10:34

BEFORE THE COUNCIL
OF THE
NORTH CAROLINA STATE BAR
88 BCS 2

IN THE TENDER OF SURRENDER OF
LICENSE OF

ORDER OF DISCIPLINE

J. MICHAEL SMITH, Attorney

This matter coming on to be heard and being heard by the Council of the North Carolina State Bar on April 15, 1988 upon an affidavit of surrender of license of J. Michael Smith filed in the offices of the North Carolina State Bar on March 16, 1988 pursuant to §17 of Article IX of the Rules and Regulations of the North Carolina State Bar;

BASED UPON the admissions contained in the affidavit, the Council finds that J. Michael Smith engaged in misconduct by:

1. Settling the claims of a client without the client's consent;
2. Forging his client's endorsement without her consent, failing to reveal to his client that the settlement funds were in his possession and retaining the settlement funds without his client's consent;
3. Uttering forged instruments without his client's consent.

BASED UPON these findings, the Council concludes that J. Michael Smith violated Rules 1.2(B), 1.2(C) and 1.2(D) of the Rules of Professional Conduct.

THEREFORE, upon motion duly made and seconded, the Council enters the following Order of Discipline:

1. The tender of surrender of license of J. Michael Smith should be accepted.

2. J. Michael Smith is hereby DISBARRED from the practice of law in North Carolina.

3. J. Michael Smith is taxed with the costs of this action.

Done and ordered this the 15th day of April, 1988.

James Y. Preston
James Y. Preston, President
The North Carolina State Bar