

WAKE COUNTY
NORTH CAROLINA

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
05 DHC 7

THE NORTH CAROLINA STATE BAR
Plaintiff

v.

McARTHUR D. MITCHELL, ATTORNEY
Defendant

CONSENT ORDER
OF DISCIPLINE

THIS MATTER came on to be heard and was heard by the undersigned Chair of the Disciplinary Hearing Commission pursuant to 27 NCAC 1B .0108(a)(6) and the consent of the parties hereto. Dudley Witt represented the defendant, McArthur D. Mitchell, and Carolin Bakewell represented the State Bar. Based upon the pleadings herein and the consent of the parties, the Chair hereby enters the following:

FINDINGS OF FACT

1. The Plaintiff, 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 it in Chapter 84 of the General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar promulgated thereunder.

2. The Defendant, McArthur D. Mitchell, ("Mitchell"), was admitted to the North Carolina State Bar in 1989, 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.

3. During all of the periods relevant hereto, Mitchell was engaged in the practice of law in Charlotte, North Carolina.

4. On or about Sept. 29, 2004, Mitchell was charged in the U.S. District Court for the Western District of North Carolina with one count of conspiracy to engage in wire fraud in violation of 18 U.S.C. Section 371.

5. On Sept. 29, 2004, Mitchell entered a plea of guilty in federal court to one count of conspiracy to engage in wire fraud in violation of 18 U.S.C. Section 371. A judgment of conviction was entered in Mitchell's case on or about April 8, 2005. He was sentenced to 13 months in prison, three years of supervised release, and was ordered to pay \$237,809.00 in restitution.

6. In May 2005, following the filing of a Rule 35 motion by the government, Mitchell's active prison sentence was reduced to five months, with five months of house arrest.

7. Mitchell was properly served with the summons and complaint herein.

8. Mitchell agrees to waive all right to appeal from any portion of the order entered herein.

Based upon the foregoing Findings of Fact, the Chair hereby enters the following:

CONCLUSIONS OF LAW

1. All parties are properly before the Disciplinary Hearing Commission and the Commission has jurisdiction over the subject of this proceeding and the person of the defendant.

2. Mitchell has waived his right to a formal hearing in this matter and agrees that it may be resolved by the Chair of the Disciplinary Hearing Commission based upon his consent. Mitchell further waives his right to appeal this Consent Order.

3. By engaging in conduct constituting conspiracy to engage in wire fraud, Mitchell engaged in criminal conduct that reflects adversely upon his honesty, trustworthiness or fitness as a lawyer in violation of Revised Rule 8.4(b) and engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Revised Rule 8.4(c) of the Revised Rules of Professional Conduct.

4. Disbarment is the appropriate sanction for the misconduct in which Mitchell engaged.

5. Mitchell's law license has been suspended on an interim basis since Feb. 16, 2005.

Based upon the foregoing Findings of Fact and Conclusions of Law, the Chair hereby enters the following:

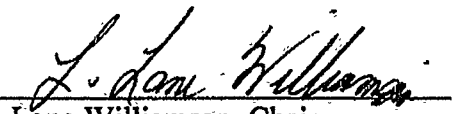
ORDER OF DISCIPLINE

1. The Defendant, McArthur D. Mitchell, is hereby disbarred from the practice of law in North Carolina, effective immediately upon entry of this order. For purposes of determining when the Defendant is eligible to seek reinstatement, the disbarment shall be deemed to have commenced on Feb. 16, 2005.


2. Mitchell shall pay the costs of this proceeding no later than the date on which he files a petition for reinstatement of his law license.

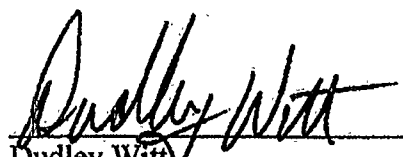
3. Mitchell shall comply with all provisions of 27 NCAC 1B. 0124 respecting the wind down of his law practice.


This the 13th day of July, 2006.


Lane Williamson, Chair
Disciplinary Hearing Commission

Seen and consented to:


McArthur D. Mitchell
Defendant


Dudley Witt
Defendant's Attorney


Carolin Bakewell
Plaintiff's Attorney