

FILED

STATE OF NORTH CAROLINA

WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
15 CVS 15435

2016 JUL 14 P 1:38
WAKE COUNTY, C.S.C.

THE NORTH CAROLINA STATE BAR,
Petitioner

v.

SCOTT JUSTIN MCCORMICK, Attorney
Respondent

CONSENT ORDER OF DISBARMENT

THIS MATTER came before the undersigned Judge of Superior Court of Wake County. Petitioner, the North Carolina State Bar, was represented by Brian P.D. Oten. Respondent, Scott Justin McCormick, represented himself.

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

FINDINGS OF FACT

1. Respondent, Scott Justin McCormick ("McCormick"), was licensed to practice law in North Carolina on 28 August 2009 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.

2. During the periods relevant hereto, McCormick was engaged in the practice of law in Winston-Salem, Forsyth County, North Carolina.

3. In October 2013, McCormick received \$350.00 from client Simcox for representation in a traffic matter. This payment included anticipated court costs and fines, which were entrusted funds, as well as attorney fees for the representations. McCormick did not deposit these funds into his trust account; rather, he deposited the funds into his operating account. McCormick subsequently utilized the funds for his own personal benefit or for the benefit of third parties without authorization to do so from the beneficial owner of the funds.

4. From at least January 2013 through June 2014, McCormick intentionally deposited entrusted client funds into his business operating account, transferred entrusted client funds out of his attorney trust account and into his business account without regard for whether he was entitled to the funds, and knowingly failed to track or account for his receipt and disbursement of entrusted client funds. McCormick misused entrusted client funds by disbursing at least \$2,833.84 of entrusted client funds from his trust account for

his personal benefit or for the benefit of third parties without any knowledge or evidence that such disbursements were justified.

5. McCormick desires to resign his license to practice law and has tendered his license to practice law in North Carolina.

6. McCormick's resignation is freely and voluntarily rendered. It is not the result of coercion or duress. McCormick is fully aware of the implication of submitting his resignation.

7. McCormick is aware that there is presently pending an investigation with the North Carolina State Bar regarding the conduct described above. McCormick acknowledges that the material facts upon which the State Bar's investigation is predicated are true.

8. McCormick has submitted his resignation because he knows that if disciplinary charges were predicated upon the misconduct under investigation, he could not successfully defend against them.

Based upon the foregoing Findings of Fact and the consent of the parties, the Court makes the following

CONCLUSIONS OF LAW

1. By misappropriating entrusted client funds, McCormick used entrusted funds for his personal benefit or for the benefit of third parties not entitled to the funds in violation of Rules 1.15-2(a), (b), and (j), and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation in violation of Rule 8.4(c) of the Rules of Professional Conduct.

2. McCormick'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 Scott Justin McCormick and over the subject matter of this proceeding.

5. McCormick has engaged in professional misconduct warranting disbarment.

IT IS NOW, THEREFORE, **ORDERED**:

1. Scott Justin McCormick is **DISBARRED** from the practice of law in North Carolina.

2. McCormick 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. McCormick shall have thirty (30) days from the date of the entry of this order to complete the requirements of § .0124.

3. McCormick shall not petition for reinstatement of his law license until the expiration of at least five years from the date of entry of this order.

4. McCormick's law license shall not be reinstated until he has demonstrated to the satisfaction of the Disciplinary Hearing Commission and the Council of the North Carolina State Bar that he has complied with 27 N.C. Admin. Code, Chapter 1, Subchapter B, Section .0125 of the Rules and Regulations of the North Carolina State Bar.

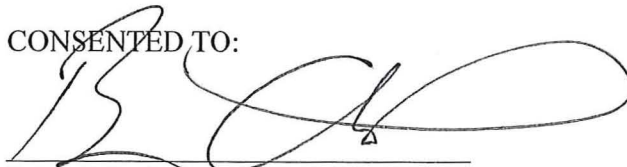
5. The costs of this action are taxed against McCormick.

Dated this 14th day of July, 2016.



Superior Court Judge Presiding

CONSENTED TO:



Brian P.D. Oten, Deputy Counsel
North Carolina State Bar
Attorney for Petitioner



Scott Justin McCormick
Respondent

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BY

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AFFIDAVIT OF
SURRENDER OF LAW LICENSE

SCOTT JUSTIN MCCORMICK, Attorney,

Respondent

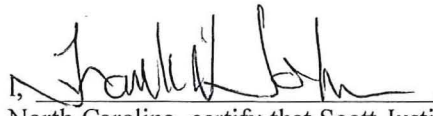
Scott Justin McCormick, being first duly sworn, deposes and says as follows:

1. I desire to resign and hereby tender my license to practice law in North Carolina.
2. My resignation is freely and voluntarily rendered. It is not the result of coercion or duress. I am fully aware of the implication of submitting my resignation.
3. In October 2013, I received \$350.00 from my client Simcox for representation in a traffic matter. This payment included anticipated court costs and fines, which were entrusted funds, as well as my attorney fees for the representations. I did not deposit these funds into my trust account. Instead, I utilized these funds for my personal benefit or for the benefit of third parties without authorization to do so from the beneficial owner of the funds.
4. From at least January 2013 through June 2014, I intentionally deposited entrusted client funds into my business operating account, transferred entrusted client funds out of my attorney trust account and into my business account without regard for whether I was entitled to the funds, and knowingly failed to track or account for my receipt and disbursement of entrusted client funds. I misused entrusted client funds by disbursing at least \$2,833.84 of entrusted client funds from my trust account for my personal benefit or for the benefit of third parties without any knowledge or evidence that such disbursements were justified.
5. I am aware that there is presently pending an investigation with the North Carolina State Bar regarding my conduct as described above.
6. I acknowledge that the material facts upon which the investigation is predicated are true.


7. 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 the 12 day of July, 2016.

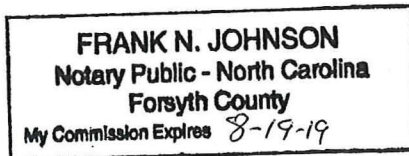

Scott Justin McCormick

, Notary Public of the County of Forsyth, State of North Carolina, certify that Scott Justin McCormick personally appeared before me this day and acknowledged the due execution of the foregoing Affidavit.

Sworn to and subscribed before me, this the 12 day of July, 2016.


Notary Public

My Commission Expires: 8-19-19



CERTIFICATE OF SERVICE

I hereby certify that the foregoing Consent Order of Disbarment and Affidavit of Surrender of Law License, 15 CVS 15435, has been served upon Respondent Scott Justin McCormick, by depositing same in the United States mail, postage paid, in an envelope addressed as follows:

Scott J. McCormick
439 Brent St.
Winston-Salem, NC 27103

THIS the 14th day of July, 2016.

A handwritten signature in black ink, appearing to read 'B. Oten', written over a horizontal line.

Brian P.D. Oten, Deputy Counsel
Attorney for Petitioner
The North Carolina State Bar