

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
08G0186

IN THE MATTER OF)
)
Michael J. Parker,)
ATTORNEY AT LAW)
)

CENSURE

On January 22, 2009, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by the North Carolina State Bar.

Pursuant to section .0113(a) of the Discipline and Disability Rules of the North Carolina State Bar, the Grievance Committee conducted a preliminary hearing. After considering the information available to it, including your response to the letter of notice, the Grievance Committee found probable cause. Probable cause is defined in the rules as "reasonable cause to believe that a member of the North Carolina State Bar is guilty of misconduct justifying disciplinary action."

The rules provide that after a finding of probable cause, the Grievance Committee may determine that the filing of a complaint and a hearing before the Disciplinary Hearing Commission are not required and the Grievance Committee may issue various levels of discipline depending upon the misconduct, the actual or potential injury caused, and any aggravating or mitigating factors. The Grievance Committee may issue an admonition, a reprimand, or a censure.

A censure is a written form of discipline more serious than a reprimand, issued in cases in which an attorney has violated one or more provisions of the Rules of Professional Conduct and has caused significant harm or potential significant harm to a client, the administration of justice, the profession or a member of the public, but the misconduct does not require suspension of the attorney's license.

The Grievance Committee believes that a hearing before the Disciplinary Hearing Commission is not required in this case and issues this censure to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this censure.

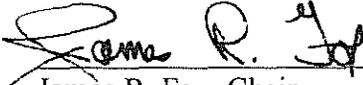
In November 2005 you purchased business property for the purpose of relocating your law office. You requested an attorney with little or no real estate experience to act as closing agent, while you directed and/or performed the legal work necessary to close the transaction, including the title search and settlement statement. Although you knew there was an existing loan to the seller secured by a deed of trust, you did not provide for any payment to the secured lender or otherwise arrange for a release of the property from the existing deed of trust. You were aware that your lender required a first lien position and you misrepresented to the closing agent that the distribution of the funds in accordance with the settlement statement you prepared would be sufficient to protect the interests of your lender, who was the closing agent's client. These misrepresentations violated Rule 8.4(c). Some portion of the closing funds were improperly distributed directly to the buyer as provided in the settlement statement

in violation of Rule 1.15-2(j). Your actions in preparing documents and advising the closing agent violated Rule 8.4(a).

You are hereby censured by the North Carolina State Bar for your violation of the Rules of Professional Conduct. The Grievance Committee trusts that you will ponder this censure, recognize the error that you have made, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession. This censure should serve as a strong reminder and inducement for you to weigh carefully in the future your responsibility to the public, your clients, your fellow attorneys and the courts, to the end that you demean yourself as a respected member of the legal profession whose conduct may be relied upon without question.

In accordance with the policy adopted January 24, 2008 by the Council of the North Carolina State Bar regarding the taxing of the administrative and investigative costs to any attorney issued a censure by the Grievance Committee, the costs of this action in the amount of \$100.00 are hereby taxed to you.

Done and ordered, this 4th day of February, 2009.



James R. Fox, Chair
Grievance Committee
The North Carolina State Bar