

WAKE COUNTY
NORTH CAROLINA

BEFORE THE DISCIPLINARY HEARING COMMISSION
OF THE NORTH CAROLINA STATE BAR
02BCS04

IN THE MATTER OF THE
TENDER OF LICENSE OF:
MICHAEL L. YOPP

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ORDER OF DISBARMENT

THIS MATTER coming to be heard and being heard by the Council of the North Carolina State Bar pursuant to Section .0017 of Subchapter B of the Rules and Regulations of the North Carolina State Bar upon an affidavit of tender of license executed by Michael L. Yopp and filed in the offices of the North Carolina State Bar on July 15, 2002.

Based upon the affidavit, the Council finds that Michael L. Yopp's conduct of misappropriating client funds for his own personal benefit, over-disbursing client funds, and failing to reconcile his trust account, were grounds for discipline pursuant to N.C. Gen. Stat. Section 84-28(b)(2) in that Michael L. Yopp violated Rules 8.4 (b) & (c), 1.15-2(a), and 1.15-3(c) of the Revised Rules of Professional Conduct.

WHEREFORE, upon motion being duly made and seconded, the Council enters the following order:

1. The tender of surrender of license of Michael L. Yopp be and hereby is accepted.
2. Michael L. Yopp be and hereby is **DISBARRED** from the practice of law in North Carolina.
3. Michael L. Yopp shall comply with the provisions of Subchapter B, Section .0024 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 Subchapter B, Section .0024.
4. That the costs of this action be taxed against Michael L. Yopp.

Done and Ordered this 19th day of July, 2002.



E. Fitzgerald Parnell III, President
North Carolina State Bar

STATE OF NORTH CAROLINA

COUNTY OF WAKE

AFFIDAVIT

TO: The Council of the North Carolina State Bar

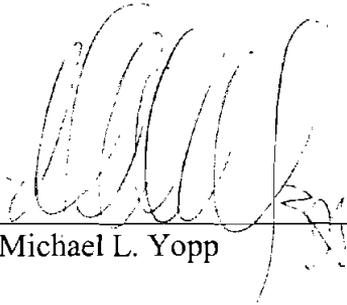
I, Michael L. Yopp, hereby tender my license to practice and desire to resign from the North Carolina State Bar. My resignation is extended freely and voluntarily, and is not the result of coercion or duress, and I am fully aware of the implications of submitting this, my resignation.

I am aware that there is presently pending an investigation or other proceedings regarding allegations that I have been guilty of misconduct, specifically that:

1. In July 1997, I deposited a personal injury settlement check for my client, Roena Rogers, into one of my personal bank accounts and thereafter used the funds for my own personal purposes. Several months later, I replaced the funds and, in October 1997, transferred them to my trust account and disbursed Ms. Rogers' portion to her.
2. I represented Tommy W. Neal in a personal injury matter. After the matter settled and the funds had been disbursed, I received a refund check for \$1,979.10 from one of Neal's medical providers who had received a portion of the settlement proceeds. I deposited the refund check into one of my personal bank accounts and used the funds for my own personal purposes. At the time I deposited the refund check for Neal and used these funds, I had been enjoined from handling any client or fiduciary funds by the Wake County Superior Court.
3. I represented Rodney Turlington and his minor son, Daniel, in a personal injury matter. I collected my one-third contingent fees for both cases at the time the matters settled in December 1995. In March 1996, I took an additional "fee" from the settlement proceeds. I was not entitled to the additional fee and, as a result, there were insufficient funds left from the settlement proceeds to pay all the Turlington's remaining medical providers.
4. In numerous instances, I disbursed funds from my trust account for clients who did not have funds on deposit in the account. I did not have personal funds in the trust account to cover these disbursements but was holding funds in trust in these accounts for other clients. Therefore, I used the trust or fiduciary funds of other clients to pay these client's expenses.
5. In addition to the specific instances set forth above, I commingled other client funds with my own funds in several different business and personal accounts.
6. I failed to reconcile my trust account balances with the funds I was supposed to be holding in trust for all my clients on at least a quarterly basis.

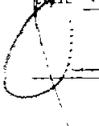
I acknowledge that the facts as set forth in paragraphs 1-6 above are true. I am submitting my resignation because I know if charges were predicated upon the misconduct under investigation, I could not successfully defend against them.

This the 15th of August 2002.



Michael L. Yopp

Sworn to and subscribed before me,
this 15th of July 2002.



Notary Public

My Commission Expires: 6/15/05