

NORTH CAROLINA
WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF
THE NORTH CAROLINA STATE BAR
04 DHC 21

The North Carolina State Bar,
Plaintiff

v.

Michael H. McGee, Attorney,
Defendant

**ORDER DENYING
REINSTATEMENT**

This matter was heard on the 22rd day of February, 2008 before a hearing committee of the Disciplinary Hearing Commission composed of M. Ann Reed, Chair; Theodore C. Edwards, II; and R. Mitchel Tyler. The defendant, Michael H. McGee, represented himself. The plaintiff was represented by A. Root Edmonson. Based upon the Defendant's petition for a stay of the remaining term of his suspension and petition to have his two disciplinary matters stricken from the public record, and the evidence introduced at the hearing, the hearing committee hereby enters the following:

Findings of Facts

1. The Defendant, Michael H. McGee (hereinafter, "the Defendant"), was admitted to the North Carolina State Bar on 14 August 1971, and was an attorney at law licensed to practice in North Carolina who actively engaged in the private practice of law in the city of Charlotte, Mecklenburg County, North

Carolina, until his suspension from the practice of law that became effective on October 1, 2004.

2. The Order of Discipline suspending the Defendant's license provided that, after three years, the Defendant could petition to have the remaining period of his five year suspension stayed if he met the following conditions:

- (a) The Defendant timely and properly submitted his license and membership card to the Secretary, complied with the winding down provisions of the rules, and paid the costs of this proceeding;
- (b) The Defendant shows by clear, cogent, and convincing evidence that the Defendant has reformed and presently possesses the moral qualifications for admission to practice law and that permitting the Defendant to resume the practice of law will not be detrimental to the integrity and standing of the Bar, the administration of justice, or the public interest;
- (c) The Defendant has complied with all present and any future orders of the DHC;
- (d) The Defendant has not engaged in the unauthorized practice of law during the period of suspension;
- (e) The Defendant has not been found in contempt of any court or agency during the period of suspension;
- (f) The Defendant has not engaged in any conduct during the period of suspension that would constitute grounds for discipline under N.C. Gen. Stat. § 84-28;



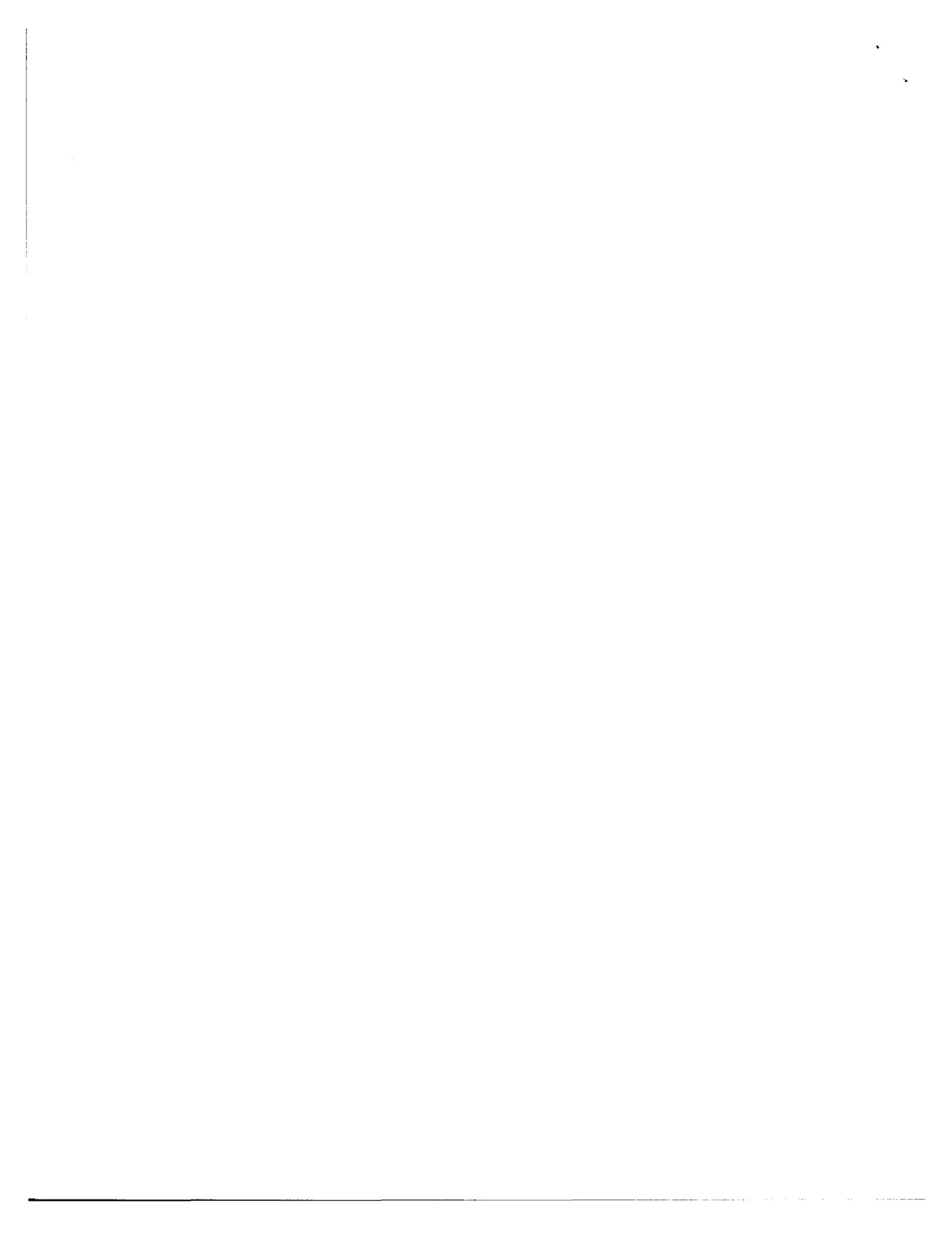
- (g) The Defendant understands the then current Rules of Professional Conduct;
- (h) The Defendant paid all mandatory Bar dues and assessments, including State Bar and District Bar dues and Client Security Fund assessments, and fully complied with all requirements of the State Bar Continuing Legal Education Department that were due and owing at the time of suspension;
- (i) The Defendant has kept his address of record with the North Carolina State Bar current, has accepted all certified mail from the North Carolina State Bar, and has responded to all letters of notice and requests for information from the North Carolina State Bar by the deadlines stated in the communication; and
- (j) The Defendant has not violated any local, state, or federal laws, excluding traffic offenses for which appearance may be waived.

3. The Defendant was the only witness who testified in support of the Defendant's petition for a stay.

4. The Defendant still steadfastly refuses to acknowledge any wrongfulness in the dishonest conduct that caused his suspension. He was only able to acknowledge that he had made mistakes, mostly in relationships with those in authority.

5. During his suspension, while living in New York, the Defendant reactivated a dormant NC Corporation called "Law You Can Trust, Inc."

6. During his suspension, while living in Palatine, IL, the Defendant used letterhead that identified him as an "Economic and Legal Consultant."



7. On or about March 7, 2005, while living in New York, the Defendant drafted a legal document entitled "Agreement" for Bears2TGo LLC and provided the document to the business owner, Jason Tillis. The Defendant was not operating under the direct supervision of a licensed attorney when he prepared the legal document.

8. On or about May 14, 2006, while living in Illinois, the Defendant prepared suggested revisions to a severance compensation agreement and emailed the revisions to a Maryland resident. The Defendant was not operating under the direct supervision of a licensed attorney when he prepared the legal document.

9. The Order of Discipline required the Defendant to pay the costs of the disciplinary proceeding within sixty (60) days of the statement of costs being served upon him.

10. The Defendant did not pay the costs of the disciplinary proceeding.

Based upon the foregoing Findings of Fact, the hearing committee enters the following:

Conclusions of Law

1. All parties are properly before the hearing committee and the committee has jurisdiction over Michael H. McGee and the subject matter.

2. The Defendant failed to satisfy his burden of proving by clear, cogent and convincing evidence:

- (a) That the Defendant show that the Defendant has reformed and presently possesses the moral qualifications for admission to practice law and that permitting the Defendant to resume the practice of law will not be detrimental to the integrity and

standing of the Bar, the administration of justice, or the public interest;

- (b) That the Defendant has not engaged in the unauthorized practice of law during the period of suspension;
- (c) That the Defendant understands the current Rules of Professional Conduct;

3. The Defendant failed to pay the costs of his disciplinary hearing as ordered.

4. The Defendant engaged in the unauthorized practice of law in March 2005 and May 2006 in violation of the Order of Discipline.

5. The hearing committee does not have the authority to strike the Defendant's two Orders of Discipline in 02 DHC 2 and 04 DHC 21 from the public record or to order that they be removed from the State Bar's website.

Based upon the foregoing **Findings of Fact** and **Conclusions of Law** and upon the evidence and arguments of the parties, the hearing committee enters the following:

Order Denying Reinstatement

The Defendant's petition to stay the remaining portion of his suspension is **denied**.

Order Denying Request to Strike Public Records

The Defendant's petition to strike the decisions in 02 DHC 2 and 04 DHC 21 from the public record and from the State Bar's website is **denied**.

Signed by the undersigned hearing committee Chair with the consent of the other hearing committee members.

This the 5th day of March, 2008.

A handwritten signature in cursive script that reads "M. Ann Reed". The signature is written in black ink and is positioned above a horizontal line.

M. Ann Reed, Chair
Disciplinary Hearing Committee