NORTH CAROLINA

WAKE COUNTY

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
89 DHC 32

THE NORTH CAROLINA STATE BAR, Plaintiff vs. MICHAEL P. MULLINS, ATTORNEY Defendant	NOTICE OF VOLUNTARY DISMISSAL

TO: Mr. James H. Carson, Jr.
Attorney for Defendant
300 Law Building
Charlotte, NC 28202

Mr. John B. McMillan, Chairman
Disciplinary Hearing Committee
P. O. Box 20389
Raleigh, NC 27619

Mr. L. P. Hornthal, Jr.
Attorney at Law
P. O. Box 220
Elizabeth City, NC 27909

Ms. Emily W. Turner
9035-35 J. M. Keynes Drive
Charlotte, NC 28213

NOW COMES the Plaintiff in the above captioned matter and respectfully shows:

1. That an action against Michael P. Mullins was initiated by the North Carolina State Bar on or about November 14, 1989, wherein Mr. Mullins was charged with withdrawing fees from his trust account without having funds available for payment of said check without drawing on other client's funds.

2. Subsequent to the filing of said complaint, additional information has been made available to the plaintiff which, if it had been available prior to the filing of the complaint, would have exonerated Mr. Mullins and the complaint would not have been filed. Specifically, the client against whom fees had been withdrawn from the trust account has clearly stated that this was done with his prior knowledge and approval and that all fees were earned prior to their withdrawal. In addition, the check referred to in the second complaint was written by clerical error and was corrected immediately upon receipt of the trust account statement for the month involved from the bank bringing this matter to Mr. Mullins' attention.

3. The additional information furnished to the plaintiff clearly indicates that Mr. Mullins had not violated any Rules of Professional Conduct

and that a hearing on said charges is not required.

In consideration of the above matters, the plaintiff does hereby take a dismissal with prejudice pursuant to Rule 41 of the North Carolina Rules of Civil Procedure.

This the 29th day of January, 1990.

A. Root Edmonson
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