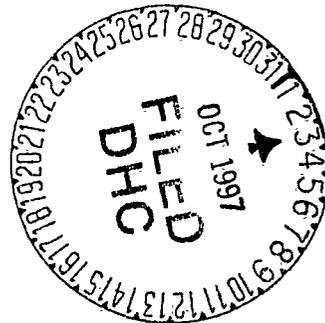


15565

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
97 DHC 22



THE NORTH CAROLINA STATE BAR,)
Plaintiff/Petitioner)
vs.) CONSENT ORDER
MICHAEL E. SMITH, ATTORNEY,)
Defendant/Respondent)

Pursuant to Chapter 84-28(g) of the North Carolina General Statutes and 27 N.C. Admin. Code Chapter 1, Subchapter B, Section .0018 of the Disciplinary and Disability Rules of the North Carolina State Bar ("Bar Rules"), this cause coming before the undersigned Hearing Committee on the pleadings of record, the Hearing Committee does hereby make the following:

FINDINGS OF FACT

1. The North Carolina State Bar (hereafter "Plaintiff") is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar promulgated thereunder.
2. Michael E. Smith (hereafter "Smith") was admitted to the North Carolina State Bar on March 19, 1988 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.
3. During all of the periods referred to herein, Smith was actively engaged in the practice of law in Buncombe County, North Carolina.
4. Smith admits that he is disabled within the meaning of Bar Rule .0103(18).
5. Both parties have agreed to waive hearing in this matter and consent to disposition upon the pleadings and other stipulations of record.

Based on the foregoing Findings of Fact, the Hearing Committee makes the following:

CONCLUSIONS OF LAW

1. All parties are properly before the Hearing Committee and the Committee has jurisdiction over the defendant and the subject matter.

2. Plaintiff has satisfied its burden of proof against Defendant under North Carolina General Statute 84-28(g) and Bar Rule .0118(b)(4).

WHEREFORE, based upon the findings of fact and conclusions of law, by consent the Hearing Committee hereby enters the following:

ORDER TRANSFERRING ATTORNEY TO DISABILITY INACTIVE STATUS

(1) the Respondent is transferred to disability inactive status for an indefinite period of time, pursuant to North Carolina General Statute 84-28(g) and Bar Rule .0118(b)(6), until he is reinstated pursuant to Bar Rule .0125 (c). This transfer will become effective immediately.

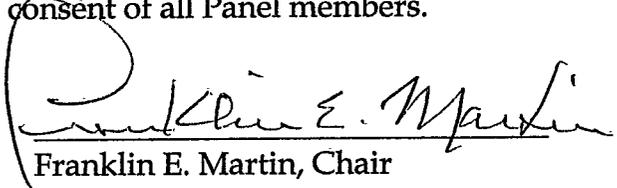
(2) Respondent must follow the procedures set out in Bar Rule .0125(c), if he seeks reinstatement to active status.

(3) Respondent is prohibited from engaging in any activities that constitute the practice of law under North Carolina law, unless and until he is reinstated to active status in accordance with the procedures set out in Bar Rule .0125(c).

(4) Respondent is taxed with the costs of this proceeding.

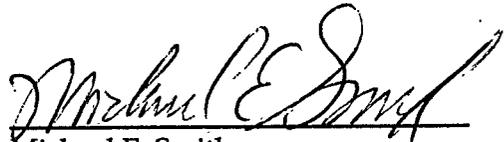
This is the 2nd day of October, 1997.

Signed after consultation and with the consent of all Panel members.


Franklin E. Martin, Chair

We Consent:


Douglas J. Brocker
Counsel for Plaintiff


Michael E. Smith
Defendant

Sworn and subscribed to me
this 19th day of September 1997

Sworn and subscribed to me
this 26 day of Sept. 1997

Debra P. Hallard
Notary Public
My commission expires: 3/28/99

Kelly H. Fuller
Notary Public
My commission expires: 08-19-01