

NORTH CAROLINA

WAKE COUNTY



10538

BEFORE THE COUNCIL
OF THE
NORTH CAROLINA STATE BAR
94 BCR 6

IN RE PETITION FOR REINSTATEMENT)
OF LICENSE OF)
MICHAEL STEPHENSON)

AMENDED)
ORDER MODIFYING ORDER)
OF DISBARMENT)

This matter was heard on Friday, July 22, 1994 by the Council of the N.C. State Bar upon the petition of Michael Lee Stephenson for an order modifying the Council's July 12, 1991 order, to eliminate the provision whereby Petitioner was forever barred from seeking reinstatement of his license to practice law. Petitioner was represented by John G. McCormick of Chapel Hill and also appeared on his own behalf. Carolin Bakewell represented the N.C. State Bar. Based upon the pleadings herein and the arguments of counsel, the Council hereby enters the following:

FINDINGS OF FACT

1. Petitioner was licensed to practice law in the State of North Carolina in 1983.

2. On or about Feb. 5, 1991, Petitioner was convicted of one count of attempting to distribute and causing to be distributed marijuana in violation of federal law. Petitioner was placed on probation for three years, ordered to pay a fine of \$1,000 and to make restitution in the amount of \$1,000.

3. On Jan. 30, 1991, Petitioner signed an affidavit tendering the surrender of his license to practice law to the Council of the N.C. State Bar pursuant to Art. IX, Section 17(2)(b) of the Discipline and Disbarment Rules of the N.C. State Bar. Pursuant to Section 17(2)(b), as then written, Petitioner waived all right to seek reinstatement of his license to practice law.

4. On July 12, 1991, the Council of the N.C. State Bar accepted the tender of surrender of Petitioner's law license and entered an order disbaring Petitioner. The order provided that Petitioner had no right to seek reinstatement of his license to practice law.

5. Effective Dec. 5, 1991, the Council of the N.C. State Bar amended Section 17 of the Discipline and Disbarment Rules of the N.C. State Bar to eliminate the provision in Section 17(2)(b) whereby attorneys could surrender their law licenses without admitting any misconduct, on the condition that the attorneys forever waived their right to seek

reinstatement of their law licenses.

6. On June 28, 1994, Petitioner formally petitioned the Council of the N.C. State Bar to modify the July 12, 1991 order to eliminate the provision in the order whereby Petitioner forever waived his right to seek reinstatement of his license to practice law.

7. Fewer than five attorneys surrendered their licenses to practice law pursuant to former Section 17(2) (b) of the Discipline & Disbarment Procedures of the N.C. State Bar.

8. Pursuant to Art. IX, Section 25 of the Discipline & Disbarment Rules, no disbarred attorney may seek reinstatement of his or her license to practice law sooner than five years from the effective date of the order of disbarment.

BASED UPON THE FOREGOING FINDINGS OF FACT, the Council makes the following

CONCLUSIONS OF LAW

1. Petitioner's petition for an order modifying the July 12, 1991 disbarment order, to eliminate the provision whereby Petitioner was forever barred from seeking reinstatement of his license to practice law, should be granted.

2. Petitioner may not seek reinstatement of his license to practice law prior to July 12, 1996.

3. By modifying the July 12, 1991 disbarment order to permit Petitioner, as a matter of grace, to seek reinstatement at any time after July 12, 1996, the Council is not rendering any opinion regarding the merits or demerits of the ultimate reinstatement petition.

4. If Petitioner elects to seek reinstatement of his law license after July 12, 1996, he must satisfy all provisions of Section 25 of the Discipline & Disbarment Procedures of the N.C. State Bar then in effect and comply with all other provisions of the N.C. State Bar rules applicable to reinstatement of disbarred attorneys.

WHEREFORE, IT IS HEREBY ORDERED AS FOLLOWS

1. The July 12, 1991 order of the Council, disbarring Petitioner, Michael Lee Stephenson is hereby AMENDED to eliminate the provision whereby Petitioner is forever barred from seeking reinstatement of his license to practice law.

2. The Petitioner may seek reinstatement of his license to practice law at any time after July 12, 1996 by filing a petition with the Disciplinary Hearing Commission of the N.C. State Bar and giving appropriate notice as required by Art. IX, Section 25 of the Discipline & Disbarment Procedures of the N.C. State Bar.

3. The reinstatement proceeding will be governed by the provisions of Section 25 of the Discipline & Disbarment Procedures of the N.C. State Bar and Petitioner must comply with all other provisions of the Discipline & Disbarment Procedures relating to reinstatement of disbarred attorneys.

This the 24th day of August, 1994, nunc pro tunc, July 22, 1994.



Robert J. Robinson, President
The N.C. State Bar