

WAKE COUNTY
NORTH CAROLINA



10435

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR.
01 DHC 8

THE NORTH CAROLINA STATE BAR)
Plaintiff)

v.)

MICHAEL T. MILLS, ATTORNEY)
Defendant)

CONSENT ORDER
OF
DISCIPLINE

This matter came before a Hearing Committee of the Disciplinary Hearing Commission composed of Joseph G. Maddrey, Esq., Chair; Kenneth M. Smith, Esq.; and Lorraine Stephens, pursuant to 27 N.C. Admin. Code Chapter 1, Subchapter B Section .0114 (H) of the Rules and Regulations of the North Carolina State Bar. The defendant, Michael T. Mills, was represented by Joseph B. Cheshire V and Alan M. Schneider. The plaintiff was represented by Carolin Bakewell. Both parties stipulate and agree to the findings of fact and conclusions of law recited in this consent order and to the discipline imposed. Based upon the consent of the parties the hearing committee hereby enters the following:

FINDINGS OF FACT

1. The Plaintiff, the North Carolina State Bar, 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. The Defendant Michael T. Mills (hereafter, Mills), was admitted to the North Carolina State Bar in 1982, 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 relevant periods referred to herein, Mills was engaged in the practice of law in the State of North Carolina.
4. On or about October 23, 1998, Mills filled out and signed an application to take the South Carolina bar examination (hereafter SC bar application).
5. Question number 17 of the SC bar application requested "a complete record of all

instances [other than minor traffic violations for which a fine or forfeiture of \$100 or less was imposed] in which the applicant has.....been arrested, or taken into custody or accused, formally or informally, of the violation of a law.....”

6. In response to question number 17 of the SC bar application, Mills failed to list a 1984 misdemeanor charge of resisting/obstructing a public officer which charge had been dismissed and a 1987 misdemeanor charge of hindering and delaying a public officer to which a “no contest” plea was entered.

7. All other allegations against Mills set forth in the original complaint shall be dismissed with prejudice by the North Carolina State Bar or have been dismissed with prejudice by the Disciplinary Hearing Committee

Based upon the foregoing Findings of Fact, the Committee enters the following:

CONCLUSIONS OF LAW

1. By failing to list the charges referenced in paragraph 6 above, Mills engaged in conduct involving a misrepresentation in violation of Rule 8.4(c) of the Revised Rules of Professional Conduct.

Based upon the foregoing FINDINGS OF FACT and CONCLUSIONS OF LAW and based upon the consent of the parties, the Hearing Committee enters the following:

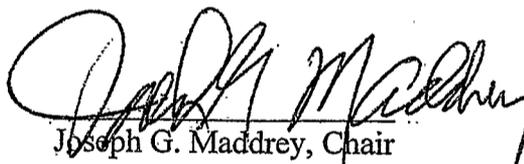
ORDER OF DISCIPLINE

1. The order of discipline entered against Mills in N.C. State Bar v. Mills, 99 DHC 14 is continued in all respects with the following modification: The 3 year stay provision set forth therein, which is currently scheduled to expire on February 25, 2003, shall be extended through and including December 31, 2003.

2. The Defendant shall pay the costs of this proceeding.

Signed by the undersigned Chair with the full knowledge and consent of the other members of the Hearing Committee.

This the 4th day of January, 2002.


Joseph G. Maddrey, Chair
Hearing Committee

We Consent:

Michael Mills
Michael Mills, Defendant

Joseph B. Cheshire V
Attorney for Defendant

Alan M. Schneider
Alan M. Schneider
Attorney for Defendant

Carolyn Bakewell
Carolyn Bakewell
Attorney for Plaintiff