

WAKE COUNTY
NORTH CAROLINA

IN THE GENERAL COURTS OF JUSTICE
SUPERIOR COURT DIVISION
08 CVS 7587
WAKE COUNTY, C.S.C.

BY _____	)	
THE NORTH CAROLINA STATE BAR,	)	
PETITIONER,	)	
	)	
v.	)	CONSENT ORDER OF
	)	DISBARMENT
MARSHA B. STONE, ATTORNEY,	)	
RESPONDENT.	)	
	)	

THIS MATTER came before the undersigned Judge of the Superior Court of Wake County upon the tender of surrender of her law license by Marsha B. Stone.

Based upon the Affidavit of Surrender of Law License submitted to the Court by Respondent, Marsha B. Stone (hereinafter "Stone"), the Court makes the following:

FINDINGS OF FACT

1. Stone was admitted to the North Carolina State Bar in 2004 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.
2. During all of the periods relevant hereto, Stone was engaged in the practice of law in Raleigh, North Carolina.
3. Stone is aware that there is presently pending an investigation regarding allegations that she is guilty of misconduct by misappropriating approximately \$23,780.00 from her attorney trust account entrusted to her in a fiduciary capacity and utilized those funds for her own benefit without authorization from the beneficial owners of the funds.
4. Stone desires to resign her license to practice law and has tendered her license to practice law in North Carolina.
5. Stone's resignation is freely and voluntarily rendered. It is not the result of coercion or duress. Stone is fully aware of the implication of submitting her resignation.

6. Stone acknowledges that the material facts upon which the investigation is predicated are true.

7. Stone has submitted her resignation because she knows that if disciplinary charges were predicated upon the misconduct under investigation, she could not successfully defend against them.

Based upon the foregoing Findings of Fact, the court makes the following:

CONCLUSIONS OF LAW

1. By misappropriating client funds from her trust account, Stone engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation in violation of Rule 8.4(c) of the Revised Rules of Professional Conduct.

2. Stone's misconduct constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2).

3. The courts of this State have the inherent authority to take disciplinary action against attorneys licensed to practice law in North Carolina.

4. This Court has jurisdiction over the person of Marsha B. Stone and of the subject matter of this proceeding.

5. Stone has engaged in professional misconduct warranting disbarment.

IT IS NOW, THEREFORE, ORDERED:

1. Marsha B. Stone is **DISBARRED** from the practice of law in North Carolina.

2. Stone shall comply with the provisions of 27 N.C. Admin. Code, Chapter 1, Subchapter B, Section .0124 of the Rules and Regulations of the North Carolina State Bar and shall surrender her license and permanent membership card to the Secretary of the North Carolina State Bar along with the affidavit required by § .0124. Stone shall have thirty (30) days from the date of the entry of this order to complete the requirements of § .0124.

3. Stone shall not petition for reinstatement of her law license until the expiration of at least five (5) years from the date of this order.

4. Stone's law license shall not be reinstated until she has demonstrated to the satisfaction of the Disciplinary Hearing Commission and the Council of the North

Carolina State Bar that she has complied with 27 N.C. Admin. Code Chapter 1, Subchapter B, Section .0125.

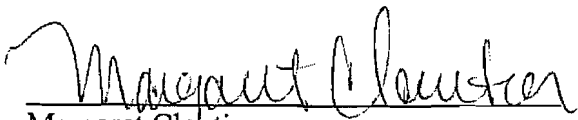
5. The costs of this action are taxed against Stone.

Dated this 9 day of SEP, 2008.

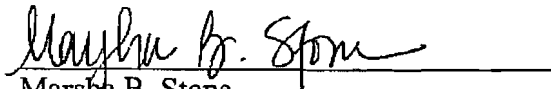


Superior Court Judge Presiding

CONSENTED TO:



Margaret Cloutier
Deputy Counsel, North Carolina State Bar
Attorney for Petitioner



Marsha B. Stone
Respondent



Alan Schneider
Attorney for Respondent

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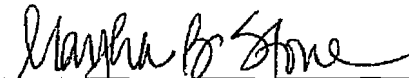
THE NORTH CAROLINA STATE BAR,)
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v.)
MARSHA B. STONE, ATTORNEY,)
RESPONDENT.)

AFFIDAVIT OF SURRENDER

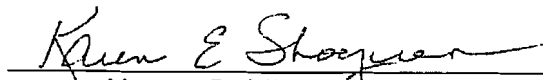
MARSHA B. STONE, being first duly sworn, deposes and says as follows:

1. I desire to resign and hereby tender my license to practice law in North Carolina pursuant to State Bar Discipline & Disability Rule 27 NCAC 1B §.0117.
2. My resignation is freely and voluntarily rendered, and is not the result of coercion or duress. I am fully aware of the implications of submitting my resignation.
3. I am aware that there is a pending investigation by the State Bar regarding allegations that I misappropriated approximately \$23,780.00 from my attorney trust account that had been entrusted to me in a fiduciary capacity and utilized those funds for my own benefit without authorization from the beneficial owners of the funds.
4. I acknowledge that the material facts upon which the investigation is predicated are true.
5. I am submitting my resignation because I know that if disciplinary charges were predicated upon the misconduct under investigation, I could not successfully defend against them.

This is the 29th day of August, 2008.


MARSHA B. STONE

Sworn to and subscribed before me
this the 29th day of August, 2008.


Notary Public

My commission expires: 4/28/09