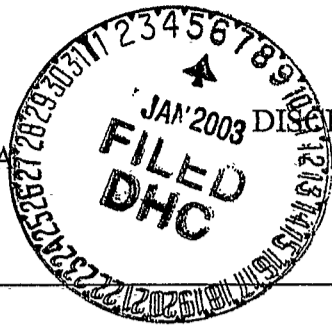


8390

WAKE COUNTY
NORTH CAROLINA



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
02 DHC 10

THE NORTH CAROLINA STATE BAR)
Plaintiff)

v.)

MARVA McKINNON, ATTORNEY)
Defendant)

CONSENT ORDER
OF DISCIPLINE

THIS MATTER came on to be heard and was heard before a duly appointed hearing committee of the Disciplinary Hearing Commission composed of Fred H. Moody, Jr., Chair, T. Paul Messick, Jr., and H. Dale Almond. The Defendant, Marva McKinnon, was represented by Alan M. Schneider. Carolin Bakewell appeared for the N.C. State Bar. Based upon the pleadings filed herein and the consent of the parties, the hearing committee 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, Marva L. McKinnon (McKinnon), was admitted to the North Carolina State Bar in August 1978, 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 relevant hereto, McKinnon was engaged in the practice of law in Statesville, Iredell County, North Carolina.
4. On or about July 10, 2001, McKinnon appeared before Hon. Richard L. Voorhees in the U.S. District Court for the Western District of North Carolina

and entered a plea of guilty to felony charges of filing false federal income tax returns for the years 1993 – 1995.

5. On or about May 6, 2002, the federal court entered judgment based upon McKinnon's guilty plea.

6. McKinnon was sentenced to five years of probation and was ordered to make restitution to the Internal Revenue Service in the amount of \$103,715.

7. McKinnon was properly served with the State Bar's summons and complaint herein.

8. McKinnon waived her right to a formal hearing.

Based upon the foregoing Findings of Fact, the hearing committee hereby enters the following:

CONCLUSIONS OF LAW

1. All parties are properly before the Disciplinary Hearing Commission and the hearing committee has jurisdiction over the defendant and the subject matter of this proceeding.

2. The offenses to which McKinnon pled guilty and of which McKinnon was convicted reflect adversely on her honesty, trustworthiness or fitness as a lawyer in other respects in violation of Rule 1.2(b) and constitute conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 1.2(c).

Based upon the consent of the parties, the hearing committee hereby enters the following

ADDITIONAL FINDINGS OF FACT RELEVANT TO DISCIPLINE

1. The Defendant's misconduct is mitigated by the following factors:

a. The misconduct in question occurred between October 17, 1994 and October 10, 1997 and the defendant has not been found guilty of other criminal violations or other violations of the Rules of Professional Conduct since that time.

b. The defendant presented evidence of good character and reputation in her home town.

c. Imposition of other penalties.

2. The Defendant's misconduct is aggravated by the following factors:

a. The Defendant was admonished in 1995 for failing to hold client and/or fiduciary funds in a trust account and by failing to hold client funds intact in her business account at all times.

b. The Defendant engaged in a pattern of misconduct by filing false income tax returns for 1993-1995.

Based upon the foregoing Findings of Fact, Conclusions of Law and Findings of Fact Relevant to Discipline and with the consent of the parties, the Hearing Committee enters the following:

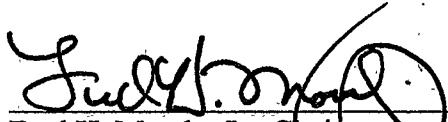
ORDER OF DISCIPLINE

1. The Defendant, Marva McKinnon, is hereby suspended from the practice of law for a period of 3 years, to commence 30 days after service of the order of discipline upon her.


2. The Defendant shall pay the costs of this action as assessed by the Secretary within 30 days of service of the notice upon her.

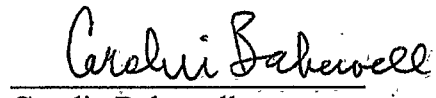
Signed by the hearing committee chair with the consent of the other committee members.


This the 30~~th~~ day of December, 2002.


Fred H. Moody, Jr., Chair
Disciplinary Hearing Committee

We consent:


Marva McKinnon, Defendant


Carolin Bakewell
Counsel for Plaintiff


Alan M. Schneider
Counsel for Defendant