

WAKE COUNTY

NORTH CAROLINA

IN THE GENERAL COURTS OF JUSTICE
SUPERIOR COURT DIVISION

09 CVS 10079

THE NORTH CAROLINA STATE BAR,
PETITIONER,

v.

MICHAEL A. WILLIAMS, ATTORNEY,
RESPONDENT.

CONSENT ORDER OF
DISBARMENT

THIS MATTER came before the undersigned Judge of the Superior Court of Wake County. Petitioner, the North Carolina State Bar, was represented by Carmen K. Hoyme. Respondent, Michael A. Williams, was represented by Steven B. DeCillis.

Based upon the Affidavit of Surrender of Law License submitted to the Court by Respondent, Michael A. Williams (hereinafter "Williams"), the Court makes the following:

FINDINGS OF FACT

1. Williams was admitted to the North Carolina State Bar in 2001 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 the periods relevant hereto, Williams was engaged in the practice of law in Warrenton, Warren County, North Carolina.
3. Williams misappropriated entrusted funds in the amount of at least \$16,350.00 without authorization from the beneficial owners of the funds.
4. A review of trust account and bank records reveals that Williams deposited the full \$16,350.00 back into trust and voluntarily notified the North Carolina State Bar of his misconduct, prior to the filing of this action.

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

CONCLUSIONS OF LAW

1. By misappropriating client funds from his trust account, Williams used entrusted funds for his personal benefit in violation of Rule 1.15-2(j) of the Rules of Professional Conduct and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation in violation of Rule 8.4(c) of the Rules of Professional Conduct.

2. Williams' 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 Michael A. Williams and of the subject matter of this proceeding.

5. Williams has engaged in professional misconduct warranting disbarment.

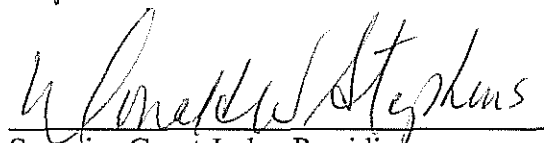
IT IS NOW, THEREFORE, ORDERED:

1. Michael A. Williams is DISBARRED from the practice of law in North Carolina.

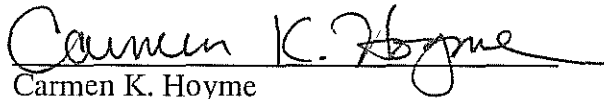
2. Williams shall comply with the provisions of 27 N.C. Admin. Code, Chapter 1, Subchapter B, Section .0124 of the Rules and Regulations of the North Carolina State Bar and shall surrender his license and permanent membership card to the Secretary of the North Carolina State Bar along with the affidavit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

3. The costs of this action are taxed against Williams.

Dated this 1st day of September, 2009.


Superior Court Judge Presiding

CONSENTED TO:

A handwritten signature in cursive script, appearing to read "Carmen K. Hoyme", written over a horizontal line.

Carmen K. Hoyme
Deputy Counsel, North Carolina State Bar
Attorney for Petitioner

A handwritten signature in cursive script, appearing to read "Michael A. Williams", written over a horizontal line.

Michael A. Williams
Respondent

A handwritten signature in cursive script, appearing to read "Steven B. DeCillis", written over a horizontal line.

Steven B. DeCillis
Attorney for Respondent

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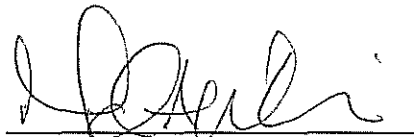
THE NORTH CAROLINA STATE BAR,)
PETITIONER,)
v.)
MICHAEL A. WILLIAMS, ATTORNEY,)
RESPONDENT.)

AFFIDAVIT OF SURRENDER

MICHAEL A. WILLIAMS, 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.
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 \$16,350.00 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 returned the full \$16,350.00 back into my trust account and voluntarily notified the North Carolina State Bar of my misconduct, prior to the filing of this action.
5. I acknowledge that the material facts upon which the investigation is predicated are true.
6. 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 26th day of August, 2009.


Michael A. Williams

Sworn to and subscribed before me
this the 26th day of August, 2009

Notary Public

Whitney Todd DeCillis
My Commission Expires
February 29, 2012
Granville County, NC
Notary Public

My commission expires: February 29, 2012