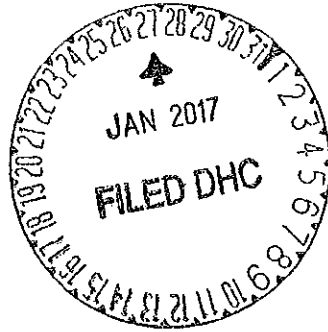


WAKE COUNTY
NORTH CAROLINA



BEFORE THE
COUNCIL
OF THE
NORTH CAROLINA STATE BAR
16 BCR 2

IN RE REINSTATEMENT PETITION OF)
)
)
MICHAEL L. YOPP)

ORDER OF
REINSTATEMENT

The petition for reinstatement of Michael L. Yopp came on for hearing before the Council of the North Carolina State Bar on January 27, 2017 with the petitioner represented by David Freedman and with the NC State Bar represented by A. Root Edmonson.

At least 30 days prior to the hearing before the Council, a copy of the transcript of the September 19, 2016 hearing before a three member panel of the Disciplinary Hearing Commission, each exhibit offered at the hearing, and the recommendation of the panel to the Council entitled Report of the Hearing Panel Recommending Petitioner's Reinstatement filed by the Chair of the panel on December 7, 2016 was made available to each Councilor on EDDS.

BASED UPON the above-described record and the arguments of counsel, a motion was made and seconded that Michael L. Yopp's petition for reinstatement be allowed, conditioned upon his attaining a passing grade on a regularly scheduled written bar examination administered by the North Carolina Board of Law Examiners. Upon a vote of the Council, that motion passed.

WHEREFORE, the petition for reinstatement of Michael L. Yopp is hereby allowed. Michael L. Yopp will be REINSTATED to the practice of law in North Carolina upon his attaining a passing grade on a regularly scheduled written bar examination administered by the North Carolina Board of Law Examiners.

This is the 27th day of January 2017.

Mark W. Merritt, President
North Carolina State Bar

WAKE COUNTY
NORTH CAROLINA



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
16 BCR 2

IN RE REINSTATEMENT PETITION OF)

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**REPORT OF THE HEARING
PANEL RECOMMENDING PETITIONER'S
REINSTATEMENT**

MICHAEL L. YOPP

On September 19, 2016, a hearing panel of the Disciplinary Hearing Commission composed of Fred M. Morelock, Chair, Joshua W. Willey, Jr., and Randy A. Moreau, heard the above-referenced matter pursuant to 27 NCAC 1B, Sec. .0125(a). David Freedman represented the Petitioner Michael L. Yopp (hereinafter referred to as "Yopp") and A. Root Edmonson represented the North Carolina State Bar. Pursuant to 27 NCAC 1B, Sec. .0125(a)(3), the Petitioner had the burden of proving that he had satisfied all of the elements qualifying him for reinstatement by clear, cogent and convincing evidence.

Based upon the evidence presented and the stipulations of the parties, the panel makes the following:

FINDINGS OF FACT

1. Yopp was licensed to practice law in the State of North Carolina in 1989.
2. Yopp surrendered his license and was disbarred on July 19, 2002. At the time of the tender of his license, Petitioner was not represented by counsel and no disciplinary action was pending before the Disciplinary Hearing Commission.
3. Yopp caused to be published in the Fall 2015 edition of the North Carolina State Bar Journal a notice of his intent to petition for reinstatement and notified by letter the parties who were the subjects of the conduct that led to Yopp's disbarment that he was seeking reinstatement.
4. That there are no issues in dispute regarding Yopp's compliance with 27 NCAC 1B, Sec. .0128 and 27 NCAC 1B, Sec. .0129(E)-(K).
5. That Yopp has reimbursed the Client Security Fund all costs, including the sum of \$3,717.10, the same being the amount disbursed by the Client Security Fund as a

result of the Petitioner's misconduct;

6. Yopp has paid all dues, Client Security Fund assessments and late fees owed to the North Carolina State Bar, as well as all attendee fees and late penalties due and owing to the Board of Continuing Legal Education at the time of disbarment.
7. Prior to his disbarment, Yopp was engaged in a substantial solo private practice in Harnett County with criminal defense being his predominant field of practice.
8. During the time of his practice, Yopp had an exemplary reputation for honesty and professionalism among the bench and the Bar and in his community. Yopp was involved heavily in politics and was a candidate for District Attorney in the 11th Judicial District.
9. Yopp was married shortly after taking the Bar exam in 1989 to Connie King, who had two children from previous relationships. Yopp sought and was granted an order changing the surname of the youngest child Ashley to Yopp. There were two additional children born of the marriage.
10. During the course of the marriage, Yopp's spouse began to exhibit destructive behavior involving substance abuse and mental health issues resulting in multiple in-patient stays for detoxification. Yopp's spouse was ultimately diagnosed with bi-polar disorder.
11. Despite the diagnosis, Yopp's spouse refused treatment and her condition continued to deteriorate and became increasingly disruptive and distressing to Yopp and the children.
12. Yopp assumed the role of primary caretaker of the four minor children.
13. The circumstances and chaos surrounding Yopp's domestic issues caused tremendous anxiety, embarrassment and made Yopp's life burdensome and unmanageable.
14. Over the course of time, Yopp became the co-dependent enabler of his spouse, began to suffer from significant depression, and began to self medicate with alcohol.
15. Over the same period of time Yopp began to neglect the necessary and responsible daily operation of his practice by failing to promptly return phone calls, check mail, occasionally failing to keep appointments as scheduled or meet the appropriate expectations of professional responsibility.
16. At some point, Yopp removed himself from the marital residence and moved into a finished apartment in his back yard so that he might continue his parental

supervision of the minor children, but attempted to escape the domestic strife then existing.

17. During the latter part of 1999, Yopp realized that he could no longer consistently and competently represent the interests of his clients due to his depression and substance abuse and Yopp made the decision to close his law office.
18. Despite Yopp's deteriorating mental and emotional condition, he continued to maintain a profitable and successful law practice which included the trial of multiple First Degree Murder cases, the last of which ended approximately one week before the Petitioner closed the doors of his office just prior to Christmas 1999.
19. On or about December 28, 1999, Yopp was confronted and assaulted by his spouse in the apartment and as a result Yopp sought and was granted a Domestic Violence Protective Order against his spouse.
20. Yopp was severely depressed and at the height of his self medication during the first half of 2000 he ultimately met Ed Ward at the offices of the North Carolina State Bar. Yopp was referred by Mr. Ward to Jan Hedgepath for counsel for depression and co-dependency. Yopp treated with Hedgepath for approximately one year.
21. Over the course of the next two and one-half years, Yopp was involved in multiple hearings regarding custody of his minor children and ultimately was awarded full custody of his two biological children in September 2002.
22. After closing his practice, Yopp supported himself through various non-law related employments until soon after the final custody determination. Petitioner began to work for attorneys in Harnett County as a clerk and paralegal until late 2002 and continues said employment today.
23. Yopp was well known in Harnett County and his disbarment was covered extensively by newspapers in the small and close knit communities of that area.
24. At all times Yopp has openly and forthrightly acknowledged his wrongdoing and the conduct which led to his disbarment, including public declarations to groups for which he volunteered within the community.
25. During the period of time since his disbarment, Yopp has remained visible and active in his community, participating in school and church functions and organization with, and on behalf of, his minor children. Yopp delivered for Meals on Wheels and was very active in Harnett County Relay for Life among other public causes.

26. Over the course of the time after disbarment, Yopp concentrated on raising his children and all have grown into successful and accomplished adults that have submitted letters in support of his reinstatement.
27. Since the time of his disbarment, Yopp has successfully overcome the issues of substance abuse and depression existing at the time of the conduct leading to his disbarment. Jan Hedgepath of Arbor Counseling, who treated Yopp in 2000 for depression and co-dependency, submitted a letter on Yopp's behalf stating in part "It is obvious to me you've learned healthy coping skills, and have the willingness to use them appropriately should the need arise. I see no reason to believe that you cannot practice law and to serve the People of North Carolinas as a practicing attorney."
28. Yopp voluntarily participated in the LAP program and Nicole Ellington submitted a letter in support of Yopp which says, in part "An assessment was conducted and Mr. Yopp did not meet the criteria for a substance use disorder at this time. It was recommended that he maintain sobriety from all mood and mind altering substances and participate in regular, random drug testing. He began drug testing in May of 2016 and he has had all negative urine drug tests for all mood and mind-altering substances since then. At this time, Mr. Yopp does not appear to be experiencing any functional impairment; and by all indications, presents as stable. Lawyers Assistance Program has found no clinical or emotional issues that would impede his ability to effectively practice law."
29. Senior Resident Superior Court Judge Winston Gilchrist, 11th Judicial District, offered testimony as to Yopp's skill as an attorney, his candor regarding the conduct that led to his disbarment, his rehabilitation since his disbarment, and his present good standing and reputation in the community. Judge Gilchrist further testified that Yopp would be an asset to the Bar if his petition for reinstatement was granted stating "I think that Mike would do our profession credit, I sincerely believe that, if you would allow him to practice again."
30. District Court Judge Addie Harris Rawls, 11th Judicial District, testified that Yopp was an advocate that dealt with her honestly and fairly when she was a prosecutor in the 11th District and was "considered one of the better attorneys in that area". Judge Rawls further testified that Yopp "would be an asset for the practice of law within our district. He's extremely intelligent, professional and I have respect for him." And that presently she would describe Yopp as "humble".
31. Attorney Tim Morris of the Harnett County Bar testified that Yopp had a reputation for professionalism and honesty among the Bar. Referring to Yopp, Morris said "He was just such a good advocate and so civil. All things good about the practice of law are sitting at that table right there." Morris further testified that Yopp had overcome the personal difficulties that existed at the time of the conduct that led to his disbarment and had returned to the person he was

prior to his depression and substance abuse.

32. Attorney Ben Hurley of the Ashe County Bar testified that he had known Yopp since law school and was familiar with Yopp's excessive drinking and depression during the course of his domestic situation during the time of the conduct that led to his disbarment. Hurley testified that he stayed in contact with Yopp and saw him in social settings over the course of the last several years where Yopp did not engage in the consumption of alcohol. Hurley further testified that presently Yopp was a person of good moral character and "would trust him with anything and everything I have".
33. Tom Horner, District Attorney for the 23rd Prosecutorial District submitted a letter in support of Yopp's reinstatement. Mr. Horner "firmly believes that Michael Yopp has learned from his mistakes, paid dearly for them for the 14 years of his disbarment, and has tried very hard to redeem himself. I would ask that you extend a measure of mercy by allowing his license to practice law be reinstated."
34. Attorney Grier Hurley of the Ashe County Bar submitted a letter in support of Yopp's reinstatement stating in part that "after losing his license and being unable to practice law, Michael picked himself off the floor, dusted himself off and lived his life as best he could - working hard. He often times worked two jobs, remained involved in his Church, and raised his then three young girls to be strong independent young women."
35. Jerry Parker of the Harnett County Bar submitted a letter in support of Yopp's reinstatement stating in part that Yopp "has candidly discussed the incidents that led to his discipline by the Bar. He is sincerely remorseful and accepts full responsibility for his actions. Based on what I know to be Mike's character, I cannot help but believe that his life circumstances existing at the time led to his uncharacteristically poor decisions. Yopp has worked with Parker for years and during that time he states that Yopp's "appearance and demeanor during that time has been in stark contrast to that period towards the end of his practice and marriage. He is dependable and possesses a sharp mind with attention to detail. I trust him completely."
36. Assistant Attorney General Stuart Saunders submitted a letter in support of the Yopp's reinstatement stating in part that "from the moment he lost his law license in 2002, Mr. Yopp has been unflinching in his self-appraisal; he has worked hard to understand and to correct the elements of his life that led to the loss of a career that meant so much to him". Further Saunders stated that Yopp "would be an asset to our profession, I would welcome him with pride and with the knowledge that the Bar is a better place with him in it. As I have told him before, I would hire him in a minute to represent me or anyone I care about."
37. Yopp was eligible to petition for reinstatement in 2007. Yopp made the conscious

decision to wait to petition for reinstatement until such time as he felt that the substance abuse and mental health issues were behind him and he was in full control of his life circumstances.

38. In total, 20 letters in support of Yopp were submitted by members of the Bar, Law enforcement, and members of Yopp's community.
39. There was no evidence offered in opposition to the Reinstatement of Yopp.
40. Yopp has reformed and presently possesses the moral qualifications required for admission to practice law in this state taking into account the gravity of the misconduct which resulted in the Order of Disbarment.
41. Permitting Yopp to resume the practice of law within the state will not be detrimental the integrity and standing of the Bar, to the administration of justice, or to the public interest, taking into account the gravity of the misconduct which resulted in the order of disbarment.

BASED UPON the foregoing FINDINGS OF FACT, the panel makes the following:

CONCLUSIONS OF LAW

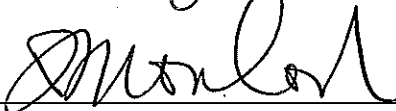
1. Yopp has reformed and presently possesses the moral qualifications required for admission to practice law in this state taking into account the gravity of the misconduct which resulted in the Order of Disbarment.
2. The gravity of the conduct which resulted in the Order of Disbarment was serious.
3. Permitting Yopp to resume the practice of law within the state will not be detrimental to the integrity and standing of the Bar to the administration of justice, or to the public interest , taking into account the gravity of the misconduct which resulted in the order of disbarment.
4. Yopp has complied with the provisions of 27 NCAC 1B, Section .0128 of the Rules and Regulations of the North Carolina State Bar.
5. Yopp has complied with all orders of the Disciplinary Hearing Commission and of the North Carolina State Bar.
6. Yopp has not engaged in the Unauthorized Practice of Law during the period of disbarment.
7. Yopp understands the current Rules of Professional Conduct.
8. Yopp has satisfied all of the requirements for eligibility for reinstatement.

WHEREFORE, BASED UPON the foregoing Findings of Fact and Conclusions of Law, the panel makes the following:

RECOMMENDATION TO THE COUNCIL

1. That Michael L. Yopp's license to practice law be reinstated conditioned upon Yopp's attaining a passing grade on a regularly scheduled written bar examination administered by the North Carolina Board of Law Examiners;
2. That the cost of the hearing and transmittal of the record to the Council be taxed to Yopp.

Signed by the undersigned Chair of the hearing panel with the full knowledge and consent of the other members of the panel this the 7th day of December, 2016.



FRED M. MORELOCK, Chair