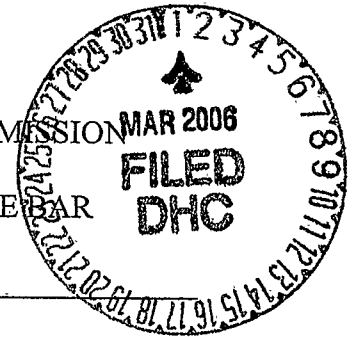


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NORTH CAROLINA

WAKE COUNTY

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
05 DHC 53



THE NORTH CAROLINA STATE BAR)
Plaintiff)
v.)
ROBERT A. MILLER, ATTORNEY)
Defendant)

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER OF DISCIPLINE

THIS MATTER coming on to be heard and being heard by the undersigned Chair of the Disciplinary Hearing Commission of the N.C. State Bar pursuant to 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0117(d) of the State Bar Discipline & Disability Rules upon an affidavit of tender of surrender of license executed by Robert A. Miller on Feb. 28, 2006 and filed in the offices of the North Carolina State Bar on Feb. 28, 2006. Based upon the record and the affidavit, the Chair makes the following:

FINDINGS OF FACT

1. Miller's tender of surrender was freely and voluntarily given, was not the result of coercion or duress and Miller was fully aware of the implications of submitting his tender of surrender. Miller is represented by Alan M. Schneider, a very experienced and competent attorney.
2. Miller is aware that, by tendering the surrender of license, he is waiving the right to defend himself at a hearing based on the State Bar's formal complaint filed herein, which is now scheduled for 10 a.m. on March 10, 2006.
3. The State Bar's complaint alleges that Miller willfully misappropriated \$9,250 in client and or fiduciary funds.
3. Miller has admitted that the material facts alleged in the State Bar's complaint are true.
4. Miller submitted the tender of surrender of license because he knows that he could not successfully defend against the allegations in the State Bar's complaint.

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

CONCLUSIONS OF LAW

1. Miller's affidavit of tender of surrender of license complies with the requirements of 27 NCAC 1 B .0117(d) of the N.C. State Bar Discipline & Disability Rules.

2. Miller's tender of surrender of license should be accepted.

3. Miller has misappropriated client funds, which constitutes ample cause for entry of an order of disbarment.

4. Entry of an order imposing less severe discipline would not sufficiently protect the public, would not be consistent with previous orders of discipline and would send the wrong message to the public and to attorneys regarding the conduct expected of members of the Bar of this State.

THEREFORE IT IS HEREBY ORDERED:

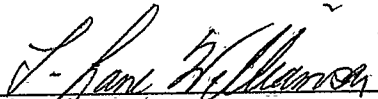
1. The Defendant, Robert A. Miller, is hereby DISBARRED from the practice of law in North Carolina.

2. Miller shall submit his law license and membership card to the Secretary of the N.C. State Bar no later than 30 days following service of this order upon Miller.

3. Miller shall comply with all provisions of 27 NCAC 1B .0124 of the State Bar Discipline & Disability Rules.

4. The costs of this action are taxed against Robert A. Miller.

This the 1st day of March, 2006.



F. Lane Williamson, Chair
Disciplinary Hearing Commission