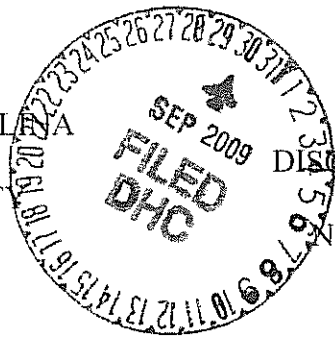


NORTH CAROLINA
WAKE COUNTY



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

THE NORTH CAROLINA STATE BAR,)
Plaintiff)
v.)
DAVID MC GUIRE, Attorney,)
Defendant)

ORDER

This matter was heard on August 28, 2009 before a hearing committee of the Disciplinary Hearing Commission composed of Tommy W. Jarrett, Chair, Harriett Smalls and Donald G. Willhoit. Leonor Bailey Hodge represented the Plaintiff, the North Carolina State Bar. Defendant, David McGuire, appeared and represented himself *pro se*. Based upon the pleadings, the evidence introduced at the hearing, the Hearing Committee hereby finds by clear, cogent and convincing evidence the following:

FINDINGS OF FACT

1. Plaintiff, the North Carolina State Bar (hereinafter "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. Defendant, David L. McGuire (hereinafter "Defendant"), was admitted to the North Carolina State Bar on March 23, 2002 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 the times relevant herein, Defendant actively engaged in the practice of law in the State of North Carolina and maintained a law office in Raleigh, Wake County, North Carolina.

4. In 2007, Defendant represented William D. Mosley in child custody matters against Jennifer Matthews in the Wake County, North Carolina, District Court. The Defendant's alleged misconduct arises in the context of that custody case.

5. The State Bar generally alleged that the Defendant violated the following Rules of Professional Conduct in effect at the time: (1) engaged in conduct in violation of Rule 8.4(d); (2) engaged in conduct in violation of Rule 8.4(c); and (3) engaged in conduct in violation of Rule 1.2(a).

6. At the close of the evidence, the State Bar voluntarily dismissed its allegation that Defendant violated Rule 1.2(a).

CONCLUSIONS OF LAW

1. All the parties are properly before the Hearing Committee and the Committee has jurisdiction over Defendant, David McGuire, and over the subject matter.

2. The State Bar did not establish by clear, cogent and convincing evidence that Defendant violated the Rules of Professional Conduct.

Based upon the foregoing findings of fact and conclusions of law it is hereby ORDERED:

1. That the complaint filed in this action is DISMISSED.
2. Each party shall bear its own costs.

Signed by the Chair with the consent of the other Hearing Committee members, this the 29th day of September 2009.



Tommy W. Jarrett, Chair
Disciplinary Hearing Committee