

WAKE COUNTY
NORTH CAROLINA

IN THE GENERAL COURTS OF JUSTICE
FILED SUPERIOR COURT DIVISION
10 CVS

2016 JUN 30 AM 11:50

THE NORTH CAROLINA STATE BAR,)
PETITIONER, WAKE COUNTY, C.S.C.)

v. BY _____)

CONSENT ORDER OF
DISBARMENT

RICHARD S. POE, ATTORNEY,)
RESPONDENT.)

THIS MATTER came on to be heard and was heard by the undersigned Judge of the Superior Court of Wake County. Petitioner, the North Carolina State Bar, was represented by Leonor Bailey Hodge. Respondent, Richard S. Poe, was represented by Douglas J. Brocker.

Based upon the Affidavit of Surrender of Law License submitted to the court by Poe, the court makes the following:

FINDINGS OF FACT

1. Respondent, Richard S. Poe ("Poe"), was licensed to practice law in North Carolina on August 22, 1981.
2. During all periods relevant hereto, Poe was engaged in the practice of law in Charlotte, Mecklenburg County, North Carolina.
3. While working as an associate at the law firm of McMillan & Terry, P.A. ("the Firm") from October 2009 through March 2010, Poe accepted checks from clients for payment of certain legal work that he performed.
4. The checks for these fees were made payable to Poe, the Firm or both.
5. Poe failed to turn over to the Firm the checks for these fees or to turn over the proceeds of these checks.
6. There was no written agreement allowing Poe to personally retain fees while employed at the Firm.
7. Poe endorsed these checks and deposited them into his personal bank account, including in some instances endorsing the name of one of the Firm members without the Firm member's authorization or consent.

8. In March 2010, after Poe was confronted by the Firm, he repaid \$3,787.50 to the Firm.

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

CONCLUSIONS OF LAW

1. By accepting checks for certain legal work that he performed, failing to turn over the checks or the proceeds of these checks to the Firm, and endorsing these checks and depositing them into his personal bank account, including in some instances endorsing the name of one of the Firm members without the Firm member's authorization or consent, Poe violated Rules 1.15-2(j) and 8.4(c) of the North Carolina Rules of Professional Conduct.

2. Poe's misconduct constitutes grounds for discipline pursuant to N.C. Gen. Stat. 84-28(b)(2).


IT IS NOW, THEREFORE, ORDERED:

1. Richard S. Poe is DISBARRED from the practice of law in North Carolina.

2. Richard S. Poe shall comply with the provisions of 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 Subchapter B, Section .0124.

3. The costs of this action are taxed against Richard S. Poe.

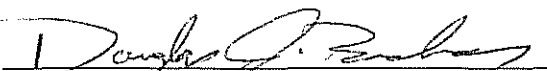
Done and Ordered this 30th day of June, 2010.


Superior Court Judge Presiding

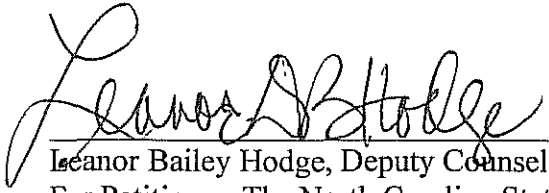
WE CONSENT



Richard S. Poe
Respondent



Douglas J. Brocker
Counsel for Respondent

A handwritten signature in black ink, reading "Leonor Bailey Hodge". The signature is written in a cursive style with a large initial "L".

Leonor Bailey Hodge, Deputy Counsel
For Petitioner, The North Carolina State Bar

WAKE COUNTY

FILED IN THE GENERAL COURTS OF JUSTICE
SUPERIOR COURT DIVISION

NORTH CAROLINA

2010 JUN 30 AM 11:50

10 CVS

THE NORTH CAROLINA STATE BAR, C.S.C.

PETITIONER,)

BY _____)

v.)

AFFIDAVIT OF
SURRENDER OF LAW LICENSE

RICHARD S. POE, ATTORNEY,)

RESPONDENT.)

Richard S. Poe., 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 pursuant to the provisions of 27 N.C. Admin. Code Chapter 1, Subchapter B, Section .0117 of the N.C. State Bar Discipline & Disability Rules.
2. My resignation is freely and voluntarily rendered. It is not the result of coercion or duress. I am fully aware of the implications of submitting my resignation. I affirm that I have had the opportunity to consult an attorney before filing this Affidavit.
3. I am aware that there is a pending investigation against me regarding allegations that while working as an associate at the law firm of McMillan & Terry, P.A. ("the Firm") from October 2009 through March 2010: I accepted checks from clients for payment of certain legal work that I performed; the checks for such fees were made payable to me, the Firm or both; I failed to turn over to the Firm the checks for these fees or to turn over the proceeds of these checks; there was no written agreement allowing me to personally retain fees while employed at the Firm; I endorsed these checks and deposited them into my personal bank account, including in some instances endorsing the name of one of the Firm members without his authorization or consent. In March 2010, after I was confronted by the Firm, I repaid \$3,787.50 to the Firm.
4. I have cooperated in the State Bar's investigation and provided the records requested from the State Bar.
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 the 18th day of June, 2010.

Richard S. Poe

Richard S. Poe

I, Amy Meachum, Notary Public of the County of Stanly,
State of North Carolina, certify that Richard S. Poe personally appeared before me this
day, was sworn, and acknowledged the due execution of the foregoing Affidavit.

Sworn to and subscribed before me

This the 18 day of June, 2010.

Amy Meachum
Notary Public



My Commission Expires: 8-4-2014