

WAKE COUNTY  
NORTH CAROLINA

FILED  
2015 JUL -2 PM 3:56

IN THE GENERAL COURTS OF JUSTICE  
SUPERIOR COURT DIVISION  
15 CVS 08892

WAKE COUNTY, C.S.C. )  
THE NORTH CAROLINA STATE BAR, )  
Petitioner )  
BY \_\_\_\_\_ )  
v. )  
MARTY STEVEN MCCONCHIE, )  
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 Margaret T. Cloutier. Respondent, Marty Steven McConchie, appeared *pro se*.

Based upon the Affidavit of Surrender of Law License submitted to the Court by Respondent, Marty Steven McConchie, and the consent of the parties, the Court makes the following:

#### FINDINGS OF FACT

1. McConchie was admitted to the North Carolina State Bar in 2000 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, McConchie was actively engaged in the practice of law in Chapel Hill, Orange County, North Carolina. Since October 2012 McConchie's license has been administratively suspended.
3. In May 2010, McConchie held approximately \$1,453.25 in trust for the benefit of two clients. Over the ensuing two months, McConchie used approximately \$1,275.13 of those entrusted funds held in his trust account for the benefit of himself and/or third parties without authorization from the beneficial owners of those funds.

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

#### CONCLUSIONS OF LAW

1. McConchie's unauthorized use of entrusted funds for personal benefit or the benefit of third parties was in violation of Rule 1.15-2(j) of the Rules of Professional Conduct and constituted conduct involving dishonesty, fraud, deceit, or misrepresentation in violation of Rule 8.4(c) of the Rules of Professional Conduct.

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

3. The courts of this State have inherent authority to take disciplinary action against attorneys licensed to practice law in North Carolina.

4. This Court has jurisdiction over the person of Marty Steven McConchie and of the subject matter of this proceeding.

5. McConchie has engaged in professional misconduct warranting disbarment.

**IT IS NOW, THEREFORE, ORDERED:**

1. Marty Steven McConchie is **DISBARRED** from the practice of law in North Carolina.

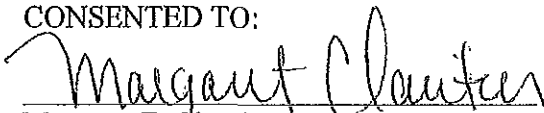
2. McConchie shall comply with the provisions of 27 N.C. Admin. Code, Chapter 1, Subchapter B, Section .0124 of the Rules and Regulations of the North Carolina State Bar and shall surrender his license and permanent membership card to the Secretary of the North Carolina State Bar along with the affidavit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

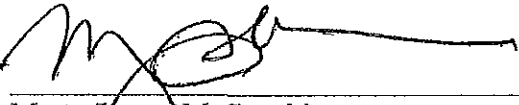
3. The costs of this action are taxed against McConchie.

Dated this 2<sup>nd</sup> day of July, 2015.

  
\_\_\_\_\_  
Superior Court Judge Presiding

CONSENTED TO:

  
\_\_\_\_\_  
Margaret T. Cloutier  
Deputy Counsel, North Carolina State Bar  
Attorney for Petitioner

  
\_\_\_\_\_  
Marty Steven McConchie  
Respondent

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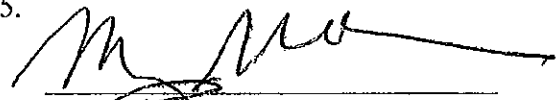
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AFFIDAVIT OF SURRENDER

Marty Steven McConchie, being first duly sworn, deposes and says as follows:

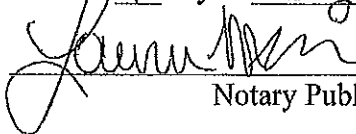
1. I desire to resign and hereby tender my license to practice law in North Carolina.
2. My resignation is freely and voluntarily rendered, and is not the result of coercion or duress. I am fully aware of the implications of submitting my resignation.
3. I am aware that there is a pending investigation by the State Bar regarding allegations that I misappropriated approximately \$1,275.13 of entrusted client funds.
4. I acknowledge that the material facts upon which the investigation is predicated are true.
5. 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.

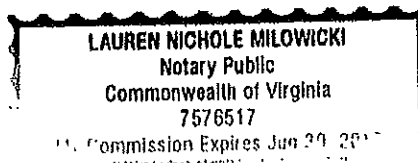
This is the 1<sup>st</sup> day of July, 2015.

  
Marty Steven McConchie

I, Lauren Milowicki, Notary Public of the County of Fairfax, State of Virginia, certify that Marty Steven McConchie personally appeared before me this day, was sworn, attested that the foregoing Affidavit is true and accurate of his own personal knowledge, and executed the foregoing Affidavit.

This the 1<sup>st</sup> day of July, 2015.

  
Notary Public



My commission expires: June 30, 2017