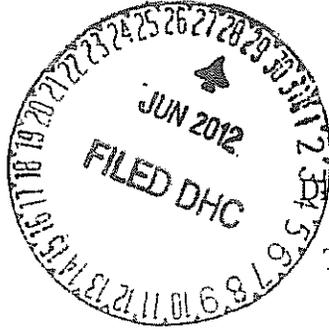


NORTH CAROLINA  
WAKE COUNTY



BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF  
THE NORTH CAROLINA STATE BAR  
12 DHC 2

)  
The North Carolina State Bar, )  
Plaintiff, )  
)  
v. )  
)  
Gary S. Lawrence, Attorney, )  
Defendant. )  
\_\_\_\_\_ )

ORDER OF DISCIPLINE

This matter was heard on May 4, 2012 before a hearing panel of the Disciplinary Hearing Commission composed of the Chair, Theodore C. Edwards, II, Walter E. Brock, Jr., and Joseph Barlow Herget. William N. Farrell represented Plaintiff, the North Carolina State Bar. James B. Maxwell represented the Defendant, Gary S. Lawrence.

Plaintiff's Motion to Amend Paragraph 4 of the Complaint, to correct a typographical error as to the date, was allowed without objection.

Based upon the pleadings, the stipulated facts, and the evidence introduced at the hearing, the hearing panel hereby finds by clear, cogent, and convincing evidence the following:

FINDINGS OF FACT

1. Plaintiff, the North Carolina State Bar ("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 (Chapter 1 of Title 27 of the North Carolina Administrative Code).

2. Defendant, Gary S. Lawrence (“Lawrence” or “Defendant”), was admitted to the North Carolina State Bar on August 24, 1975 and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the laws of the State of North Carolina, the Rules and Regulations of the North Carolina State Bar and the Rules of Professional Conduct.

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 Southport, Brunswick County, North Carolina.

4. On or about July 29, 2009, Defendant met with a female with the initials MBC who was in the office to seek legal advice concerning a potential divorce.

5. This meeting took place in a conference room at Defendant’s law office with only MBC and Defendant present.

6. During this meeting Defendant made inappropriate comments and inappropriately touched MBC in a sexual manner without her consent.

7. Defendant’s physical contacts with MBC were without her consent and against her will. These nonconsensual touchings frightened MBC.

8. In or about 2008 Defendant represented a female client with the initials KJT regarding a divorce and a separate rental dispute.

9. After the divorce hearing, on or about July 2, 2008, Defendant asked KJT for a “divorce hug”, which KJT gave but which she thought was unprofessional.

10. After that KJT noticed that Defendant would look at her breasts when they met which made her feel nervous and awkward in front of him.

11. On or about October 8, 2008, Defendant met KJT in a conference room at Defendant's law office concerning the rental dispute.

12. During this meeting Defendant made inappropriate comments and inappropriately touched KJT in a sexual manner without her consent.

13. KJT responded, stating "what are you doing", and immediately left the office in tears.

14. Defendant's physical contacts with KJT were without her consent and against her will.

15. Despite the Defendant's inappropriate conduct, as set forth above as to KJT, KJT considered Defendant to be a good attorney and continued to utilize his services after the incident.

16. In or about 1991, while then practicing in Raleigh, Defendant represented a female client with the initials CC during divorce and related proceedings.

17. CC had several meetings with Defendant during his representation of her.

18. During one of these meetings Defendant grabbed CC, groped her, and forced his tongue in her mouth.

19. Defendant's actions toward CC were without her consent and against her will.

20. Despite the Defendant's inappropriate conduct, as set forth above regarding CC, CC considered Defendant to be a good attorney and continued to utilize his services after the incident.

Based upon the foregoing Findings of Fact, the hearing panel enters the following:

### CONCLUSIONS OF LAW

1. All parties are properly before the Disciplinary Hearing Commission and the Disciplinary Hearing Commission and the hearing panel has jurisdiction over Defendant, Gary S. Lawrence, and the subject matter of this proceeding.

2. Defendant's conduct, as set out in the Findings of Fact above, constitutes grounds for discipline pursuant to N.C.G.S. 84-28(b)(2) in that Defendant violated the Rules of Professional Conduct in effect at the time of the conduct as follows:

- a. By making inappropriate sexual comments and advances toward MBC, touching and attempting to touch her in a sexual manner, Defendant had sexual relations with a client in violation of Rule 1.19(a) and engaged in a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in violation of Rule 8.4(b); and
- b. By making inappropriate sexual comments and advances toward KJT, touching and attempting to touch her in a sexual manner, Defendant had sexual relations with a client in violation of Rule 1.19(a) and engaged in a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in violation of Rule 8.4(b).

### ADDITIONAL FINDINGS REGARDING DISCIPLINE

1. Defendant's clients MBC and KJT were vulnerable.
2. Defendant's conduct harmed MBC and KJT.
3. Defendant's conduct toward these clients was purposeful and was of a nature that it would be obvious that the conduct was exploitative of his clients' trust and reliance upon him.

4. Defendant's conduct manifests an inappropriate perception of women and an inappropriate perception of a proper relationship with female clients.

5. Defendant's conduct has the potential to cause significant harm to the standing of the legal profession in the eyes of the public.

6. Defendant has no prior discipline.

7. Defendant experienced personal and or emotional problems during his early adolescence which contributes to his often compulsive behavior and which affected the conduct in question in this hearing.

8. On or about July 10, 2010 after MBC met with Defendant's wife, Defendant voluntarily sought counseling and has received continuous counseling to address what he recognized had been inappropriate behavior on his part and to learn to control such compulsive actions.

9. Defendant other wise has a good reputation and character in the community.

10. Defendant expressed remorse for his conduct.

Based upon the Findings of Fact, Conclusions of Law, and the Additional Findings Regarding Discipline, the hearing panel enters the following:

#### CONCLUSIONS REGARDING DISCIPLINE

1. The hearing panel has considered all of the factors enumerated in 27 N.C.A.C. 1B § .0114(w) of the Rules and Regulations of the North Carolina State Bar and determines that there is evidence of and that that following factors are applicable in the matter:

a. From Rule .0114(w)(1)

i. Intent of the Defendant to cause the resulting harm or potential harm;

- ii. Intent of the Defendant to commit acts where the harm or potential harm is foreseeable;
  - iii. Circumstances reflecting the Defendant's lack of honesty, trustworthiness or integrity;
  - iv. Elevation of the Defendant's interest above that of his clients;
  - v. The negative impact of the Defendant's actions on his clients' or the public's perception of the profession; and
  - vi. The impairment of the client's ability to achieve the goals of the representation.
- b. From Rule .0114(w)(3)
- i. The absence of prior disciplinary offenses;
  - ii. Selfish motive;
  - iii. The Defendant's pattern of misconduct;
  - iv. Multiple offenses;
  - v. The effect of personal or emotional problems on the conduct in question;
  - vi. Interim rehabilitation;
  - vii. Remorse;
  - viii. The Defendants otherwise good character or reputation;
  - ix. Vulnerability of the victims;
  - x. Defendant's years of experience in the practice of law.

2. The hearing panel has considered the factors enumerated in 27 N.C.A.C. 1B § .0114(w) (2) of the Rules and Regulations of the North Carolina State Bar and determined that none of those factors are established by the evidence in this case.

3. The hearing panel has carefully considered all of the different forms of discipline available to it, including admonition, reprimand, censure and suspension, in considering the appropriate discipline to impose in this case.

4. The hearing panel has considered all lesser forms of discipline available to it and finds that the suspension of Defendant's license to practice law is the only appropriate discipline to impose in this case.

5. The panel determines that any discipline short of suspension would not adequately protect the public, the legal profession, or the administration of justice for the following reasons:

- a. The factors under Rule .0114(w) that are clearly established by the evidence in this case are of a nature that supports imposition of a suspension as the appropriate discipline.
- b. Defendant's conduct involved moral turpitude and violation of the trust of his clients, the legal profession and the legal system.
- c. Entry of an order imposing less serious discipline would fail to acknowledge the seriousness of the offenses Defendant committed and would send the wrong message to attorneys and to the public regarding the conduct expected of members of the Bar of this state.
- d. The protection of the public and the legal profession requires (1) that Defendant not be permitted to represent clients until he demonstrates that he has reformed and that he understands his obligations to his clients, the public and the legal profession and (2) that permitting him to practice law will not be detrimental to

the public, the integrity and standing of the legal profession, or the administration of justice.

Based upon the Findings of Fact, Conclusions of Law, the Additional Findings Regarding Discipline, and the Conclusions Regarding Discipline, the hearing panel enters the following:

ORDER OF DISCIPLINE

1. The license to practice law in the State of North Carolina of Defendant Gary S. Lawrence is hereby suspended for three years effective thirty days from the date this Order of Discipline is served upon him.

2. Defendant shall submit his license and membership card to the Secretary of the North Carolina State Bar no later than thirty days following service of this Order on Defendant.

3. The costs and administrative fees of this action are taxed to Defendant. Defendant shall pay the costs and administrative fees within 30 days of service of the statement of costs upon him.

4. Defendant shall comply with the wind down provisions contained in 27 N.C.A.C. 1B § .0124. Defendant shall file an affidavit with the Secretary of the North Carolina State Bar within ten days of the effective date of this Order of Discipline certifying he has complied with the wind down rule.

5. Within fifteen days of the effective date of this Order, Defendant will provide the State Bar with a street address and mailing address at which clients seeking return of their files and records in Defendant's possession or control may obtain such files and records and at which the State Bar may serve any notices or other matters upon him.

6. After the completion of one year of active suspension Defendant may apply for a stay of the balance of the suspension upon filing a verified petition with the Secretary of the

North Carolina State Bar at least thirty days before any proposed effective date of the stay as provided in 27 N.C.A.C. 1B § .0125. The remaining term of Defendant's suspension may be stayed only if he establishes by clear, cogent and convincing evidence the following:

- a. That Defendant has submitted to a comprehensive psychiatric or psychological evaluation, at Defendant's sole expense, by a board certified psychiatrist or psychologist who specializes in treating sexual offenders in the professions and who has been approved in advance by the Office of Counsel of the North Carolina State Bar and has complied with any and all treatments, plans, and/or counseling determined by the evaluating psychiatrist or psychologist to be appropriate to ensure Defendant gains an appropriate perception of women, can have an appropriate professional relationship with female clients, and to address any other mental health issues;
- b. That the psychiatrist or psychologist has certified, based on his or her independent comprehensive evaluation of Defendant, that in his or her professional opinion Defendant does not suffer from any condition creating a predisposition for inappropriate sexual behavior and that Defendant does not suffer from any mental, psychological, or emotional condition that significantly impairs his professional judgment, performance, or competence in the representation of female clients;
- c. That Defendant has attached to his reinstatement petition the written evaluation from the evaluating psychiatrist or psychologist along with releases or authorizations signed by Defendant instructing the evaluating psychiatrist or

psychologist to discuss their evaluations of Defendant with, and to release any corresponding records to, a representative of the Office of Counsel;

- d. That Defendant has kept the North Carolina State Bar Membership Department advised of his current business and home addresses and notified the Bar of any change in address within ten days of such change;
- e. That Defendant has responded to all communications from the North Carolina State Bar within thirty days of receipt or by the deadline stated in the communication, whichever is sooner, and has participated in good faith in the State Bar's fee dispute resolution process for any petition received after the effective date of this Order;
- f. That Defendant has not violated the Rules of Professional Conduct or the laws of the United States or any state or local government during his suspension;
- g. That Defendant has properly wound down his law practice and complied with the requirements of § .0124 of the North Carolina State Bar Discipline and Disability Rules; and
- h. That Defendant has otherwise complied with the requirements of 27 N.C.A.C. 1B § .0125(b).

7. If Defendant successfully seeks a stay of the suspension of his law license, such stay will continue in force only as long as he complies with the following conditions:

- a. Defendant shall keep the North Carolina State Bar Membership Department advised of his current business and home addresses;
- b. Defendant shall respond to all communications from the North Carolina State Bar within thirty days of receipt or by the deadline stated in the communication,

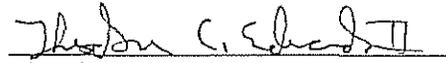
whichever is sooner, and participate in good faith in the State Bar's fee dispute resolution process for any petition received during the stay;

- c. Defendant shall not violate the Rules of Professional Conduct or the laws of the United States or any state or local government during his suspension;
- d. Defendant shall timely comply with all State Bar membership and continuing legal education requirements and shall pay all fees and costs assessed by the applicable deadline;
- e. Defendant shall comply with all treatment, if any, prescribed by any psychiatrist and/or psychologist. If any such treatment is recommended, Defendant shall ensure that the mental health professional provides written reports to the State Bar Office of Counsel concerning Defendant's compliance with the treatment plan each quarter during the stayed suspension. The reports shall be due each January 1, April 1, July 1, and October 1 throughout the stayed suspension. All expenses of such treatment and reports shall be borne by Defendant; and
- f. Defendant shall execute written waivers and releases authorizing the Office of Counsel to confer with Defendant's psychiatrist/psychologist for the purpose of determining if Defendant has cooperated and complied with recommended treatment and shall not revoke such releases during the period of stayed suspension.

8. If Defendant fails to comply with any of the conditions of the stayed suspension provided in paragraph 7 above, the stay of the suspension may be lifted as provided in § .0114(x) of the North Carolina State Bar Discipline and Disability Rules.

9. If Defendant does not seek a stay of the active portion of the suspension or if some part of the suspension is stayed and thereafter the stay is revoked, Defendant must comply with the conditions set out in paragraphs 6(a) through (h) above before seeking reinstatement of his license to practice law.

Signed by the undersigned Chair with the full knowledge and consent of the other members of the Hearing Panel, this the 27 day of June, 2012.

  
Theodore C. Edwards, II, Chair  
Hearing Panel