

STATE OF NORTH CAROLINA
WAKE COUNTY

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
12 DHC 16

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

SHANNON LOVINS, Attorney,

Defendant

CONSENT ORDER OF
INTERIM SUSPENSION

THIS CAUSE came before the undersigned Chair of the Disciplinary Hearing Commission pursuant to 27 N.C. Admin. Code Chapter 1, Subchapter B, Section .0115(d) of the Discipline & Disability Rules of the North Carolina State Bar and by consent of the parties and upon good cause shown, the undersigned hereby makes the following:

FINDINGS OF FACT

1. Shannon Lovins ("Lovins") was licensed to practice law in North Carolina on March 24, 2001 and is and was at all times referred to herein, an attorney at law, subject to the rules, regulations and Rules of Professional Conduct of the North Carolina State Bar and the laws of North Carolina.
2. The current address of record for Lovins with the North Carolina State Bar is The Lovins Law Firm, PA, 66 N. Market Street, Asheville, NC 28801.
3. On April 10, 2012, Lovins pled guilty in Rutherford County, North Carolina, to the following criminal offenses: possession of methadone and heroin, class I felonies, in violation of N.C. Gen. Stat. § 90-95(a)(3); possession of marijuana, a misdemeanor, in violation of N.C. Gen. Stat. § 90-95(d)(4); possession of a Schedule II controlled substance, a misdemeanor, in violation of N.C. Gen. Stat. § 90-95(d)(2); and possession of drug paraphernalia, a misdemeanor, in violation of N.C. Gen. Stat. § 90-113.22. Lovins entered these guilty pleas pursuant to an arrangement allowing for conditional discharge under N.C. Gen. Stat. § 90-96 if she successfully completes the probation imposed thereunder. Lovins has been placed on probation for 30 months.
4. Lovins has entered into a contract with the North Carolina State Bar Lawyer Assistance Program (LAP) for a period of three years. Under the LAP contract, Lovins will receive treatment and monitoring to assist her in abstaining from drug and alcohol use.

5. It is appropriate for the State Bar to monitor Lovins during the period of time while her disciplinary matters are still pending, while Lovins is on probation under N.C. Gen. Stat. § 90-96 and receiving treatment through LAP.

Based upon the foregoing FINDINGS OF FACT, the undersigned makes the following

CONCLUSIONS OF LAW

1. Felonies constitute serious crimes showing professional unfitness as defined by Rule .0103(17) of the State Bar Discipline & Disability Rules, 27 N.C. Admin. Code, Chapter 1, Subchapter B, Section .0103(17).

2. Rule .0115(d) of the Discipline & Disability Rules of the State Bar authorizes the Chair of the Disciplinary Hearing Commission to enter an order suspending an attorney's license pending disposition of the disciplinary proceeding against the member in cases where an attorney pleads guilty to a serious crime showing professional unfitness. 27 N.C. Admin. Code, Chapter 1, Subchapter B, Section .0115(d)

3. It is appropriate for the State Bar to support efforts to ensure Lovins receives necessary treatment for drug and alcohol abuse, for the rehabilitation of Lovins and for the protection of the public, as long as measures are taken in the interim for the protection of the public. Given the unique circumstances of this case, including the nature of the violations, the voluntary treatment undertaken by Lovins pursuant to LAP, and the probationary conditions under N.C. Gen. Stat. § 90-96, the undersigned Chair concludes that active interim suspension is not required as long as Lovins refrains from alcohol and illegal drug consumption. The Chair concludes that the public will be adequately protected by staying an interim suspension of Lovins' law license while she is under probation pursuant to N.C. Gen. Stat. § 90-96 and while she undergoes treatment pursuant to LAP, with conditions imposed upon Lovins to ensure her abstention from drug and alcohol usage and proper maintenance of entrusted funds.

4. The entry of this order placing Lovins on a stayed interim suspension does not forecast or limit the discipline that will ultimately be determined to be appropriate at the conclusion of this disciplinary action.

Based upon the foregoing Findings of Fact and Conclusions of Law, the undersigned Chair of the Disciplinary Hearing Commission enters the following

ORDER

1. The license to practice law in North Carolina of Shannon Lovins is hereby suspended until the conclusion of all disciplinary matters pending before the North Carolina State Bar relating to her plea of guilty in Rutherford County Superior Court, North Carolina, to crimes showing professional unfitness.

2. This suspension is stayed as long as Lovins complies, and continues to comply, with the following conditions:

- a. Comply with all terms and conditions of any order of the court pertaining to the guilty pleas and § 90-96 program referenced above;
- b. Abstain from the consumption of any alcohol during the period of stay;
- c. Abstain from the consumption of any controlled substance other than as expressly authorized by a treating physician during the period of stay;
- d. Comply with the monitoring requirements of FirstLab Professional Health Monitoring Program or other service agreed to by the parties, at Lovins' expense. Such monitoring will include thirteen drug and alcohol screens per year. The monitoring agreement will require the monitoring service to report to the North Carolina State Bar any failure of Lovins to take or pay for the test and any positive test result. Lovins will enter into a monitoring program within thirty days of the date of this order. Lovins will sign all necessary releases or documents to allow such reporting and shall not revoke the release during the period of stay;
- e. Continue participation in and comply with any treatment recommendations from the North Carolina State Bar Lawyers Assistance Program, at Lovins' expense. The Lawyers Assistance Program shall notify the State Bar if Lovins fails to participate in the Lawyers Assistance Program or fails to comply with treatment recommendations. Lovins will sign all necessary releases or documents to allow such notification and to allow the Lawyers Assistance Program to discuss Lovins' participation and treatment in the Lawyers Assistance Program with the Office of Counsel of the State Bar, and shall not revoke the release during the period of stay;
- f. Attend at least three AA meetings per week beginning ten days from the date of this order and work with a sponsor willing to make reports of Lovins' attendance to the North Carolina State Bar. Within fifteen days of the date of this order, Lovins' will notify the North Carolina State Bar of the identity and contact information for the sponsor with whom she will be working on the AA program. Lovins will detail her AA meeting attendance to her sponsor in any manner required by the sponsor. Lovins will

authorize and instruct her sponsor to provide monthly written reports to the North Carolina State Bar of the dates on which the sponsor is confident that Lovins attended AA meetings. The first such report shall be submitted to the North Carolina State Bar thirty days from the date of this order and subsequent reports submitted on the first day of each month thereafter. Any cost associated with the attendance or report shall be borne by Lovins;

- g. Each month Lovins shall provide the State Bar with the three-way reconciliation of her trust account described in the State Bar Lawyer's Trust Account Handbook on pages 35-40 (reference is to the edition last revised in May 2011). Lovins shall provide the three-way reconciliation report, client ledgers for all clients with funds in her trust account during that month, ledger for any personal funds maintained in the trust account for bank or credit card fees, her trust account ledger, and the bank statement, cancelled checks, and deposit slips for each month. These documents are due on the 15th day of the following month – for example, the three-way reconciliation for the month of January is due on February 15;
- h. Lovins shall not violate any state or federal laws or any provisions of the Rules of Professional Conduct during the period of the stayed suspension;
- i. Lovins shall respond to all State Bar requests for information as required by Rule 8.1(b) of the Rules of Professional Conduct by the earlier of the deadline stated in the communication or within 30 days of receipt;
- j. Lovins shall timely comply with all State Bar membership and Continuing Legal Education requirements; and
- k. Lovins shall keep the North Carolina State Bar membership department advised of her current home and business street (not P.O. Box) addresses and telephone numbers.


3. This order, and the stayed interim suspension imposed herein, are effective as of the date of the filing of this order.

4. If the stay granted herein is revoked or the interim suspension of Lovins' license is activated for any reason, before seeking reinstatement of her license to practice law, Lovins must show by clear, cogent and convincing evidence that she has complied with each of the following conditions:

- a. Submitted her law license and membership card to the Secretary of the North Carolina State Bar within thirty days of service upon her of the order activating the interim suspension;
- b. Complied with all provisions of 27 N.C.A.C. 1B § .0124 of the State Bar Discipline and Disability Rules on a timely basis following the order activating the interim suspension;
- c. Demonstrated that she is not suffering from any addiction, disability or condition that would impair her ability to competently engage in the practice of law;
- d. Demonstrated that she has abstained from all alcohol or illicit drug use or consumption and has not taken any prescription drugs or controlled substances other than as authorized by her treating physician for at least one year immediately preceding the filing of her petition for reinstatement;
- e. Provided the Office of Counsel with releases to obtain and review her medical records, including psychological and mental health evaluations, and substance abuse counseling records, and to interview her medical care providers and substance abuse counselors;
- f. Paid all outstanding membership fees, Client Security Fund assessments and costs assessed by the DHC or the State Bar and complied with any outstanding continuing legal education requirements imposed by the State Bar; and
- g. Any conditions set out in the order lifting the stay and activating this interim suspension.


5. The undersigned will retain jurisdiction of this matter until resolution of the disciplinary matter pertaining to the guilty pleas referenced herein pursuant to Rule .0115(d) of the North Carolina State Bar Discipline and Disability Rules, 27 N.C. Admin. Code, Chapter 1, Subchapter B, Section .0115(d).

This the 15th day of April, 2012.

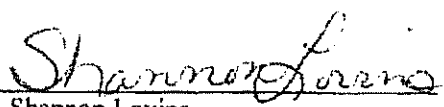

Sharon B. Alexander, Chair
Disciplinary Hearing Commission

Signatures of parties and counsel follow:
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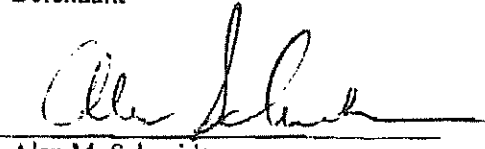
We consent to the Consent Order of Interim Suspension in the case of The North Carolina State Bar v. Shannon Lovins:


Jennifer A. Porter
Counsel for Plaintiff

4-16-12
Date


Shannon Lovins
Defendant

4/15/12
Date


Alan M. Schneider
Counsel for Defendant

4/16/2012
Date