

NORTH CAROLINA  
WAKE COUNTY



BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
10 DHC 29

THE NORTH CAROLINA STATE BAR, )  
Plaintiff )  
v. )  
PERRY W. MARTIN, Attorney, )  
Defendant )

CONSENT  
AMENDMENT TO  
ORDER OF DISCIPLINE

THIS MATTER was considered by a hearing panel of the Disciplinary Hearing Commission composed of Sharon B. Alexander, Chair, Fred M. Morelock, and Patti Head pursuant to 27 N.C.A.C. 1B §.0114 of the Rules and Regulations of the North Carolina State Bar. Defendant, Perry W. Martin, was represented by Alan M. Schneider. Plaintiff was represented by Deputy Counsel Margaret Cloutier.

Based upon the record and upon consent of the parties, the hearing panel finds by clear, cogent and convincing evidence the following

FINDINGS OF FACT

1. The hearing panel entered an Order of Discipline in this matter August 17, 2011 after a hearing held on July 8, 2011.
2. The Order suspends for three years Defendant Perry W. Martin's license to practice law. The period of suspension is stayed for three years as long as Defendant continues to comply with various conditions.
3. Upon Defendant's application, the State Bar Council placed Defendant's license on inactive status as of April 27, 2012. As a result, Defendant is ineligible to practice law until such time as the State Bar Council approves an application to return to active status. A copy of the Order Granting Inactive Membership Status is attached hereto.
4. The purpose of the conditions set forth in the August 17, 2011 Order is to protect the public while Defendant is in practice. Those conditions would be rendered moot if Defendant is not actively practicing law or his license is in inactive status during the period of the stay.

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 has jurisdiction over Defendant Perry W. Martin and the subject matter of this proceeding.

2. That Defendant is not currently practicing law and his license has been placed on inactive status by the Council of the North Carolina State Bar constitutes changed circumstances since the entry of the August 17, 2011 Order. It is therefore necessary to amend the August 17, 2011 Order of Discipline to ensure that the conditions designed to protect the public that were imposed by the Hearing panel are most effectively implemented.

Based upon the foregoing Findings of Fact and Conclusions of Law, the Hearing panel enters the following

### ORDER

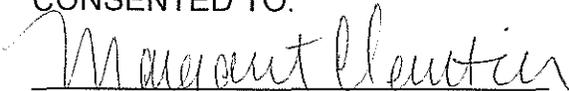
1. The suspension and the period of stayed suspension imposed by the August 17, 2011 Order shall be tolled until Defendant successfully petitions for and his license to practice law is transferred back to active status with the North Carolina State Bar pursuant to 27 N.C.A.C. 1D §.0902.

2. Once Defendant returns to active status, the suspension, the period of stayed suspension and all accompanying conditions imposed by the August 17, 2011 Order shall once again go into effect for three years minus the time previously served by Defendant prior to being transferred to inactive status.

Signed by the undersigned Chair of the hearing panel with the full knowledge and consent of the other panel members, this the 24 day of May, 2012.

  
\_\_\_\_\_  
Sharon B. Alexander, Chair  
Disciplinary Hearing panel

CONSENTED TO:

  
\_\_\_\_\_  
Margaret Cloutier, Deputy Counsel  
Attorney for Plaintiff

  
\_\_\_\_\_  
Perry W. Martin, Defendant

  
\_\_\_\_\_  
Alan M. Schneider, Attorney for Defendant

# The North Carolina State Bar

NORTH CAROLINA

BEFORE THE COUNCIL OF THE

WAKE COUNTY

NORTH CAROLINA STATE BAR

IN THE MATTER OF: )

Perry W. Martin )

ID# 2899 )

ORDER GRANTING INACTIVE  
MEMBERSHIP STATUS

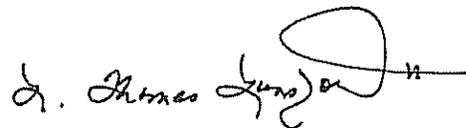
WHEREAS, Perry W. Martin has petitioned the Council requesting to be transferred to inactive membership status; and

WHEREAS, Perry W. Martin has been found to be eligible for transfer to inactive membership status; and

WHEREAS, pursuant to 27 N.C.A.C. 1D, Rule .0901(b)(2), Perry W. Martin has acknowledged that said member continues to be subject to the Rules of Professional Conduct and to the disciplinary jurisdiction of the State Bar including jurisdiction in any pending matter before the Grievance Committee or the Disciplinary Hearing Commission.

NOW, THEREFORE, it is HEREBY ORDERED that Perry W. Martin be and is hereby TRANSFERRED TO INACTIVE MEMBERSHIP STATUS.

This the 27<sup>th</sup> day of April 2012.



L. Thomas Lunsford, II, Secretary  
The North Carolina State Bar