

(5) Shall keep and maintain records of the various steps taken under this order so that, upon any subsequent proceeding, proof of compliance with this order will be available. Proof of compliance with this order shall be a condition precedent to any petition for reinstatement of the respondent as a licensed attorney.

3. The costs of this action shall be taxed against the respondent.

This the 12th day of December, 1975.

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s/James H. Pou Bailey
Judge Presiding

IN THE MATTER OF PHILLIP MATTHEWS, Attorney of Newton, the defendant tendered his license for suspension and the Council issued the following JUDGMENT:

This came on for consideration by the Council of The North Carolina State Bar at its meeting on Friday, January 16, 1976, in the State Bar offices, 107 Fayetteville Street, Raleigh, North Carolina, upon the Tender of Surrender of the License of one Phillip R. Matthews, Attorney of Newton, and it appearing from the Tender in writing filed by Mr. Matthews' attorney, Mr. Bailey Patrick, the following:

1. The Petitioner was admitted to The North Carolina State Bar in 1965 and is engaged in the general practice of law in Newton and Hickory, North Carolina.

2. The Petitioner is the subject of an investigation by the Grievance Committee and the Council into allegations of misconduct on his part in the following cases:

(a) As counsel of record for DeWitt Miller in the case of Miller vs. Miller in the General Court of Justice of Catawba County.

(b) As counsel of record for the defendant Henry C. Coan, Jr. in the criminal case in the General Court of Justice of Catawba County.

(c) In his capacity of attorney at law in a complaint filed by Robert L. Frye III.

3. Phillip R. Matthews desires to surrender his license for a period of six months from and after an effective date set by the Council on condition that he be allowed to resume the practice of law six months thereafter.

4. The Tender of the Surrender of this license is freely and voluntarily tendered; it is not the result of coercion or duress; and the Petitioner is fully aware of the implications of submitting this tender.

5. The Petitioner is aware of the allegations of misconduct which have been filed against him and the affidavits and documents of the complaining parties and the Petitioner's statement and answer thereto are attached to this Petition for consideration by the Council.

6. The Petitioner does not desire to contest the charges of misconduct under investigation and feels that if it were litigated, it would cause embarrassment to himself, to his law firm and to the legal profession.

Mr. Patrick, on behalf of his client, Mr. Matthews, was present at this hearing. Each member of the Council had previously been mailed a copy of the record which was before the Grievance Committee.

After giving due consideration to the record in this case and presentation by Mr. Patrick on behalf of his client, the Council agreed to accept the Tender of Surrender of Phillip R. Matthews' license upon the following conditions, and Mr. Patrick, on behalf of his client, Phillip R. Matthews, agreed orally before the Council to these conditions and the Council entered the following resolution.

BE IT RESOLVED that the license to practice law heretofore issued to Phillip R. Matthews, Attorney of Newton, being tendered by Mr. Matthews through his attorney, Mr. Bailey Patrick, is accepted as a surrender of license and Phillip R. Matthews is suspended from the practice of law for a period of one year beginning February 1, 1976 provided that he may apply for reinstatement at the meeting of the Council in July of 1976.

BE IT FURTHER RESOLVED that Phillip R. Matthews be taxed with the costs of this proceeding.

BE IT FURTHER RESOLVED that the President is authorized and directed to enter appropriate order.

NOW, THEREFORE, IT IS ORDERED that Phillip R. Matthews is suspended from the practice of law for a period of one year from February 1, 1976 and that he is not to engage in the practice of law until further Orders of the Council of The North Carolina State Bar and that he be taxed with the costs of this proceeding in the amount of \$245.70 and that a copy of this Judgment be forwarded to the General Court of Justice of the State of North Carolina and to the appropriate authorities of the United States Federal Courts in the State of North Carolina.

This the 23rd day of January, 1976.

Frank H. Watson, President
The North Carolina State Bar

IN THE MATTER OF FRANK WADE HALL, Attorney of Asheville, the matter was heard in the Superior Court of Buncombe County before Judge Robert D. Rouse on a motion for summary judgment filed by the N. C. State Bar. This motion was denied and petition for writ of certiorari before the N. C. Court of Appeals is now pending.

The Chairman reported to the Council that 7 additional disciplinary matters are still pending either in the Superior Court or before various trial committees.

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