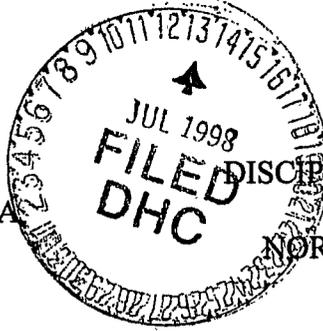


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WAKE COUNTY
NORTH CAROLINA



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
98 DR 1

IN RE REINSTATEMENT PETITION
OF PHILLIP S. BANKS III

)
) ORDER DISMISSING
) REINSTATEMENT PETITION
)

THIS MATTER came on to be heard and was heard by a hearing committee of the Disciplinary Hearing Commission composed of James R. Fox, Chair; Michael L. Bonfoey and B. Stephen Huntley on the motion of the N.C. State Bar for imposition of sanctions pursuant to N.C. Civ. Pro. Rule 37(b). Based upon the written submissions of the Petitioner, Phillip S. Banks III, and of counsel for the State Bar, Carolin Bakewell, and the record herein, the hearing committee enters the following:

FINDINGS OF FACT

1. The Petitioner, Phillip S. Banks III, was transferred to disability inactive status on Sept. 8, 1995 by order of the Disciplinary Hearing Commission.
2. On April 17, 1998, Banks filed a petition for reinstatement of his license to practice law in North Carolina.
3. On April 21, 1998, the State Bar served Banks with its first interrogatories and first request for production of documents.
4. Banks' responses to the State Bar's first interrogatories and first request for production of documents were due no later than May 26, 1998.
5. Banks failed to file timely responses to the State Bar's discovery requests and failed to file any objections to the State Bar's interrogatories and requests for production of documents.
6. On May 27, 1998, the State Bar filed a motion to compel discovery responses from Banks. The State Bar served Banks with the motion by mailing a copy to him on May 27, 1998.

7. Banks did not respond to the State Bar's motion to compel discovery responses.

8. On June 8, 1998, the Chair of the Hearing Committee entered an order commanding Banks to file complete responses to the State Bar's discovery requests by June 22, 1998.

9. On June 22, 1998, Banks filed partial responses to the State Bar's discovery requests.

10. Banks' June 22, 1998 responses to the State Bar's discovery requests were incomplete in the following respects:

- a). Banks failed to provide any documents in response to the State Bar's Request to Produce Documents No. 1 and No. 2, which requested copies of all documents and records relating to any medical treatment received by Banks from Jan. 1, 1988 to the present.
- b) Banks failed to provide any documents in response to the State Bar's Request to Produce Documents Nos. 5 & 6, which sought copies of any records relating to any treatment or counseling which Banks received from Dr. Barry Williams and Dr. Wanda Peterson.
- c) Banks failed to provide any documents in response to the State Bar's Request to Produce Documents No. 7, which sought copies of communications which Banks has filed with the courts, news media, and governmental agencies seeking the impeachment or removal of any federal judge.

11. In his June 22, 1998 responses, Banks raised several objections to the State Bar's discovery requests. Banks waived any objections which he might have had to the State Bar's discovery requests by failing to raise such objections in a timely manner and by failing to respond to the State Bar's motion to compel.

12. Even if Banks' objections to the State Bar's discovery requests had been timely made, however, the objections are without merit.

13. Banks has failed to file full and complete responses to the State Bar's discovery requests and therefore is in violation of the Chair's order of June 8, 1998.

Based upon the foregoing Findings of Fact, the Hearing Committee hereby makes the following:

CONCLUSIONS OF LAW

1. Banks has failed to comply with the Chair's discovery of June 8, 1998.
2. Banks' reinstatement petition is subject to dismissal pursuant to Rule 37(b) of the Rules of Civil Procedure based upon Banks' failure to comply with the Chair's discovery order of June 8, 1998.

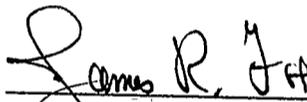
Based upon the foregoing Findings of Fact and Conclusions of Law, the Hearing Committee hereby enters the following

ORDER

The petition for reinstatement of the Petitioner, Phillip S. Banks III, is hereby DISMISSED.

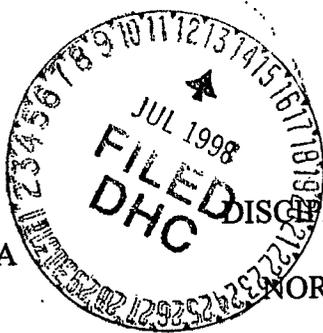
Signed by the Chair of the Hearing Committee with the knowledge and consent of the other committee members.

This the 10th day of July, 1998.



James R. Fox, Chair
Disciplinary Hearing Committee

WAKE COUNTY
NORTH CAROLINA



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
98 DR 1

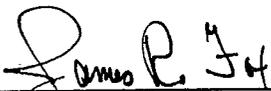
IN RE REINSTATEMENT PETITION)
OF PHILLIP S. BANKS III) ORDER DISMISSING
) REINSTATEMENT PETITION
)

THIS MATTER came on to be heard and was heard by a hearing committee of the Disciplinary Hearing Commission composed of James R. Fox, Chair; Michael L. Bonfoey and B. Stephen Huntley on the State Bar's motion for summary judgment pursuant to N.C. Civ. Pro. Rule 56. The hearing committee being of the opinion that there is no genuine issue as to any material fact and that the Respondent N.C. State Bar is entitled to judgment as a matter of law;

IT IS THEREFORE ORDERED that summary judgment is granted in favor of the Respondent N.C. State Bar and that the petition of the Petitioner, Phillip S. Banks III, for reinstatement of his law license is hereby DISMISSED.

Signed by the Chair of the Hearing Committee with the knowledge and consent of the other committee members.

This the 10th day of July, 1998.



James R. Fox, Chair
Disciplinary Hearing Committee