

3691

STATE OF NORTH CAROLINA FILED
COUNTY OF DURHAM 98 OCT 20 AM 11:09
DURHAM COUNTY, C.S.C.

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO: 98-CVS-00037

DEBRA VANCE and BY pcb)
ROBERT VANCE,)
Plaintiffs,)

v.)

J.R. OUTLAW and BE-PROM, INC.,)
d/b/a PIFER INDUSTRIES,)
Defendants.)

ORDER FOR SANCTIONS
(Walter E. Ricks, III)

THIS CAUSE coming on to be heard before the undersigned Superior Court Judge presiding at the October 15, 1998 session of the Civil Superior Court of Durham County, North Carolina, upon the Order to Show Cause as to counsel for the plaintiffs, Walter E. Ricks, III issued by the Honorable David Q. LaBarre on September 29, 1998. The defendant, J. R. Outlaw was present and represented by Charles F. Carpenter. The plaintiffs were not present nor was Mr. Ricks. The Court, having reviewed the file and having taken sworn evidence in the case, hereby makes the following findings of fact:

1. The Order to Show Cause of September 29, 1998 was timely served upon Mr. Ricks as attorney of record for the plaintiffs, and therefore the plaintiffs and Mr. Ricks had due and proper notice of the hearing.

2. Mr. Ricks failed to appear before this Court after receiving proper notice to respond both on behalf of his clients and on behalf of himself, and has therefore failed to explain or demonstrate why he has failed to pay the attorney's fees taxed against him by the Court's order of July 21, 1998, and to otherwise comply with other provisions of the Court's order.

3. The failure of Mr. Ricks to comply with the Court's orders constitutes a pattern of practice and conduct exhibited in this case by Mr. Ricks.

Based upon the foregoing findings of fact, the Court hereby concludes as a matter of law as follows:

1. Mr. Ricks has willfully and intentionally failed to comply with the orders of this Court and has failed to explain or demonstrate why he has failed to do so, and such failure follows a pattern of practice and conduct by Mr. Ricks in this case.

2. The conduct of Mr. Ricks places him in contempt of this Court, and the Court is impelled to impose sanctions on Mr. Ricks.

3. The conduct of Mr. Ricks and his representation of his clients in this matter and in his own conduct before the Court in failing to comply with duly and lawfully entered orders of the Court constitutes conduct which is unacceptable to the fair administration of justice by the courts in Durham County, North Carolina, and therefore the Court should suspend Mr. Ricks from practicing law in the courts of Durham County, North Carolina.

4. By a separate order, the Court has found the plaintiffs in contempt in this matter, and the Court has imposed sanctions upon the plaintiffs including a dismissal with prejudice of this action, and the imposition of attorney's fees in favor of the defendant J. R. Outlaw. The Court considers as an additional sanction against Mr. Ricks, that he be held jointly and severally liable with the plaintiffs for Mr. Outlaw's attorney's fees in the amount of \$ 3,804.03

5. The Court, in its discretion, has weighed whether less drastic sanctions than those imposed in this order would be appropriate, and has concluded that the sanctions imposed herein are entirely appropriate and are the least severe sanctions that the Court can impose under the circumstances.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

1. The Court hereby suspends Walter E. Ricks, III from practicing law in the courts of Durham County, North Carolina, *for a period of three years.*

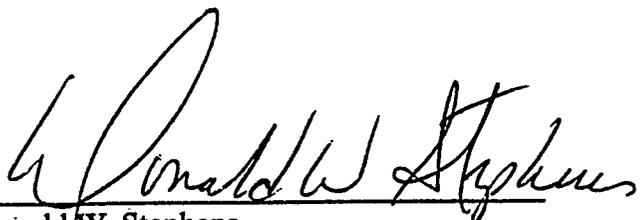
2. Walter E. Ricks, III is hereby ordered to pay to the defendant, J. R. Outlaw, jointly and severally with the plaintiffs per a separate order of the Court, attorney's fees in the amount of \$ 3,804.⁰³

3. Judgment in the amount of \$ 3,804.⁰³ against Walter E. Ricks, III is to be entered on the record as a final and enforceable judgment of the Court.

4. The portion of this order suspending Walter E. Ricks, III from the practice of law in the courts of Durham County, North Carolina, shall be vacated upon payment in full by Mr. Ricks of the attorney's fees awarded by the court herein.

5. A copy of this order shall be forwarded to the North Carolina State Bar, and the Senior Resident District and Superior Court Judges for Durham County, North Carolina.

DATED: 19 October 1998


Donald W. Stephens
Superior Court Judge Presiding

The Clerk of Superior Court is hereby directed to ~~name~~ ^{name} Walter E. Ricks III, Attorney of Record for Plaintiffs, as a Party for compliance with this order so that judgement against Attorney Ricks as a sanction can be indexed against Attorney Ricks personally in favor of defendants as ordered by the court as a sanction for his own improper conduct.

37275-1


effective 19 October, 1998 *nunc pro tunc*
and signed 22 October 1998

00553