

WAKE COUNTY
NORTH CAROLINA



15799

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
00.DHC 17

THE NORTH CAROLINA STATE BAR)
Plaintiff)

v.)

C. ANTHONY CORBETT, ATTORNEY)
Defendant)

CONSENT ORDER

THIS MATTER came on for hearing before a Hearing Committee of the Disciplinary Hearing Commission of the North Carolina State Bar composed of T. Paul Messick, Jr., Chair; Joseph G. Maddrey and Lorraine Stephens. The defendant, C. Anthony Corbett, was represented by Alan M. Schneider. Carolin Bakewell represented the plaintiff. Both parties stipulate and agree to the findings of fact and conclusions of law recited in this consent order and to the order entered herein. Based upon the consent of the parties, the hearing committee hereby enters the following:

FINDINGS OF FACT

1. The Plaintiff, the North Carolina State Bar, is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar promulgated thereunder.
2. The Defendant, C. Anthony Corbett (hereafter, Corbett), was admitted to the North Carolina State Bar in 1988, and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the rules, regulations and Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.
3. During all or a portion of the relevant periods referred to herein, Corbett was engaged in the practice of law in the State of North Carolina.
4. Corbett hereby agrees that the Disciplinary Hearing Commission may resolve all disciplinary and disability issues pending against him in the State Bar

grievance files numbers 99G 1058, 99G 1239 and 99G 1544. Corbett also hereby waives the right to seek a probable cause hearing or other proceedings by the Grievance Committee prior to resolution of these matters by the Disciplinary Hearing Commission.

5. Corbett waived his right to a formal hearing before the Disciplinary Hearing Commission.

6. Corbett was properly served with process and is subject to the personal jurisdiction of the Disciplinary Hearing Commission.

7. Corbett has been treated for depression periodically since approximately 1995. Corbett's depression is currently under control, however, and he is not at present disabled within the meaning of 27 N.C. Admin. Code Chapter 1 Subchapter B, Section .0103(19) of the State Bar Discipline & Disability Rules.

8. Corbett will continue to require treatment for his depression.

9. Corbett has also suffered from various personal problems over the last several years including a serious motor vehicle accident involving his wife and personal bankruptcy.

10. In the summer of 1999, Corbett decided to cease practicing law owing to his health and personal problems.

11. Although Corbett notified his clients of his plans to wind down his law practice, some clients were left without an effective means of communicating with Corbett to discuss their cases and pick up their files.

12. In 1998, Corbett undertook to file a civil action on behalf of Hanania Suissa against N.C. Underwriters.

13. Corbett did not file a complaint on behalf of Suissa and did not communicate adequately with him about his case.

14. Prior to April 1999, Corbett undertook to file a civil action on behalf of Sara Wyckoff against South Carolina Insurance and the National Flood Insurance Program following the destruction of Wyckoff's home by Hurricane Fran.

15. In April 1999, Corbett filed a complaint on Wyckoff's behalf in the U.S. District Court for the Eastern District of North Carolina.

16. Corbett failed to serve either defendant in the lawsuit and failed to notify Wyckoff that service had not been obtained.

17. Wyckoff's case against South Carolina Insurance and National Flood Insurance Program was dismissed owing to Corbett's failure to obtain timely service of process in the case.

18. Wyckoff was forced to expend in excess of \$18,000 to hire substitute counsel to reinstate her federal lawsuit.

Based upon the consent of the parties and the foregoing Findings of Fact, the hearing committee hereby enters the following:

CONCLUSIONS OF LAW

1. All parties are properly before the hearing committee and the committee has jurisdiction over the person of the defendant and the subject matter of this proceeding.

2. Corbett is not currently disabled within the meaning of 27 N.C. Admin. Code Chapter 1, Subchapter B, Section .0103(19) of the State Bar Discipline & Disability Rules, but will require ongoing psychiatric treatment for his depression.

3. Corbett's conduct, as set out in the Findings of Fact above, constitute grounds for discipline pursuant to N.C. Gen. Stat. Section 84-28(b)(2) as follows:

a. By failing to file a civil action in a timely fashion on behalf of Hanania Suissa, Corbett neglected a client matter in violation of Rule 1.3 of the Revised Rules of Professional Conduct;

b. By failing to ensure timely service of process of the civil action which he had filed on behalf of Sara Wyckoff and by failing to advise Wyckoff of his failure to serve the defendants, Corbett neglected a client matter in violation of Rule 1.3 of the Revised Rules of Professional Conduct, failed to communicate with his client in violation of Revised Rule 1.4 of the Revised Rules of Professional Conduct and prejudiced his client in violation of Rule 8.4(g) of the Revised Rules of Professional Conduct.

c. By failing to ensure that his clients had an effective means to communicate with him during and after the wind down of his law practice, Corbett failed to communicate with his clients in violation of Rule 1.4 of the Revised Rules of Professional Conduct.

Based upon the consent of the parties, the hearing committee also enters the following:

FINDINGS OF FACT REGARDING DISCIPLINE

1. Corbett's misconduct is mitigated by the following factors:
 - a. Lack of prior discipline;
 - b. Remorse.
 - c. Personal and emotional problems which contributed to the misconduct.
 - d. Cooperative attitude toward the disciplinary proceedings.
 - e. Lack of selfish or dishonest motive.
2. Corbett's misconduct is aggravated by the following factor:
 - a. Multiple offenses.
3. The mitigating factors outweigh the aggravating factors.

Based upon the foregoing findings of fact and conclusions of law and the findings regarding discipline and based upon the consent of the parties, the hearing committee enters the following:

ORDER OF DISCIPLINE

1. The defendant is hereby reprimanded.
2. The defendant shall pay the costs of this proceeding within 6 months after service of the final order of discipline upon him.
3. The defendant shall, at his own expense, continue counseling and treatment by a medical care provider approved by the Office of Counsel of the North Carolina State Bar and shall comply with the course of treatment prescribed by the medical care provider for the next two years or until the defendant is released from treatment, whichever first occurs.
4. The defendant shall be responsible for ensuring that a written report is received in the Office of Counsel from his medical care provider on Oct. 1, 2000, Jan. 1, 2001; April 1, 2001, July 1, 2001, Oct. 1, 2001; Jan. 1, 2002, April 1, 2002 and July 1, 2002. Such report shall indicate whether defendant is following his treatment plan and whether he is currently able to engage in the active practice of law.
5. Within 30 days of service of the final order upon him, the Defendant shall provide the Office of Counsel with a written release, authorizing the Office of Counsel to contact the Defendant's medical care provider for the purpose of determining whether Defendant is following his treatment plan and is able to engage in the practice of law. The Defendant shall not revoke the written release prior to July 30, 2002.

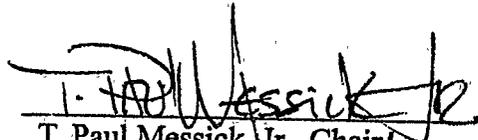
6. The terms of this order are enforceable through the Disciplinary Hearing Commission's contempt authority.

Signed by the undersigned Hearing Committee chair with the consent of the other hearing committee members.

Seen and agreed to:



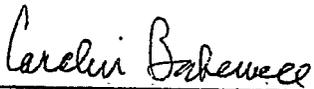
Alan M. Schneider
Defendant's Attorney



T. Paul Messick, Jr., Chair
Hearing Committee



C. Anthony Corbett, Defendant



Carolin Bakewell
Plaintiff's Counsel