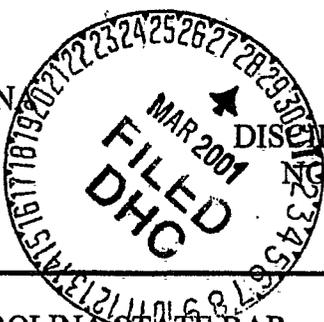


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NORTH CAROLINA  
WAKE COUNTY



BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
NORTH CAROLINA STATE BAR  
00 DHC 29

THE NORTH CAROLINA STATE BAR, )  
)  
Plaintiff, )  
)  
v. )  
)  
GARY GOODMAN, )  
)  
Defendant )

ORDER OF DISCIPLINE

This matter was considered by a Hearing Committee of the Disciplinary Hearing Commission composed of T. Paul Messick, Jr., Chair; Michael L. Bonfoey, and James N. Parrish, upon the proposed consent order of discipline submitted by the parties. The Plaintiff was represented by Larissa J. Erkman. The Defendant was represented by James B. Maxwell. Both parties stipulate and agree to the findings of fact and conclusions of law recited in this consent order and to the discipline imposed. Based on the consent of the parties, the Hearing Committee hereby enters the following:

FINDINGS OF FACT

1. 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, Gary B. Goodman (hereinafter, "Mr. Goodman"), was admitted to the North Carolina State Bar in 1978 and is, and was at all times referred to herein, an attorney at law licensed to practice law 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 the periods referred to herein, Mr. Goodman was engaged in the practice of law as an assistant district attorney in the 18<sup>th</sup> Judicial District, Guilford County, North Carolina.
4. Since 1988, Mr. Goodman has been one of the assistant district attorneys charged with handling major felony cases, including capital cases, in the Superior Court of Guilford County, North Carolina.

5. Mr. Goodman's employment as an assistant district attorney in the 18<sup>th</sup> Judicial District, Guilford County, North Carolina ended effective February 29, 2000.
6. Mr. Goodman is presently engaged in the practice of criminal defense law in Guilford County, Greensboro, North Carolina.
7. On or around September 7, 1995, Antonio Davis ("Davis" or "the victim") was robbed and killed in Greensboro, North Carolina. On November 6, 1995, Bryant Lamont Bowens ("Bowens") and Johnny Nakia Little ("Little") were indicted on first-degree murder and armed robbery charges in the death of Davis.
8. The charges against Bowens were issued in *State of North Carolina v. Bryant Lamont Bowens*, Guilford County Superior Court, 95 CRS 61503 and 95 CRS 62257 ("*State v. Bowens*"). The charges against Little were issued in *State of North Carolina v. Johnny Nakia Little*, Guilford County Superior Court, 95 CRS 62280 and 95 CRS 62281 ("*State v. Little*"). Mr. Goodman was assigned to prosecute the cases of *State v. Bowens* and *State v. Little* on behalf of the Guilford County District Attorney.
9. On September 7, 1995, Greensboro Police Officer J. T. Irizarry prepared and filed a report of the police investigation of the shooting death of Davis ("Officer Irizarry's report"). Officer Irizarry's report contained some evidence that person(s) other than Bowens and Little shot the victim.
10. On September 7, 1995, Kenneth Brown was detained by the Greensboro Police Department for questioning in connection with the shooting of Davis. Detective Walker of the Greensboro Police Department took the statement of Kenneth Brown ("Brown's Statement"). Brown's Statement contained evidence or information that tended to negate guilt or, at a minimum, tended to negate the offense of first-degree murder against Bowens and Little, in that it established Kenneth Brown was at the scene of the Davis shooting, that Bowens did not shoot the victim, and that Little may have acted in self-defense.
11. Mr. Goodman knew of the existence and substance of Officer Irizarry's report and Brown's Statement at all times relevant to the proceedings in *State v. Bowens* and *State v. Little*. Despite receiving requests for voluntary discovery in both cases, Mr. Goodman did not disclose to Bowens' or Little's defense counsel the existence or substance of either Officer Irizarry's report or Brown's Statement.
12. Little's defense attorney learned, through his own investigation, of the existence and substance of Officer Irizarry's report and the fact that the police had detained and questioned Brown. With his client's consent, he shared this information with Bowens' defense attorney.
13. On April 4, 1997, Bowens, through counsel, filed a petition for writ of *habeas corpus*. A hearing on Bowens' petition for writ of *habeas corpus* was set for April 15, 1997.

14. On April 14, 1997, Bowens' attorney, David Clark, filed an affidavit in support of the petition for writ of *habeas corpus*. The affidavit contained facts to support Bowens' claim that Mr. Goodman had withheld exculpatory information from Bowens' defense counsel in that he had not disclosed two witnesses' statements contained in Officer Irizarry's report and had not disclosed Brown's Statement.

15. On April 15, 1997, Mr. Goodman entered a plea agreement with Bowens whereby the District Attorney dismissed the first-degree murder charge against Bowens, reduced the armed robbery charge to common law robbery, did not indict Bowens as a habitual felon, dismissed six unrelated misdemeanor charges and agreed to a sentence of 19 - 23 months in return for Bowens' testimony against Little.

16. As of April 15, 1997, Bowens had been incarcerated almost 19 months.

17. As of April 15, 1997, Bowens' request for voluntary discovery had been on record for approximately 17 months.

18. On April 28, 1997, Mr. Goodman responded in writing to Little's request for voluntary discovery and motion for discovery, served on November 20, 1995 and February 15, 1996, respectively. Mr. Goodman disclosed to Little's defense counsel only a portion of one witness' statement from Officer Irizarry's report, and he did not disclose Brown's Statement.

19. At a Pretrial conference, Mr. Goodman voluntarily gave to the court, for *in camera* examination, copies of witness statements he had not believed to be exculpatory. On April 30, 1997, the court entered an order in *State v. Little* on the defendant's pretrial motion to determine whether Officer Irizarry's report and Brown's Statement were exculpatory and whether the evidence had been withheld by the State. The court determined Officer Irizarry's report contained exculpatory information or information that may lead to the discovery of exculpatory evidence and that, although Brown's Statement was incriminatory of Little, it also contained information favorable to Little.

20. The court concluded that the defendant, Little, was entitled to pre-trial discovery of the information in Officer Irizarry's report and Brown's Statement under the due process clause of the 14<sup>th</sup> Amendment to the United States Constitution as interpreted by *Brady v. Maryland*, 373 U.S. 83 (1963) and *Kyles v. Whitley*, 115 S. Ct. 1555 (1995), but that the defendant had not established any prejudice to the defendant by the State not releasing the information until the date of the ruling. The court granted defendant additional time prior to trial to investigate and develop the information for trial purposes.

21. As of the court's April 30, 1997 discovery order, Little's request for voluntary discovery had been on record for approximately 17 months and Little's motion for discovery had been on record for approximately 15 months.

22. On May 13, 1997, Little pled guilty, with the consent of the District Attorney, to voluntary manslaughter and common law robbery and was sentenced to jail for a minimum term of 36 months and a maximum term of 53 months.

23. On April 19, 1993, the Guilford County grand jury indicted Steven Mark Bishop on a charge of conspiracy with Kenneth Alonzo Kaiser to commit the felonies of first-degree kidnapping and first-degree murder, among other crimes. The charges against Bishop were issued in *State of North Carolina v. Steven Mark Bishop*, Guilford County Superior Court, 93 CRS 20410 - 23 ("*State v. Bishop*"). The case was designated as a death penalty case under Rule 24 of the Rules of Criminal Procedure.

24. Mr. Goodman was assigned to prosecute the case of *State v. Bishop* on behalf of the Guilford County District Attorney.

25. On or around March 30, 1993, the Greensboro Police Department submitted to Mr. Goodman a prosecution summary containing the written statements of Bishop's co-conspirator, Kaiser, and all of the police investigative reports. The prosecution summary included the statement of Tammie Hopkins, a K-Mart employee, who placed Bishop at a local K-Mart purchasing garbage bags at approximately 6 p.m. on the day of the crime (hereafter "Hopkins' Statement").

26. Hopkins' Statement was materially inconsistent with statements made to the police by the co-conspirator, Kaiser. Hopkins' Statement was both impeachment and exculpatory material that should have been made available to defense counsel prior to trial.

27. Bishop, through defense counsel, filed a request for, or alternative motion for, discovery ("request for discovery"). On December 17, 1993, Mr. Goodman filed a response to the discovery request on behalf of the State of North Carolina. In his response, Mr. Goodman did not disclose Hopkins' Statement.

28. On January 4, 1994, defense counsel filed a motion for discovery on behalf of Bishop ("motion for discovery"). The court ordered the State to disclose to defense counsel prior to trial any exculpatory material that defense counsel had specifically requested, including all evidence that called into question Kaiser's statements implicating Bishop. Mr. Goodman did not disclose the substance of Hopkins' Statement to defense counsel prior to trial.

29. Bishop was capitally tried to a jury at the April 4, 1994 Criminal Session of Guilford County Superior Court. The State's case against Bishop was presented through the testimony of Bishop's co-defendant, Kaiser. Kaiser was the State's key witness against Bishop.

30. During his defense, Bishop presented two witnesses who explained that they had been with Bishop at a location in Greensboro, a short distance from K-Mart, from around 5:15 p.m. to around 6:00 p.m. on October 7, 1991.

31. Bishop's defense counsel had not asserted an alibi defense prior to the start of trial, and Mr. Goodman learned of that defense as the trial unfolded. Mr. Goodman did not disclose to defense counsel either the existence or substance of Hopkins' Statement to Bishop's defense counsel even after defense counsel presented alibi testimony at trial.

32. Because Mr. Goodman did not disclose Hopkins' Statement to Bishop's defense counsel, the jury never had an opportunity to weigh Kaiser's credibility in light of the inconsistent independent evidence contained in Hopkins' Statement and the defendant never had an opportunity to use Hopkins' Statement to corroborate the alibi testimony presented at trial.

33. Mr. Goodman was assigned to prosecute the cases of *State v. Larry Debro Chambliss*, 95 CRS 42653, and *State v. John Christopher Cooper*, 95 CRS 44098 and 95 CRS 20517, on behalf of the Guilford County District Attorney. Chambliss and a co-defendant, Christopher John Cooper (hereafter, "Cooper") were both charged with first-degree murder.

34. The evidence tended to show that, on May 10, 1995, Chambliss and Cooper sought to avenge a dispute with the victim, Sawyer. The two located Sawyer in his car and pursued him in another vehicle. Chambliss fired between 7 and 9 shots out of the passenger side window. Cooper also fired his gun. Sawyer's car crashed into a utility pole. Both defendants fled the scene. Sawyer died as a result of a gunshot wound in the back.

35. The record of proceedings in *State v. Chambliss*, 95 CRS 42653, discloses that, on May 10, 1995, Chambliss' defense counsel served a discovery request pursuant to N.C. Gen. Stat. § 15A-902, seeking voluntary disclosure of all witnesses for the prosecution who claimed that Chambliss was linked or connected to the crime, all affidavits signed by witnesses for the prosecution, all forensic evidence that the district attorney claims linked the defendant to the crime, and all evidence that the district attorney intended to offer at trial.

36. On May 11, 1995, Cooper provided a statement to the police that implicated Chambliss as the shooter. In this statement, Cooper did not admit firing a weapon toward the victim.

37. Mr. Goodman served a discovery disclosure on August 18, 1995. The State's discovery disclosure focused on Chambliss' statements to the police, his prior criminal records and physical evidence obtained at the scene, as well as forensic tests and examinations performed by law enforcement agents. It did not contain Cooper's statements to the police.

38. On August 25, 1995, Cooper pled guilty to second-degree murder pursuant to a plea agreement with the District Attorney, consented to by Mr. Goodman, in exchange for Cooper's testimony against Chambliss.

39. On November 22, 1995, Chambliss' defense counsel made a motion for disclosure of evidence pursuant to N.C. Gen. Stat. §15A-903 and under *Brady v. Maryland*, requesting permission for Chambliss to inspect and copy any written or recorded statement made by Chambliss and all relevant statements made by the co-defendant, Cooper. The motion also sought an order of the court compelling the State to produce statements of the State's witnesses.

40. A hearing was conducted before Judge Steve Allen. Judge Allen ruled that Chambliss was entitled to discovery.

41. Chambliss' defense counsel submitted a proposed order to Judge Allen following the hearing.

42. On December 15, 1995, Mr. Goodman filed a Supplemental Disclosure #1, disclosing the transcript of plea, dated August 25, 1995, pertaining to the State's plea arrangement with Cooper.

43. At the same time, Mr. Goodman filed exceptions to Chambliss' defense counsel's proposed order on Judge Allen's discovery ruling and a memorandum of law related to, among other things, disclosure of statements made by Cooper. Citing N.C. Gen. Stat. §15A-903(f)(1), Mr. Goodman contended that any statements by Cooper need not be disclosed until Cooper had testified on direct examination at trial.

44. On December 22, 1995, Judge Allen nevertheless entered the proposed order submitted by Chambliss' defense counsel (hereafter, the "December 1995 discovery order"), ruling that "[t]he defendant [Chambliss] is entitled to receive all copies of all statements made by the codefendant Christopher Cooper [and] is entitled to production of any plea bargain or cooperation agreement the State has entered into with [Cooper] ... ."

45. Mr. Goodman did not produce "copies of all statements made by the codefendant" Cooper, as required by the December 1995 discovery order.

46. On January 10, 1996, Chambliss' defense counsel filed a motion for sanctions, asserting that the State had willfully refused to comply with the December 1995 discovery order. On January 15, 1996, Mr. Goodman filed a response to the defendant's motion for sanctions.

47. In the response, Mr. Goodman stated that he had not thus far complied with the December 1995 discovery order because the order exceeded the authority of the court respecting statements of witnesses, for the reasons outlined in the exceptions that the State had filed on December 15, 1995.

48. Mr. Goodman did not file an interlocutory appeal to test the validity of the court's ruling in the December 1995 discovery order.

49. On January 25, 1996, Guilford County Superior Court, Judge Melzer Morgan, presiding, heard the defendant's motion for sanctions. In open court, Judge Morgan ordered Mr. Goodman to fully comply with the December 1995 discovery order.

50. Judge Morgan also instructed Mr. Goodman to execute an affidavit under oath certifying that he had already disclosed all letters, written memos, and oral understandings between counsel and law enforcement relating to Cooper's plea bargain or cooperation agreement with the State. Judge Morgan also ordered Mr. Goodman to file with him, for *in camera* inspection, all information obtained by law enforcement or the prosecution from eyewitnesses and all law enforcement summaries or interviews or reports concerning information obtained from alleged eyewitnesses. The purpose of this filing was so that the court could enter an order deciding what information was discoverable under *Maryland v. Brady*. Judge Morgan also ordered Mr. Goodman to file an accompanying affidavit that the materials submitted were all that were known to exist by the District Attorney's office and by involved law enforcement agencies.

51. On January 31, 1996, Mr. Goodman filed affidavits and submitted materials for *in camera* review by the court.

52. On or around February 14, 1996, Chambliss' defense counsel filed a motion to compel the State's compliance with the December 1995 discovery order and with the discovery order entered by the Court on January 25, 1996.

53. The defendant's motion to compel was heard by Judge Morgan. Judge Morgan entered an order dated February 27, 1996 again directing Mr. Goodman to disclose to defense counsel all the details of the plea agreement with Cooper, as well as all written statements made by Cooper to law enforcement officers, and any written summaries thereof. Judge Morgan also ordered Mr. Goodman to disclose to defense counsel summaries of interviews with three witnesses relating to statements made to them by Cooper. Judge Morgan further required Mr. Goodman to provide to the Court, for *in camera* review, all notes, memoranda, police reports, prosecution summaries or any thing else reflecting statements made by Cooper regarding the homicide which the State did not provide to defense.

54. Mr. Goodman filed an amended disclosure statement to correct a technical error in his prior disclosure regarding the statements of Cooper and filed a supplemental affidavit of the law enforcement officer, summarizing the dates of interviews with Cooper and the statements taken as a result of the interviews. The law enforcement officer affirmed that the statements already turned over to defense counsel were the only statements, documents, letters, written memos, or notes containing the substance of his interviews with Cooper. Mr. Goodman also filed supplemental affidavits of Cooper's

attorney, Bruce Lee, and himself, affirming that the plea transcript already produced contained the entire arrangement with Cooper and no other documentation existed.

55. On March 7, 1996, Judge Morgan entered an order recognizing that, pursuant to paragraph 4 of the court's January 25, 1996 discovery order, Mr. Goodman had filed under seal an affidavit containing a factual synopsis of the circumstances surrounding the homicide of Sawyer, together with excised copies of all the known Greensboro police officer reports containing information provided by purported eyewitnesses.

56. Upon *in camera* review of the materials filed under seal, Judge Morgan concluded that the statements or interview summaries of seven witnesses contained information favorable to the defendant or impeachment information and that the defendant Chambliss was entitled to the information as a matter of law under *Brady v. Maryland*. Judge Morgan ordered the Clerk to deliver a copy of these materials to defense counsel.

Based upon the foregoing Findings of Fact and by consent of the parties, the Hearing Committee enters the following:

#### CONCLUSIONS OF LAW

1. All parties are properly before the Hearing Committee and the Committee has jurisdiction over the Defendant, Gary Goodman, and the subject matter of this proceeding.
2. The Defendant's conduct, as set out in the Findings of Fact above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) as follows:
  - (a) By failing to timely disclose to Bowens' defense counsel evidence or information known to him that tended to negate the guilt of Bowens or mitigated the criminal offense, Mr. Goodman breached his special responsibilities as a prosecutor in violation of Rule 7.3(4) of the superseded (1985) North Carolina Rules of Professional Conduct (hereafter, "Rules of Professional Conduct");
  - (b) By failing to timely disclose to Little's defense counsel evidence or information known to him that tended to negate the guilt of Little or mitigated the criminal offense, Mr. Goodman breached his special responsibilities as a prosecutor in violation of Rule 7.3(4) of the Rules of Professional Conduct;
  - (c) By failing to timely disclose to Bowens' defense counsel evidence or information known to him that tended to negate the guilt of Bowens or mitigated the criminal offense, Mr. Goodman engaged in conduct that is prejudicial to the administration of justice in violation of Rule 1.2(d) of the Rules of Professional Conduct; and

- (d) By failing to timely disclose to Little's defense counsel evidence or information known to him that tended to negate the guilt of Little or mitigated the criminal offense, Mr. Goodman engaged in conduct that is prejudicial to the administration of justice in violation of Rule 1.2(d) of the Rules of Professional Conduct.
- (e) By failing to timely disclose to Bishop's defense counsel evidence or information known to him that tended to negate the guilt of Bowens or mitigated the criminal offense, Mr. Goodman breached his special responsibilities as a prosecutor in violation of Rule 7.3(4) of the Rules of Professional Conduct.
- (f) By failing to timely disclose to Bishop's defense counsel evidence or information known to him that tended to negate the guilt of Bowens or mitigated the criminal offense, Mr. Goodman engaged in conduct that is prejudicial to the administration of justice in violation of Rule 1.2(d) of the Rules of Professional Conduct.
- (g) By disregarding rulings of a tribunal made in the course of a criminal proceeding, without taking appropriate steps in good faith to test the validity of the ruling, Mr. Goodman violated Rule 7.6 of the Rules of Professional Conduct; and
- (h) By disregarding rulings of a tribunal such that the court believed it necessary to require Mr. Goodman to file affidavits of compliance and to require *in camera* review of prosecution materials to assure his compliance with legal obligations related to disclosure of exculpatory or impeachment information, Mr. Goodman engaged in conduct that is prejudicial to the administration of justice in violation of Rule 1.2(d) of the Rules of Professional Conduct

Based upon the foregoing Findings of Fact and Conclusions of Law and upon the consent of the parties to the discipline to be imposed, the Hearing Committee hereby makes additional

#### FINDINGS OF FACT REGARDING DISCIPLINE

1. The Defendant's misconduct is aggravated by the following factors:
  - a) A pattern of misconduct.
  - b) Multiple offenses.
  - c) Vulnerability of the victims.
  - d) Substantial experience in the practice of law.
2. The Defendant's misconduct is mitigated by the following factors:
  - a) Absence of prior disciplinary record.
  - b) Free and full disclosure to the DHC and cooperative attitude toward the proceedings.

- c) Remoteness of the underlying offenses, coupled with a significant change of circumstance, in that Mr. Goodman is no longer employed as a prosecuting attorney and has not been so employed since February 29, 2000 and has no present intention of seeking employment as a prosecuting attorney.
- d) Delay in disciplinary proceedings through no fault of Defendant.

3. The aggravating factors do outweigh the mitigating factors.

Based upon the foregoing aggravating and mitigating factors and the consent of the parties, the Hearing Committee hereby enters the following

#### ORDER OF DISCIPLINE

1. The license of the Defendant, Gary Goodman, is hereby suspended for two years. The suspension of Defendant's license is hereby stayed for two years so long as Defendant complies with the following terms and conditions during the period of the stay:

- (a) The Defendant shall not violate any state or federal laws.
- (b) The Defendant shall not violate any provisions of the North Carolina State Bar Discipline & Disability Rules or the Revised Rules of Professional Conduct.
- (c) The Defendant shall not seek or accept employment with any federal or state prosecutor's office for the period of the stayed suspension.
- (d) Should the Defendant seek employment at any future time with the office of any federal or state prosecutor, he shall make them aware of this Order of Discipline.
- (e) Subject to the approval and consent of the local criminal defense bar, the Defendant shall be required to attend 7 of 12, or at least 60%, of the meetings held by the local criminal defense bar during each year of the stayed suspension.
- (f) Within 30 days of entry of this order, the Defendant shall select a member of the criminal defense bar who is willing to serve as a criminal law practice mentor ("Mentor") for all felony cases in which Defendant serves as defense counsel during the stayed suspension. The member of the criminal defense bar selected by Defendant shall serve as Mentor subject to the approval of the NC State Bar Office of Counsel.

- (g) The Mentor shall consult with and advise Defendant regarding case strategy, communication with clients, discovery and other discretionary decisions related to Defendant's representation of criminal defendants in felony cases. Service of the Mentor in this role shall be voluntary and uncompensated and, in no event, shall the Mentor be deemed to represent the criminal defendants in such felony cases for purposes of professional liability or allegations of ineffective assistance of counsel or the like.
- (h) At least once a month during the period of the stayed suspension, the designated Mentor and the Defendant shall meet and discuss and review at least each of the following aspects of all felony cases that the Defendant may be then handling:
- i. A list of all felony cases in which Defendant is serving as defense counsel and the court in which each case is pending.
  - ii. A procedural summary, including a summary of the investigative and pre-indictment proceedings, as well as post-indictment proceedings.
  - iii. A summary of facts and evidence.
  - iv. A discussion of proposed case strategy.
  - v. A summary of legal issues to be researched and research completed to date, along with research conclusions.
  - vi. A summary of the Defendant's communications with his client, including the dates and substance of communications.
  - vii. A summary of facts and evidence sought through discovery.
  - viii. A summary of facts and evidence disclosed by Defendant to the prosecution.
  - ix. A summary of plea negotiations.
  - x. An analysis of any plea offer(s) and Defendant's recommendation on whether his client should accept the plea offer(s), make a counter-offer(s) or reject the offer(s) with supporting reasons.
  - xi. Defendant's recommendation on whether the criminal defendant should testify at trial and the reasons for his recommendation.
  - xii. A report of any other developments in the case that affect case strategy or that need to be communicated to his client.
  - xiii. Case outcome and appellate or post-conviction issues.
  - xiv. Any other information that the Mentor requests.

If the Mentor deems it necessary or appropriate, the Defendant shall provide this information in written form to the Mentor prior to their meetings. The Defendant shall answer any questions that the Mentor may have regarding the Defendant's handling of felony cases and shall receive advice and consultation from the

Mentor on any aspect of Defendant's felony cases that the Mentor deems appropriate and necessary.

- (i) During the period of the stayed suspension, the Defendant shall handle no direct appeals other than those that might involve Motions for Appropriate Relief or rulings on Motions to Suppress. The Defendant shall provide to the Mentor a list of all appeals involving Motions for Appropriate Relief or rulings on Motions to Suppress in which he is involved. The Defendant shall answer any questions that the Mentor may have regarding the Defendant's handling of such cases and shall receive advice and consultation from the Mentor on any aspect of Defendant's such cases that the Mentor deems appropriate and necessary.
- (j) During the period of the stayed suspension, the Defendant shall also report to the Mentor and to the NC State Bar Office of Counsel any filings in federal or state court that he receives from, or on behalf of, a criminal defendant that he currently represents or formerly represented alleging ineffective assistance of counsel.
- (k) The Mentor shall report to the NC State Bar Office of Counsel the Defendant's failure to substantially comply with any of the above conditions.
- (l) Defendant shall pay all costs incurred in this proceeding and taxed against him by the Secretary of the North Carolina State Bar within 180 days of receiving notice of such costs.

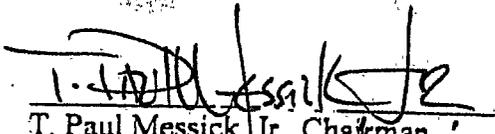
2. If, during any period in which the two-year suspension is stayed, the Defendant fails to comply with any one or more conditions stated in paragraph 1, then the stay of the suspension of his law license may be lifted as provided in §.0114(x) of the North Carolina State Bar Discipline & Disability Rules.

3. If the stay of the suspension of the Defendant's law license is lifted, the Disciplinary Hearing Commission may enter an order providing for such conditions, as it deems necessary for reinstatement of the Defendant's license at the end of the two-year period where in Defendant's license is actively suspended.

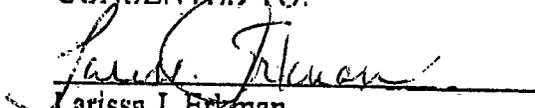
4. The Disciplinary Hearing Commission will retain jurisdiction of this matter pursuant to 27 N.C. Admin. Code Chapter 1, Subchapter B, §.0114(x) of the North Carolina State Bar Discipline & Disability Rules throughout the period of the stayed suspension.

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

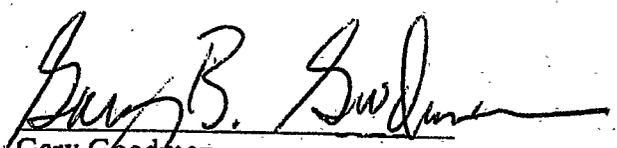
This the 26<sup>th</sup> day of MARCH, 2001.

  
T. Paul Messick, Jr., Chairman  
DHC Hearing Committee

CONSENTED TO:

  
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