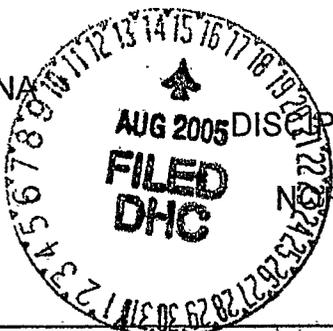


18987

NORTH CAROLINA
WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
05 DHC 20

THE NORTH CAROLINA STATE BAR,)
Plaintiff)
v.)
R.PATRICK DURKIN, Attorney,)
Defendant)

CONSENT ORDER

This matter was heard by a Hearing Committee of the Disciplinary Hearing Commission. Katherine E. Jean represented the Plaintiff. Defendant represented himself pro se. Defendant has agreed to waive a formal hearing in the above-referenced matter. Both parties stipulate and agree to the findings of fact and conclusions of law recited in this consent order.

Based upon the consent of the parties, the Hearing Committee hereby enters the following:

FINDINGS OF FACT

1. Plaintiff, the North Carolina State Bar (hereinafter "State Bar"), is a body duly organized under the laws of North Carolina and is the proper party to consent to this order 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.

2. Defendant, R. Patrick Durkin (hereinafter "Durkin"), was admitted to the North Carolina State Bar on August 22, 1992, and was at all times until his license was suspended for failure to pay mandatory Bar membership fees on July 26, 2004, an attorney at law licensed to practice in North Carolina. At all times alleged herein, and at present, Durkin is and was subject to the rules, regulations, and Revised Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.

3. During the times relevant herein, Durkin actively engaged in the practice of law in the State of North Carolina and maintained a law office in the Cary, Wake County, North Carolina.

4. Durkin closed his law practice and moved to New Jersey in or before December, 2002.

5. Durkin's law license was suspended in June, 2004, for failure to pay mandatory State Bar membership fees.

6. Durkin has not taken any CLE courses since November, 2001.

7. Durkin did not file an answer to the complaint in this action and allowed default to be entered in this case.

8. Durkin suffers from a mental condition, depression, which significantly impairs his professional judgment, performance or competence as an attorney.

9. Durkin consents to being transferred to disability inactive status.

10. There is one count of violation of the Rules 1.15-3(c), 1.3, 1.115-2(m), 1.16(d), 1.4(a)(3), 1.4(a)(4), and 8.1 of the Revised Rules of Professional Conduct contained in the complaint filed in this action, including but not limited to allegations of neglect, failure to reconcile his trust account, failure to deliver entrusted funds to clients, failure to notify clients when he closed his law practice, failure to communicate with clients, and failure to appear in response to the State Bar's subpoena.

11. Durkin's disability caused the conduct giving rise to the allegations of Rule violations contained in the complaint.

12. Durkin has sufficient capacity to understand the consequences of consenting to the terms of this order.

Based upon the foregoing Findings of Fact, the undersigned makes the following:

CONCLUSIONS OF LAW

1. There is clear, cogent and convincing evidence that Durkin is disabled within the meaning of 27 N.C.A.C. 1B §.0103(19).

2. Durkin should be transferred to disability inactive status with the State Bar.

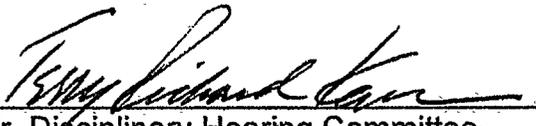
3. Durkin has voluntarily consented to being transferred to disability inactive status.

4. The other pending claims before the Disciplinary Hearing Committee and any pending grievances should be stayed during the period of disability pursuant to 27 N.C.A.C. 1B §.0118(d)(1).

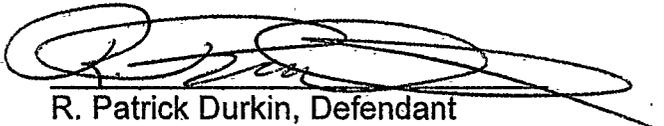
Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED:

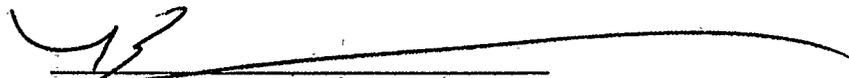
1. R. Patrick Durkin is transferred to disability inactive status.
2. Durkin shall not practice law in North Carolina until he is no longer disabled and has been returned to active status as a member of the North Carolina State Bar pursuant to the procedures set out in 27 N.C.A.C. 1B §.0125(c).
3. The second claim for relief contained in the complaint filed herein is stayed during the period of disability pursuant to 27 N.C.A.C. 1B §.0118(d)(1).

This the 12th day of AUGUST, 2005.


Chair, Disciplinary Hearing Committee
with consent and approval of other
committee members

CONSENTED TO:


R. Patrick Durkin, Defendant


Katherine E. Jean, Attorney for Plaintiff