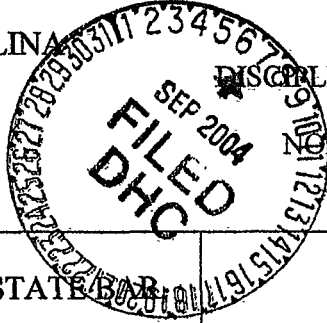


20627

STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE DISCIPLINARY HEARING COMMISSION OF THE NORTH CAROLINA STATE BAR 03 DHC 19

THE NORTH CAROLINA STATE BAR

Plaintiff

ORDER OF DISCIPLINE

v.

TERRY T. ZICK, Attorney,

Defendant

This matter was heard on July 30 and 31, 2004, before a hearing committee of the Disciplinary Hearing Commission composed of W. Steven Allen, Sr., Chair, Stephen E. Culbreth, and Marguerite P. Watts. Jennifer A. Porter represented the Plaintiff, the North Carolina State Bar. Johnny S. Gaskins represented the Defendant, Terry T. Zick. Based upon the pleadings and the evidence introduced at the hearing, 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. Defendant, Terry T. Zick, was admitted to the North Carolina State Bar on or about March 19, 1994 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 the periods relevant to this proceeding, Defendant actively engaged in the practice of law in the State of North Carolina and maintained a law office in the city of Wilmington, New Hanover County, North Carolina.
4. Defendant was properly served with process and the hearing was held with due notice to all parties.
5. On or about August 13, 2001, Robert Dorsey (Dorsey) retained Defendant to represent him in a case alleging bid rigging on the part of the New Hanover County

School District (the School District). Dorsey paid Defendant a \$4,000 nonrefundable retainer fee plus an advance fee of \$1,000.

6. On or about October 9, 2001, Defendant filed suit against the School District on behalf of Dorsey. The case was filed in the Eastern District of the United States District Court (01-CV-187-F (1)).

7. On or about November 30, 2001, the School District filed a motion to dismiss Dorsey's case. Defendant filed two motions, on December 21, 2001 and January 11, 2002 respectively, requesting an extension of time to respond to the School District's motion to dismiss.

8. Despite having been granted the requested extensions, Defendant failed to respond to the School District's motion to dismiss and failed to appear in court to oppose the motion. On February 22, 2002 the Court entered an order directing the Clerk to dismiss the case. Despite weekly inquiries from Dorsey regarding the status of the case, Defendant did not inform Dorsey that the case had been dismissed.

9. During the pendency of the School District case, Dorsey also retained Defendant to represent him in filing for bankruptcy protection. On November 29, 2001, Dorsey paid Defendant \$500 in attorney fees plus a filing fee of \$185 to file his petition in the bankruptcy court.

10. Defendant did not place Dorsey's filing fee into a trust account.

11. On or about January 16, 2002, Charles H. Calder (Calder) filed a grievance with the North Carolina State Bar. On or about March 16, 2002, Defendant received, via certified mail, a Letter of Notice from the Chair of the Grievance Committee of the North Carolina State Bar regarding the grievance filed by Calder. Defendant was required to respond to the Letter of Notice by March 31, 2002.

12. Defendant did not respond to the Calder Letter of Notice and a follow-up letter was sent to Defendant on or about April 3, 2002 reminding her that her response was overdue. Defendant did not respond to the follow-up letter.

13. On or about May 30, 2002 a subpoena was served on Defendant requiring her to appear at the State Bar on June 20, 2002 and respond to Calder's complaint. Defendant's written response to the Calder Letter of Notice was received on or about June 5, 2002, only after being subpoenaed to the State Bar.

14. In July 2000, Teresa Cooper (Cooper) hired Defendant to collect a debt. Cooper paid Defendant a fee of \$2,500. In August 2000, Cooper supplied Defendant with the documents supporting her outstanding debt claim and informed Defendant that time was of the essence, in that collection of the debt was necessary for Cooper to meet her mortgage obligations.

15. Despite numerous communications from Cooper, Defendant failed to file the complaint in Cooper's case until February 2001.

16. On the trial date in January 2002, a settlement agreement was reached. Defendant presented the court with a hand-written settlement order that was signed by the parties and the judge.

17. Defendant's refusal to provide Cooper with a typed court order caused additional expense and delay for Cooper.

18. On or about February 12, 2002, Defendant received a Letter of Notice from the Chair of the Grievance Committee of the North Carolina State Bar regarding the grievance filed by Cooper. Defendant was required to respond to the Letter of Notice by February 27, 2002.

19. Defendant did not respond to the Letter of Notice as required. On or about May 30, 2002 a subpoena was served on Defendant requiring her to appear at the State Bar on June 20, 2002 and respond to Cooper's complaint. Defendant's written response to the Letter of Notice was received on or about June 18, 2002, only after being subpoenaed to the State Bar.

20. Defendant represented Connie Brownson (Brownson) in a civil action filed against the Wilmington Hilton Hotel (the Hotel).

21. In November 2001 Defendant wrote opposing counsel Lori Patterson (Patterson) and accused her of engaging in a sexual relationship with Mr. Andrew Sims (Sims) who was president of the Hotel and Patterson's client. In the November letter to Patterson, Defendant also misrepresented advice given to her by ethics counsel for the North Carolina State Bar.

22. On December 19, 2000, Defendant wrote a letter and sent it directly to David Stocker (Stocker), Director of Human Resources for the Hotel, and a member of the management team involved in the civil action. Defendant knew that Stocker was Director of Human Resources and as such was represented by counsel for the Hotel at the time she sent the letter directly to him. Defendant did not have the consent of counsel for the Hotel and Stocker to communicate directly with Stocker.

23. Sims filed a grievance against Defendant. On or about January 31, 2002, Defendant received a Letter of Notice from the Chair of the Grievance Committee of the North Carolina State Bar regarding the grievance filed in this matter by Sims. Defendant was required to respond to the Letter of Notice by February 15, 2002.

24. Defendant did not respond to the Letter of Notice and a subpoena was served on her on May 30, 2002 requiring her to appear at the State Bar on June 20, 2002 and respond to the grievance filed by Sims. Defendant appeared as required by the

subpoena, but did not supply a written response regarding her representation of Brownson until March 17, 2003.

25. Jackson Moore (Moore) hired Defendant on or about May 20, 1999 and paid Defendant \$2,500 to represent him in an employment discrimination case.

26. Defendant filed Moore's employment discrimination action in federal court.

27. After filing the suit, Defendant failed to respond in writing to or to appear at the hearing on the defendant's motion to dismiss. The motion was granted and Moore's case was dismissed.

28. On or about January 30, 2002, Defendant received a Letter of Notice from the Chair of the Grievance Committee of the North Carolina State Bar regarding a grievance filed by Moore. Defendant was required to respond to the Letter of Notice by February 14, 2002.

29. Defendant did not respond to the Letter of Notice and a subpoena was served on her on May 30, 2002 requiring her to appear at the State Bar on June 20, 2002 and respond to the grievance filed by Moore. Defendant appeared as required by the subpoena, but did not supply a written response regarding her representation of Moore.

30. Bobby J. Chastain (Chastain) hired Defendant on or about September 18, 2000 to represent him in a contract dispute with a concrete supplier. Chastain paid Defendant a flat fee of \$2,500.

31. After receiving the fee, Defendant rarely responded to Chastain's communications and filed the complaint in the case only after Chastain threatened to fire Defendant.

32. After the complaint was filed, the case languished and Chastain, on at least two occasions, discussed the need to hire a new attorney. Each time Defendant promised she would get the matter resolved, yet took no action.

33. Chastain requested that Defendant return his file. Defendant failed to return the client file to Chastain.

34. On or about October 23, 2002, Chastain filed a fee dispute petition with the North Carolina State Bar. On or about November 5, 2002, Defendant was served with the notice of petition. Defendant failed to respond to the notice regarding Chastain's fee dispute.

35. On or about November 18, 2002, the State Bar sent, via certified mail, a second Letter of Notice requesting a response to Chastain's fee dispute

petition. Defendant failed to respond to the follow-up Letter of Notice regarding Chastain's fee dispute petition.

36. On or about October 23, 2002, Chastain filed a grievance with the State Bar against Defendant. On or about December 21, 2002, Defendant received a Letter of Notice, via certified mail, requesting a response to the grievance filed by Chastain. Defendant failed to respond to the Letter of Notice.

37. On or about October 16, 2002, Jack Liberstein (Liberstein) retained Defendant to represent him on a homeowner insurance policy issue. Liberstein paid Defendant \$2,500 as an advance fee.

38. Shortly after hiring Defendant, Liberstein experienced problems communicating with Defendant and decided to dismiss her from the case.

39. On or about October 22, 2003, Liberstein terminated Defendant's representation in writing and asked for a refund of the advance fee and the return of his file.

40. Defendant did not return Liberstein's file or refund any of his advance fee.

41. On or about October 30, 2002, Liberstein filed a petition for the resolution of a disputed fee with the North Carolina State Bar.

42. On or about November 12, 2002, Defendant was served with a Letter of Notice via certified mail requesting a response to Liberstein's fee dispute petition. Defendant failed to respond to the Letter of Notice regarding Liberstein's fee dispute.

43. On or about November 18, 2002, the State Bar sent, via certified mail, a second Letter of Notice requesting a response to Liberstein's fee dispute petition. Defendant failed to respond to the follow-up Letter of Notice regarding Liberstein's fee dispute petition.

44. On or about October 30, 2002, Liberstein filed a grievance with the State Bar against Defendant. On or about December 21, 2002, Defendant received a Letter of Notice, via certified mail, requiring a response by January 6, 2003 to the grievance filed by Liberstein. Defendant's response was not received until 17 March 2003. Defendant failed to respond to the Letter of Notice within the required 15-day response period.

45. On or about May 17, 2002, Mark Ziegler (Ziegler) filed a fee dispute petition with the North Carolina State Bar seeking the return of a legal fee he had paid to Defendant.

46. On or about May 21, 2002, Defendant was served with a Letter of Notice via certified mail requesting a response to Ziegler's fee dispute petition. Defendant failed to respond to the Letter of Notice regarding Ziegler's fee dispute.

47. On or about July 5, 2002, and August 1, 2002 the State Bar sent, via certified mail, a second and third Letter of Notice requesting a response to Ziegler's fee dispute petition. Defendant failed to respond to the follow-up Letters of Notice regarding Ziegler's fee dispute petition.

48. The North Carolina State Bar opened a grievance against Defendant based on her failure to respond to Ziegler's fee dispute. On or about October 3, 2002, Defendant received from the State Bar, via certified mail, a Letter of Notice regarding her failure to respond in the Ziegler fee dispute. The Letter of Notice required Defendant to respond by October 18, 2002.

49. Defendant failed to respond to the Ziegler Letter of Notice.

50. On or about November 10, 2000, Martha Ritchie (Ritchie) hired Defendant to represent her in bankruptcy court to object to the discharge of a debt owed to Ritchie by Sallie A. and Charlie Gregory. Ritchie paid Defendant a \$3,000.00 advance fee.

51. After being hired, Defendant failed to respond to Ritchie's written and verbal communications.

52. Defendant failed to file a complaint to object to the discharge of Ritchie's claim in the Gregory bankruptcy.

53. Ritchie notified Defendant by a letter dated June 9, 2002 that she no longer wanted Defendant to represent her, and that she wanted her files and legal fee returned to her. Defendant did not return the files or refund any portion of the fee.

54. On or about July 22, 2002 Ritchie filed a fee dispute petition with the North Carolina State Bar seeking the return of her legal fee.

55. On or about July 26, 2002, Defendant was served with a Letter of Notice via certified mail requesting a response to Ritchie's fee dispute petition. Defendant failed to respond to the Letter of Notice regarding Ritchie's fee dispute.

56. On or about August 13, 2002 and September 3, 2002 the State Bar served, via certified mail, a second and third Letter of Notice requesting a response to Ritchie's fee dispute petition. Defendant failed to respond to the follow-up Letters of Notice regarding Ritchie's fee dispute petition.

57. On or about July 10, 2002, Ritchie filed a grievance with the North Carolina State Bar alleging that Defendant had violated the Revised Rules of Professional Conduct.

58. On or about September 6, 2002, Defendant received from the State Bar, via certified mail, a Letter of Notice regarding Ritchie's complaint. Defendant was required to respond to the Letter of Notice by September 21, 2002.

59. On or about October 4, 2002, Defendant received a follow-up letter from the State Bar reminding her that her response to the Ritchie grievance was due.

60. Defendant failed to respond to the Letter of Notice regarding Ritchie.

61. On or about August 13, 2002 Paul Pratt (Pratt) filed a grievance with the North Carolina State Bar alleging that Defendant had violated the Revised Rules of Professional Conduct.

62. On or about December 21, 2002, Defendant received from the State Bar, via certified mail, a Letter of Notice summarizing Pratt's complaint. The Letter of Notice required Defendant to respond by January 6, 2003.

63. Defendant failed to respond to the Pratt Letter of Notice.

64. Defendant unlawfully and willfully failed to timely file state withholding tax returns and failed to timely pay the state income tax withheld from the wages of her employee Homer M. Boney (Boney) as required by N.C. Gen. Stat. §§ 105-163.2 and 105-163.6, for some or all of the reporting periods from August 2002 through April 2003.

65. Defendant unlawfully and willfully failed to timely file federal withholding tax returns and failed to timely pay the federal income tax withheld from the wages of her employee Boney as required by 26 U.S.C. §§ 3402 and 6151 for some or all of the reporting periods from August 2002 through April 2003.

#### CONCLUSIONS OF LAW

1. All the parties are properly before the hearing committee and the committee has jurisdiction over the Defendant, Terry T. Zick, and the subject matter.

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 respond to the School District's motion to dismiss and failing to appear to oppose the motion in Dorsey's case, Defendant failed to act with reasonable diligence and promptness in representing her client in violation of Rule 1.3.
- b. By failing to deposit Dorsey's bankruptcy filing fee into a trust account, and by failing to refund the fee when she was unable to file Dorsey's bankruptcy petition, Defendant failed to hold client property in trust in violation of Rule 1.15-2(a) and failed to pay or deliver client property to the client in violation of Rule 1.15-2(m) and Rule 1.16(d) of the Revised Rules of Professional Conduct.
- c. By failing to respond to the Letters of Notice issued by the Chair of the Grievance Committee regarding the grievances filed by Calder, Cooper, Sims, Moore, Chastain, Liberstein, Ziegler, Ritchie, and Pratt within the deadline established by the rules, Defendant failed to timely respond to an inquiry by the Bar in violation of Rule 8.1(b) of the Revised Rules of Professional Conduct and North Carolina General Statute Sec. 84-28 (b)(3).
- d. By failing to take timely action to assist Cooper, Defendant neglected a client's case in violation of Rule 1.3.
- e. By writing a letter directly to David Stocker, who was a member of the hotel's management team, without the consent of the hotel's counsel, Defendant communicated directly with a person known to be represented by counsel, in violation of Rule 4.2.
- f. By making statements regarding the sexual conduct of opposing counsel and misrepresenting the advice given by the State Bar during her representation of Brownson, Defendant engaged in conduct with no substantial purpose other than to embarrass, delay, or burden another person in violation of Rule 4.4, and engaged in behavior prejudicial to the administration of justice, in violation of Rule 8.4(d).
- g. By failing to respond to the defendant's motion to dismiss and failing to appear to oppose the motion in her representation of Moore, Defendant neglected a client matter in violation of Rule 1.3.
- h. By failing to keep Chastain and Ritchie reasonably informed regarding the status of their cases and by failing to respond to her clients' reasonable requests for information, Defendant failed to communicate with her clients in violation of Rule 1.4(a).
- i. By failing respond to the Letters of Notice with regard to the fee dispute petitions filed by Chastain, Liberstein, Ziegler, and Ritchie, Defendant failed to participate



in good faith in the fee dispute process in violation of Rule 1.5(f)(2) and failed to respond to a lawful demand for information in violation of Rule 8.1(b).

- j. By failing to return the unearned portion of the \$2,500 fee to Liberstein after she was dismissed from the case, Defendant retained a clearly excessive fee in violation of Rule 1.5 and Rule 1.16(d).
- k. By failing promptly to return the files belonging to Chastain, Liberstein, and Ritchie upon being discharged, Defendant failed to take reasonable steps to protect her client's interest in violation of Rule 1.16(d).
- l. By failing to respond to the letter of notice issued by the Chair of the Grievance Committee regarding the Liberstein grievance within the deadline established by the rules, Defendant failed to timely respond to an inquiry by the Bar in violation of Rule 8.1(b) of the Revised Rules of Professional Conduct and North Carolina General Statute Sec. 84-28(b)(3).
- m. By failing to return the unearned portion of the \$3,000 fee paid to her by Ritchie at the initiation of the representation, Defendant retained a clearly excessive fee in violation of Rule 1.5 and 1.16(d).
- n. By unlawfully and willfully failing to file and/or pay state income tax withholdings when those taxes were due, Defendant committed criminal acts that reflect adversely on her honesty, trustworthiness, or fitness in other respects in violation of Rule 8.4 (b) and engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4 (c).
- o. By unlawfully and willfully failing to file and/or pay federal income tax withholdings when those taxes were due, Defendant committed criminal acts that reflect adversely on her honesty, trustworthiness, or fitness in other respects in violation of Rule 8.4 (b) and engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4 (c).

Based upon the foregoing Findings of Fact and Conclusions of Law and upon the evidence and arguments of the parties concerning appropriate discipline, the hearing committee hereby makes additional

#### FINDINGS OF FACT REGARDING DISCIPLINE

- 1. The Committee finds the following aggravating factors:
  - a. Defendant has engaged in a pattern of misconduct;
  - b. Defendant has engaged in multiple offenses; and

- c. Defendant has substantial experience in the practice of law.
2. The Defendant's misconduct is mitigated by the following factor:
  - a. Absence of a prior disciplinary record.
3. The aggravating factors outweigh the mitigating factors.
4. Defendant has engaged in conduct that has caused significant harm to her clients Dorsey and Moore in that they were denied the opportunity to have their cases heard in accordance with the law.
5. The conduct of the Defendant caused actual harm to the standing of the legal profession, undermining her clients' trust and confidence in lawyers and the legal system.
6. Defendant's failure to participate in the mandatory fee arbitration and failure to respond to the Letters of Notice from the State Bar interfered with the State Bar's ability to regulate attorneys and undermined the privilege of lawyers in this State to remain self-regulating.
7. This DHC Committee has considered lesser alternatives and finds that a public censure or reprimand would not be sufficient discipline because of the gravity of the harm caused by the conduct of the Defendant to the public and to the administration of justice.
8. This DHC Committee finds Defendant's conduct caused significant harm and significant potential harm to clients and to the administration of justice, to the profession, and to members of the public, and that a more severe discipline is necessary to protect the public.
9. For those reasons, this DHC Committee believes and so finds that an Order calling for a discipline short of a suspension of the Defendant's law license would not be appropriate.

Based upon the foregoing findings and conclusions of law and the arguments of the parties, the hearing committee hereby enters the following

#### ORDER OF DISCIPLINE

1. The license of the Defendant, Terry T. Zick, is hereby suspended for five years, beginning 30 days from the date of service of this order upon the Defendant.

2. Defendant shall submit her license and membership card to the Secretary of the North Carolina State Bar no later than 30 days following service of this order upon Defendant.

3. Defendant shall comply with the wind down provisions contained in 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0124(b) of the North Carolina State Bar Discipline & Disability Rules. Defendant shall file an affidavit with the Secretary of the North Carolina State Bar within 10 days of the effective date of this order, certifying she has complied with the wind down rule.

4. Within 15 days of the effective date of this order Defendant shall provide the State Bar with an address at which clients seeking return of files can obtain such files.

5. If Defendant seeks the return of any documents or files provided to the State Bar, within 15 days of the effective date of this order Defendant shall make arrangements to pick up the files from the State Bar or shall make arrangements with the State Bar to pay the cost of shipment of the files to her in advance of shipment.

6. After serving three years of the active suspension of her license, Defendant may apply for reinstatement upon filing a petition with the Secretary of the North Carolina State Bar demonstrating the following by clear, cogent, and convincing evidence:

- a. That she paid the costs of this proceeding within 30 days of service of the statement of costs upon her.
- b. That she obtained a mental health evaluation within 6 months of the effective date of this order by a psychiatrist or other mental health professional approved by the North Carolina State Bar and complied with all treatment recommendations of the psychiatrist or other mental health professional during the period of the active suspension of her law license. The medical evaluation and treatment shall be obtained at Defendant's expense.
- c. That within ten days of obtaining the mental health evaluation described above, Defendant signed the appropriate releases and medical authorizations and provided to the North Carolina State Bar quarterly any reports, medical records, or psychological evaluations or mental health evaluations requested by the North Carolina State Bar at her expense. Defendant shall not revoke these releases.
- d. Prior to the resumption of the active practice of law Defendant will obtain a certification from a duly qualified psychiatrist or other mental health professional approved by the State Bar that she does not suffer from any mental disease or defect or psychological condition that would interfere with her ability to practice law and

that she will not cause harm to the public if she is allowed to resume her law practice. Defendant will ensure that this certification is provided to the State Bar at least 30 days prior to filing any petition for reinstatement.

- e. That she has kept the North Carolina State Bar Membership Department advised of her current business and home address.
- f. That she has responded to all communications from the North Carolina State Bar within 30 days of receipt or by the deadline stated in the communication, whichever is sooner.
- g. That she has not violated the Revised Rules of Professional Conduct or the laws of the United States or any state.
- h. That she properly wound down her law practice and complied with the terms of 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0124 of the State Bar Discipline & Disability Rules.
- i. That she paid all Membership dues and Client Security Fund assessments and complied with all Continuing Legal Education (CLE) requirements on a timely basis as if still in practice during the suspension.
- j. That in addition to satisfying the CLE requirements imposed upon all active members of the State Bar during the applicable time period, Defendant has obtained annually an additional three (3) hours of ethics CLE above that which is otherwise required by the State Bar.
- k. That she has completed a law office management course approved by the Office of Counsel of the North Carolina State Bar at her own expense and has paid the costs thereof.
- l. That she made restitution in the amount of \$3,000 to Martha Ritchie, \$185 to Robert Dorsey, \$1,500 to Jackson Moore, and \$2,500 to Jack Liberstein.
- m. That she has participated in the North Carolina State Bar's fee dispute resolution process for any subsequent Petition received after the effective date of this order, participated in good faith and refunded all fees that were determined to be subject to refund by the mediation process.
- n. That she has opened both a regular business account for her law firm and a separate trust account and maintains both in good standing. If the IOLTA Program is still in existence in the State of

North Carolina, the trust account is to be at an institution that participates in the IOLTA Program and is to be an IOLTA account.

- o. That she has asked a member of the North Carolina State Bar who is in good standing who practices law in New Hanover County and who has been approved by the North Carolina State Bar to serve as her monitor and that the selected monitor has agreed to so serve and agreed to submit monthly reports to the Office of Counsel of the State Bar. The monitor will supervise all client matters and will ensure Defendant handles all client matters in a timely fashion and that Defendant responds promptly to her clients. This monitoring will occur for the duration of any stay of this suspension. Defendant will pay the cost, if any, charged by the monitor for this supervision. If the monitor requires a fee to be paid in advance or a retainer to be paid at the inception of this monitoring relationship, Defendant will have paid that prior to submitting her petition for a stay or for reinstatement.

7. If Defendant successfully seeks a stay of the suspension of her law license, such stay will continue in force only as long as she complies with the conditions set out in paragraphs 6 (b), (e) – (g), (i) – (j) and (m) – (n) above and with the following conditions:

- a. That she meet once a month with her monitoring attorney to whom she will report the status of all current client matters, cooperate with the monitor attorney and provide any information the monitoring attorney deems reasonably necessary to ensure that Defendant is handling all client matters in a timely fashion and is responding promptly to her clients. The Defendant will be solely responsible for any cost of this arrangement.
- b. That the monitoring attorney submits monthly reports to the Office of Counsel of the State Bar.

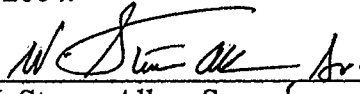
8. If an order staying any period of this suspension is entered and the Defendant fails to comply with any one or more of the conditions referenced in Paragraph 7, then the stay of the suspension of her law license may be lifted as provided in § .0114(x) of the North Carolina State Bar Discipline and Disability Rules.

9. If Defendant does not seek a stay of the active portion of the suspension of her law license or if some part of the suspension is stayed and thereafter the stay is revoked, Defendant must comply with the conditions set out in paragraphs 6 (a) – (n) above before seeking reinstatement of her license to practice law.

10. 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 and Disability Rules throughout the period of the stayed suspension.

Signed by the Chair with the consent of the other hearing committee members, this the 4<sup>th</sup> day of September, 2004.



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W. Steven Allen, Sr.  
Chairman, Disciplinary Hearing Committee