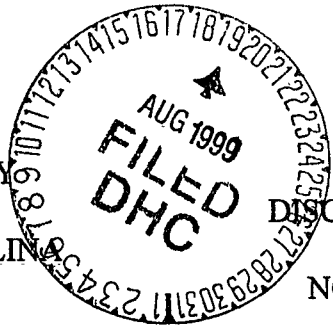


9939



WAKE COUNTY
NORTH CAROLINA

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
99 DHC 15

THE NORTH CAROLINA STATE BAR
PLAINTIFF

v.

GEOFFREY C. MANGUM, ATTORNEY
DEFENDANT

)
)
) FINDINGS OF FACT, CONCLUSIONS
) OF LAW AND
) ORDER OF DISCIPLINE
)
)
)

This matter was heard on Aug. 6, 1999 before a hearing committee of the Disciplinary Hearing Commission composed of Joseph G. Maddrey, Chair; Elizabeth Bunting and Anthony E. Foriest. The defendant, Geoffrey C. Mangum did not appear nor was he represented by counsel. Carolin Bakewell represented the N.C. State Bar. Based upon the pleadings and the evidence introduced at the hearing, the hearing committee hereby enters the following:

FINDINGS OF FACT

1. 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 North Carolina General Statutes and the Rules and Regulations of the North Carolina State Bar.

2. The defendant was admitted to the North Carolina State Bar in 1981 and, prior to July 26, 1996, was licensed to practice law in North Carolina. At all relevant times the defendant subject to the rules, regulations, and the Rules of Professional Conduct of the North Carolina State Bar or the Revised Rules of Professional Conduct of the North Carolina State Bar.

3. During all times relevant hereto the defendant was a resident of Greensboro, North Carolina.

4. The defendant was personally served with the State Bar's summons and complaint in this matter by the Guilford County Sheriff's Dept. on June 4, 1999.

5. The defendant failed to file a timely answer or other responsive pleading by June 24, 1999.

6. On June 28, 1999, on motion of the Office of Counsel, the Secretary of the State Bar entered the defendant's default and scheduled a hearing for 10 a.m. on Friday, Aug. 6, 1999 to determine the appropriate discipline to be imposed.

7. Copies of the motion for entry of default, default, grounds for personal jurisdiction, motion for discipline and notice of hearing were mailed to the defendant on June 28, 1999.

8. The defendant was properly served with the pleadings herein and was properly notified of the Aug. 6, 1999 disciplinary hearing.

9. On July 29, 1999, the defendant filed a pleading which he styled as an Answer, Admission and Return of License. In that pleading, the defendant admitted all of the allegations set out in the State Bar's complaint. He also indicated that he had no desire to practice law and stated that he wished to surrender his license to the N.C. State Bar.

10. By 1995, the defendant was in arrears regarding his mandatory continuing legal education obligations with the North Carolina State Bar.

11. The N.C. State Bar sent two notices to the defendant in 1995, advising him that he had failed to comply with the Bar's requirements regarding mandatory continuing legal education.

12. On April 18, 1996, the State Bar issued a notice to the defendant, directing him to appear and show cause why his law license should not be suspended because of his failure to comply with the Bar's mandatory continuing legal education obligations.

13. On April 29, 1996, the defendant was served with the April 18, 1996 show cause notice by certified mail.

14. On July 1, 1996, the State Bar issued a second notice to defendant, advising him that his law license would be suspended on July 26, 1996 absent a showing of good cause.

15. The defendant did not appear or show cause why his license should not be revoked on or prior to July 26, 1996.

16. On July 26, 1996, the Council of the N.C. State Bar suspended the defendant's law license for failing to comply with the Bar's mandatory continuing legal education requirements.

17. The written order suspending the defendant's law license for failing to comply with his mandatory continuing legal education requirements was signed on Sept. 2, 1996 and was served on the defendant by certified mail on Sept. 10, 1996.

18. Despite the fact that he knew that his law license was suspended, the defendant provided legal services and legal advice to Charles and Hilda Kivett (hereafter, the Kivetts) after July 26, 1996 respecting a federal court matter known as Wilmington Trust Co. v. Cobblestone Associates, 2:96-CV-00780 (M.D.N.C.) (hereafter, Wilmington Trust Co. case), in which the Kivetts were joined as third party plaintiffs.

19. The defendant did not tell the Kivetts that his license to practice law was suspended and that he was not authorized to represent them in the Wilmington Trust Co. case. In 1998, the Kivetts discovered from other sources that the defendant was not licensed to practice law in North Carolina.

20. On various occasions between August 1996 and 1998, the defendant filed pleadings and briefs in federal court on behalf of the Kivetts in the Wilmington Trust Co. case. The defendant did not disclose to the federal court that his license to practice law in North Carolina had been suspended and that he was not authorized to represent the Kivetts in the Wilmington Trust Co. case.

21. On various occasions in 1997 and 1998, the defendant provided legal advice and legal services to Luther Lee Robinson (hereafter, Robinson), respecting criminal charges which had been filed against Robinson in Guilford County.

22. On various occasions in 1997, the defendant filed pleadings and documents in Guilford County District Court on Robinson's behalf. The defendant did not reveal to the court that his license to practice law had been suspended and that he was not authorized to represent Robinson.

23. The defendant did not tell Robinson that his license to practice law had been suspended and that he was not authorized to represent Robinson.

24. On at least two occasions in 1998, the defendant engaged in discussions and negotiations with members of the Guilford County District Attorney's staff on Robinson's behalf regarding criminal charges pending against Robinson. The defendant did not reveal that his license to practice law had been suspended.

Based upon the foregoing Findings of Fact, 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, Geoffrey C. Mangum, 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)(3) in that by knowingly providing legal advice and services to Luther Lee Robinson, Charles Kivett and Hilda Kivett after his law license was suspended, the defendant engaged in contempt of the N.C. State Bar Council.

3. 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 providing legal advice and legal services to Charles and Hilda Kivett and Luther Lee Robinson after his license to practice law was suspended by the North Carolina State Bar, the defendant engaged in conduct prejudicial to the administration of justice in violation of Rule 1.2(d) of the former Rules of Professional Conduct and Rule 8.4(d) of the Revised Rules of Professional Conduct and engaged in the unauthorized practice of law in violation of Rule 3.1(b) of the former Rules of Professional Conduct and Rule 5.5(a) of the Revised Rules of Professional Conduct.

(b) By failing to reveal to Charles and Hilda Kivett and Luther Lee Robinson that his license to practice law was suspended by the North Carolina State Bar, the defendant engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 1.2(c) of the former Rules of Professional Conduct and Rule 8.4(c) of the Revised Rules of Professional Conduct and failed to explain a matter to the extent reasonably necessary to permit his clients to make informed decisions regarding the representation in violation of Rule 6(b)(2) of the former Rules of Professional Conduct and Rule 1.4(b) of the Revised Rules of Professional Conduct.

(c) By failing to reveal to the U.S. District Court for the Middle District of North Carolina that his license to practice law was suspended by the North Carolina State Bar and by filing pleadings and briefs on behalf of Charles and Hilda Kivett with the Court after the suspension of his law license, the defendant engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 1.2(c) of the former Rules of Professional Conduct and Rule 8.4(c) of the Revised Rules of Professional Conduct and engaged in conduct prejudicial to the administration of justice in violation of Rule 1.2(d) of the former Rules of Professional Conduct and Rule 8.4(d) of the Revised Rules of Professional Conduct.

(d) By failing to reveal to the Guilford County District Court that his license to practice law was suspended by the North Carolina State Bar and by filing pleadings on

1
behalf of Luther Lee Robinson with the Court after the suspension of his law license, the defendant engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 1.2(c) of the former Rules of Professional Conduct and engaged in conduct prejudicial to the administration of justice in violation of Rule 1.2(d) of the former Rules of Professional Conduct and Rule 8.4(d) of the Revised Rules of Professional Conduct.

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

FINDINGS OF FACT REGARDING DISCIPLINE

1. The defendant's misconduct is aggravated by the following factors:
 - a. Substantial experience in the practice of law.
 - b. A pattern of misconduct.
 - c. Multiple violations of the Rules of Professional Conduct.
 - d. Absence of a showing of remorse.
 - e. Prior discipline.
2. The hearing committee does not find that there are any mitigating factors present.
3. The aggravating factors outweigh the mitigating factors.

Based upon the foregoing aggravating and mitigating factors and the arguments of the parties, the hearing committee hereby enters the following

ORDER OF DISCIPLINE

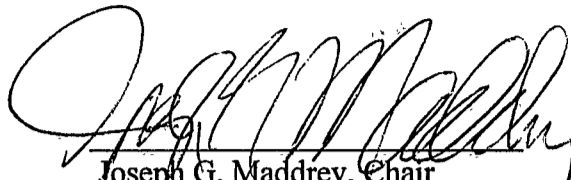
1. The license of the defendant, Geoffrey C. Mangum, is hereby suspended for a period of four years, upon the following terms and conditions:
 - a. The defendant shall submit his license and membership card to the Secretary of the North Carolina State Bar no later than 30 days from service of this order upon the defendant.
 - b. The suspension will become effective 30 days from service of this order and will continue for a period of not less than one year.
 - c. Thereafter, the defendant may seek reinstatement of his license to practice law upon filing a written petition and demonstrating compliance with the following conditions:

1. The defendant has not violated any state or federal laws during the period of active suspension and has not engaged in the practice of law.
2. The defendant has not violated any provisions of the Revised Rules of Professional Conduct during the period of active suspension.
3. The defendant has paid all costs incurred in this proceeding and taxed against the defendant.
4. The defendant has paid all fines, costs and late fees owed to the N.C. State Bar Board of Continuing Legal Education, and has completed all continuing legal education courses required by the Board of CLE.

2. If an order staying this suspension and granting the reinstatement of the defendant's license to practice law is entered, the order of stayed suspension shall continue in force for the balance of the term of suspension, provided that the defendant complies with the following conditions:

- a. The defendant shall violate no federal or state laws.
- b. The defendant shall violate no provisions of the Revised Rules of Professional Conduct.
- c. The defendant shall pay any costs incurred in connection with his reinstatement proceeding and assessed against the defendant.
- d. The defendant shall comply with all mandatory CLE requirements imposed by the N.C. State Bar Board of CLE in a timely fashion.
- e. The defendant shall comply with such other terms and conditions as are deemed appropriate and necessary for the protection of the public at the time of the entry of the order staying the remaining period of suspension of the defendant's law license.

Signed by the chair with the consent of the other hearing committee members, this
the 18th day of August, 1999.



Joseph G. Maddrey, Chair
Disciplinary Hearing Committee