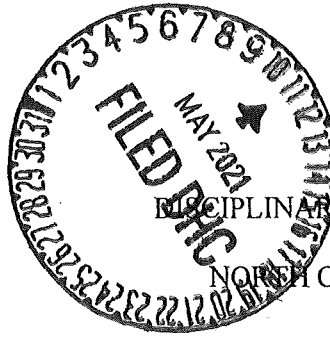


STATE OF NORTH CAROLINA
WAKE COUNTY



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

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

WESLEY S. WHITE, Attorney,

Defendant

**CONSENT ORDER
OF
DISCIPLINE**

This matter came before a hearing panel of the Disciplinary Hearing Commission composed of Margaret M. Hunt, Chair, Richard V. Bennett, and Jane B. Weathers. Savannah B. Perry represented the Plaintiff, the North Carolina State Bar. Defendant, Wesley S. White, appeared *pro se*. Defendant waives a formal hearing in this matter. Defendant stipulates and agrees to the findings of fact and conclusions of law recited in this consent order and to the discipline imposed. Defendant has freely and voluntarily stipulated to the findings of fact and consents to the conclusions of law and entry of the order of discipline. Defendant freely and voluntarily waives any and all right to appeal the entry of this consent order of discipline.

Based upon the pleadings and the stipulated facts and with the consent of the parties, the Hearing Panel finds by clear, cogent, and convincing evidence the following:

FINDINGS OF FACT

1. Plaintiff, the North Carolina State Bar ("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 (Chapter 1 of Title 27 of the North Carolina Administrative Code).

2. Defendant, Wesley S. White, was admitted to the North Carolina State Bar on 27 January 2012, and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the laws of the State of North Carolina, the Rules and Regulations of the North Carolina State Bar and the Rules of Professional Conduct.

3. Defendant was properly served with process and the matter came before the Hearing Panel with due notice to all parties.

4. During all or part of the relevant periods referred to herein, Defendant was engaged in the practice of law in Charlotte, Mecklenburg County, North Carolina.

5. On 19 March 2013, a Mecklenburg County Superior Court judge granted immunity orders protecting K.K. and H.P. from prosecution for adultery.

6. On 29 May 2013, S.K., K.K.'s ex-husband, filed an alienation of affection and criminal conversation lawsuit against H.P.

7. H.P. retained Defendant to represent him in the lawsuit.

8. On 8 August 2013, S.K.'s attorney, Bradley B. Honnold, served H.P., through Defendant, with discovery requests, which included requests for production of documents and interrogatories.

9. Defendant did not adequately explain to H.P. his obligation to respond to discovery.

10. Defendant did not make a reasonably diligent inquiry of H.P. regarding information or documents responsive to the discovery requests.

11. On 15 October 2013, Defendant served S.K. with responses to discovery.

12. The responses were incomplete and did not comply with the North Carolina Rules of Civil Procedure in that the responses were not signed by Defendant, verified by H.P., or accompanied by a Certificate of Service.

13. In the discovery responses prepared by Defendant, H.P. invoked his Fifth Amendment right against self-incrimination in response to several discovery requests.

14. On 8 November 2013, Honnold wrote a letter to Defendant regarding deficiencies with H.P.'s discovery responses.

15. Defendant did not respond to Honnold's 8 November 2013 letter.

16. On 26 November 2013, Honnold filed a Motion to Compel.

17. Honnold served H.P., through Defendant, with the Motion to Compel.

18. On 2 December 2013, Honnold filed a Notice of Hearing for the Motion to Compel to be heard on 8 January 2014.

19. Honnold served H.P., through Defendant, with the Notice of Hearing.

20. Defendant did not tell H.P. that Honnold filed a Motion to Compel and that it was scheduled to be heard on 8 January 2014.

21. On 8 January 2014, the Motion to Compel was called for hearing, and neither Defendant nor H.P. appeared.

22. On 27 January 2014, the Court entered an order (“the Order Compelling Discovery”) finding, *inter alia*, that the 19 March 2013 immunity order protected H.P. from prosecution such that he could not avail himself of his Fifth Amendment right against self-incrimination in the pending lawsuit.

23. Pursuant to the Order Compelling Discovery, the Court ordered H.P. to provide complete, verified responses to S.K.’s discovery requests within twenty-one days of the hearing and to pay S.K.’s attorney’s fees.

24. On 28 January 2014, H.P. appeared for a deposition by Honnold.

25. Prior to the deposition, Defendant advised H.P. to invoke his Fifth Amendment right against self-incrimination.

26. Honnold asked H.P. questions during the deposition regarding H.P.’s relationship with K.K. and the allegations that H.P. had an illicit sexual relationship with K.K.

27. H.P. refused to answer questions during the deposition about his relationship with K.K. and the allegations that he had an illicit sexual relationship with her, purporting to invoke his Fifth Amendment right against self-incrimination.

28. Honnold suspended the deposition.

29. On 31 January 2014, Honnold filed a Motion to Compel regarding H.P.’s deposition testimony. The motion was heard on 5 February 2014.

30. Defendant appeared at the 5 February 2014 hearing on H.P.’s behalf and argued that the immunity order protecting H.P. from prosecution provided immunity only in Mecklenburg County and that H.P. remained subject to potential prosecution in other North Carolina counties, and possibly states, outside of Mecklenburg County or the state of North Carolina.

31. On 19 February 2014, the Court entered an order (the “Order Compelling H.P.’s Testimony”) finding that H.P. had been granted immunity from prosecution throughout the state of North Carolina and in jurisdictions outside North Carolina but within the United States.

32. In its 19 February 2014 Order Compelling H.P.’s Testimony, the Court ordered H.P. to sit for the resumption of his deposition and to answer Honnold’s questions concerning his relationship with K.K.

33. On 24 February 2014, H.P. appeared for the resumption of his deposition and answered all questions concerning his relationship with K.K.

34. On 27 February 2014, Defendant filed a Notice of Appeal of the Order Compelling H.P.'s Testimony on behalf of H.P., despite having fully complied with the Order five days after its entry.

35. On 17 February 2015, the Court of Appeals dismissed the appeal for mootness, citing H.P.'s failure to file a Notice of Appeal before fully complying with the Order Compelling H.P.'s Testimony.

36. Defendant did not submit complete responses, verified by H.P. to the written discovery requests as ordered by the Court on 27 January 2014.

37. On 11 March 2015, Honnold filed a Motion for Contempt and for Show Cause Order, alleging that H.P. had failed to comply with the Order Compelling Discovery.

38. On 19 May 2015, Defendant served S.K., through Honnold, with supplemental responses to discovery.

39. On 31 July 2015, Honnold wrote a letter to Defendant regarding deficiencies with H.P.'s supplemental responses to discovery. Honnold requested H.P. provide complete responses to discovery by 7 August 2015.

40. Defendant did not respond to Honnold's 31 July 2015 letter.

41. On 26 August 2015, Honnold filed an Amended Motion for Contempt and Show Cause Order, alleging that H.P. remained in noncompliance with the Order Compelling Discovery.

42. On 22 September 2015, Defendant and H.P. appeared for a hearing on the Amended Motion for Contempt and Show Cause Order.

43. On 23 November 2015, the Court entered an order ("the Sanctions Order") finding that H.P. remained in noncompliance with the Order Compelling Discovery. The Court ordered H.P. to comply with the Order Compelling Discovery and imposed the following sanctions against H.P.:

- a. H.P.'s answer was stricken;
- b. Default was entered against H.P.; and
- c. Attorney's fees were awarded to S.K. in the amount of \$4,091.82.

44. On 22 December 2015, Defendant filed a Notice of Appeal of the Sanctions Order on behalf of H.P. ("H.P.'s second appeal").

45. Defendant did not timely file the record on appeal and did not timely pay the appeal bond and docketing fee for H.P.'s second appeal.

46. Defendant did not tell H.P. that he did not timely file the record on appeal and did not timely pay the appeal bond and docketing fee for H.P.'s second appeal.

47. On 21 September 2016, Honnold filed a Motion to Dismiss H.P.'s second appeal. Honnold argued that H.P.'s second appeal should be dismissed because the record on appeal was not timely filed and because the appeal bond and docketing fee were not timely paid.

48. Defendant did not tell H.P. that Honnold filed a Motion to Dismiss H.P.'s second appeal.

49. On 7 October 2016, the Court of Appeals dismissed H.P.'s second appeal.

50. Defendant did not tell H.P. that H.P.'s second appeal was dismissed.

51. On or about 24 October 2016, Defendant paid the appeal bond and docketing fee and filed a Petition for Rehearing. Defendant argued that the delays cited in Honnold's Motion to Dismiss were nonjurisdictional and did not justify dismissal.

52. On 7 November 2016, the Court of Appeals reinstated H.P.'s second appeal.

53. On 3 October 2017, the Court of Appeals issued an opinion affirming the Sanctions Order.

54. Defendant did not take action to have H.P. comply with the terms of the Sanctions Order after the Court of Appeals affirmed it.

55. On 1 December 2017, Honnold wrote a letter to Defendant requesting H.P.'s compliance with the Sanctions Order. The letter was sent to Defendant by email and by regular mail.

56. Defendant did not respond to Honnold's 1 December 2017 letter.

57. On 19 December 2017, Honnold sent an email to Defendant requesting a response to his 1 December 2017 letter and informing him that he was preparing to file a motion for contempt.

58. On 21 December 2017, Defendant replied to Honnold, indicating that he had not seen Honnold's 1 December 2017 letter.

59. Honnold sent his 1 December 2017 letter to Defendant again by email.

60. That same day, Defendant replied to Honnold, asking if he could have until "just after New Year's" to talk to H.P.

61. Defendant did not respond to Honnold after the New Year's holiday.

62. Defendant did not communicate with H.P. about the lawsuit between November 2017 and mid-January 2018.

63. On 19 January 2018, Honnold filed a Verified Motion for Contempt and Show Cause Order, alleging that H.P. had failed to comply with the Sanctions Order.

64. Honnold served the Verified Motion for Contempt and Show Cause Order, through Defendant, upon H.P.

65. On 6 February 2018, the Court issued an Order to Show Cause to H.P.

66. Honnold served the Order to Show Cause, through Defendant, upon H.P.

67. The Verified Motion for Contempt and Order to Show Cause was set for hearing on 21 February 2018 ("the contempt hearing").

68. On 14 February 2018, Defendant filed a motion to continue the contempt hearing.

69. On or about 15 February 2018, the Trial Court Administrator denied Defendant's motion to continue.

70. On 18 February 2018, Defendant filed an appeal of the Trial Court Administrator's ruling on his motion to continue.

71. On 20 February 2018, Defendant obtained a continuance of the contempt hearing from a Mecklenburg County Superior Court judge.

72. Defendant did not tell H.P. that he sought and obtained a continuance of the contempt hearing.

73. The Trial Court Administrator reset the contempt hearing for 27 March 2018.

74. Defendant did not tell H.P. that a contempt hearing was scheduled in the case until 24 March 2018.

75. On 26 March 2018, Defendant sent an email to Honnold providing supplemental documentation responsive to the discovery requests.

76. On 27 March 2018, neither Defendant nor H.P. appeared at the contempt hearing.

77. On 29 March 2018, Defendant sent an email to Honnold providing supplemental documentation responsive to the discovery requests. Defendant indicated that he had also uploaded supplemental documentation to a shared folder on 28 March 2018, prior to the time that Defendant thought the contempt hearing was scheduled to be heard.

78. That same day, Defendant filed his own affidavit in the case asserting that his and H.P.'s failure to appear at the 27 March 2018 hearing was due to a calendaring error by Defendant.

79. The Court re-calendared the contempt hearing for 5 April 2018 to allow H.P. an opportunity to present his defenses to the Order to Show Cause.

80. On 2 April 2018, Defendant sent an email to Honnold seeking clarification regarding any outstanding discovery requests so he could make a good-faith effort to produce any remaining documentation in advance of the contempt hearing.

81. Prior to the 5 April 2018 hearing, Defendant did not tell H.P. that the Court could incarcerate H.P. if it held H.P. in contempt.

82. On 5 April 2018, H.P. and Defendant appeared at the contempt hearing.

83. The Court found that H.P. willfully and intentionally refused to comply with the Sanctions Order and that what little H.P. produced was unacceptably late and woefully deficient.

84. The Court concluded that H.P.'s conduct constituted criminal contempt and sentenced H.P. to thirty days incarceration, twenty-six of which were suspended upon the condition that H.P. fully comply with certain conditions set forth by the Court, ordered H.P. to fully comply with all outstanding discovery requests, to pay S.K.'s attorney's fees, to pay a five-hundred dollar fine, and to perform sixty hours of community service.

85. H.P. was taken into custody at the conclusion of the contempt hearing and served two days of his active four-day sentence.

Based on the foregoing stipulated Findings of Fact and with the consent of the parties, the Hearing Panel enters the following:

CONCLUSIONS OF LAW

1. All parties are properly before the Hearing Panel and the Panel has jurisdiction over Defendant, Wesley S. White, and the subject matter of this proceeding.

2. Defendant's conduct, as set forth in the Findings of Fact above, constitutes grounds for discipline pursuant to N.C. Gen. Stat § 84-28(b)(2) in that Defendant violated the Rules of Professional Conduct in effect at the time of the conduct as follows:

(a) By not adequately explaining to H.P. his obligation to respond to discovery, Defendant failed to explain a matter to the extent reasonably necessary to permit his client to make an informed decision regarding the representation in violation of Rule 1.4(b);

(b) By not making a reasonably diligent inquiry of H.P. regarding information or documents responsive to the discovery requests and by serving S.K. with incomplete responses to discovery that did not comply with the North Carolina Rules of Civil Procedure, Defendant failed to act with reasonable diligence and promptness in representing his client in violation of Rule 1.3 and failed to make a reasonably diligent effort to comply with a legally proper discovery request by an opposing party in violation of Rule 3.4(d)(2);

(c) By not responding to Honnold's 8 November 2013 letter and failing to appear on H.P.'s behalf at the 8 January 2014 hearing, Defendant failed to act with reasonable

diligence and promptness in representing his client in violation of Rule 1.3 and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d);

(d) By not telling H.P. that Honnold filed a Motion to Compel in the case and that a hearing on that motion was scheduled to be held and was held on 8 January 2014, Defendant failed to keep his client reasonably informed about the status of the matter in violation of Rule 1.4(a)(3);

(e) By not telling H.P. that he did not timely file the record on appeal and did not timely pay the appeal bond and docketing fee for H.P.'s second appeal, that Honnold filed a Motion to Dismiss H.P.'s second appeal, and that H.P.'s second appeal was dismissed, Defendant failed to keep his client reasonably informed about the status of the matter in violation of Rule 1.4(a)(3);

(f) By not taking action to have H.P. comply with the terms of the Sanctions Order after the Court of Appeals affirmed it and not communicating with H.P. about the lawsuit between November 2017 and mid-January 2018, Defendant failed to act with reasonable diligence and promptness in representing his client in violation of Rule 1.3;

(g) By not telling H.P. that he sought and obtained a continuance of the contempt hearing, Defendant failed to keep his client reasonably informed about the status of the matter in violation of Rule 1.4(a)(3);

(h) By failing to appear on H.P.'s behalf at the 27 March 2018 hearing, Defendant failed to act with reasonable diligence and promptness in representing his client in violation of Rule 1.3 and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d);

(i) By not telling H.P. prior to the 5 April 2018 hearing that the court could incarcerate H.P. if it held H.P. in contempt, Defendant failed to explain a matter to the extent reasonably necessary to permit his client to make informed decisions regarding the representation in violation of Rule 1.4(b); and

(j) By failing to provide complete responses to the discovery requests between August 2013 and April 2018, Defendant failed to make reasonable efforts to expedite litigation consistent with the interests of his client in violation of Rule 3.2.

Based on the foregoing Findings of Fact and Conclusions of Law and the consent of the parties, the Hearing Panel finds by clear, cogent and convincing evidence the following:

FINDINGS OF FACT REGARDING DISCIPLINE

1. Defendant was licensed in Nevada in 2005 and in North Carolina in 2012.
2. Defendant's failure to render basic legal services on behalf of H.P. or communicate with H.P. about critical developments in the case was an abdication of his duty to diligently represent H.P. and protect H.P.'s interests that foreseeably caused significant harm to H.P.

3. Defendant's conduct set out above caused significant harm to H.P. in that his conduct impaired H.P.'s ability to achieve the goals of the representation, caused H.P. to fail to comply with discovery obligations, court orders, and appellate requirements, caused H.P. to fail to attend court hearings, and resulted in H.P. being unprepared to be incarcerated for contempt.

4. Defendant's conduct delayed and protracted litigation of the case, which foreseeably caused significant harm to the parties and to the administration of justice as Honnold and the court unnecessarily expended additional time and resources on discovery-related motions and hearings in the case and as the case went unresolved for five years.

5. Defendant actively participated in this disciplinary proceeding.

6. Defendant has no prior discipline.

Based on the foregoing Findings of Fact, Conclusions of Law, Findings of Fact Regarding Discipline, and the consent of the parties, the Hearing Panel enters the following:

CONCLUSIONS REGARDING DISCIPLINE

1. The Hearing Panel has carefully considered all of the different forms of discipline available to it, including admonition, reprimand, censure, suspension and disbarment.

2. The Hearing Panel has considered all of the factors enumerated in 27 N.C. Admin. Code 1B .0116(f)(1) and determined the following factors are applicable in this matter:

- (a) Intent of the defendant to commit acts where the harm or potential harm is foreseeable;
- (b) Negative impact of defendant's actions on client's perception of the profession;
- (c) Negative impact of the defendant's actions on the administration of justice;
- (d) Impairment of the client's ability to achieve the goals of the representation; and
- (e) Effect of defendant's conduct on third parties.

3. The Hearing Panel has considered the factors enumerated in 27 N.C. Admin. Code 1B .0116(f)(2) of the Rules and Regulations of the North Carolina State Bar and determines that none of the factors in that subsection are applicable in this matter.

4. The Hearing Panel has considered all of the factors enumerated in 27 N.C. Admin. Code 1B .0116(f)(3) of the Rules and Regulations of the North Carolina State Bar and determines that the following factors are applicable in this matter:

- (a) No prior disciplinary offenses;

- (b) A pattern of misconduct;
- (c) Multiple offenses; and
- (d) Cooperative attitude toward the proceedings.

5. The Hearing Panel determines that discipline short of suspension would not adequately protect the public, the legal profession or the administration of justice for the following reasons:

- a. The gravity of the harm to Defendant's client, third parties, and the administration of justice; and
- b. Entry of an order imposing less serious discipline would fail to acknowledge the seriousness of the offenses Defendant committed and would send the wrong message to attorneys and to the public regarding the conduct expected of members of the Bar of this state.

6. The Hearing Panel has considered lesser alternatives and concludes that a suspension of Defendant's license with the possibility of a stay is necessary and sufficient for the protection of the public and of clients with conditions imposed that are designed to minimize the risk of harm and ensure continued compliance with the Rules of Professional Conduct.

Based on the foregoing Findings of Fact, Conclusions of Law, Findings of Fact Regarding Discipline, Conclusions of Law Regarding Discipline, and the consent of the parties, the Hearing Panel hereby enters the following:

ORDER OF DISCIPLINE

1. The law license of Defendant, Wesley S. White, is hereby suspended for two years effective thirty days after service of this Order upon Defendant. Service will be complete upon mailing this Order to Defendant at the address on file with the North Carolina State Bar Membership Department.

2. Defendant is taxed with the administrative fees and costs of this action as assessed by the Secretary of the North Carolina State Bar. Defendant shall pay the administrative fees and costs of this action assessed by the Secretary within thirty days of the State Bar mailing the statement of costs to Defendant at the address on file with the State Bar Membership Department.

3. Defendant shall surrender his law license and membership card to the Secretary of the North Carolina State Bar no later than thirty days following service of this Order upon Defendant.

4. Defendant shall comply with the wind down provisions of 27 N.C.A.C. 1B .0128 of the Discipline and Disability Rules of the North Carolina State Bar.

5. After serving no less than three months of the suspension, Defendant may apply for a stay of the remaining term of the suspension imposed by this Order by filing a motion in the cause with the DHC pursuant to 27 N.C.A.C. 1B.0118(c) and demonstrating by clear, cogent, and convincing evidence:

- a) Defendant surrendered his law license and membership card to the Secretary of the North Carolina State Bar no later than thirty days following service of this Order upon him;
- b) Defendant properly wound down his law practice and complied with the terms of 27 N.C. Admin. Code 1B.0128;
- c) Defendant paid the administrative fees and costs of this proceeding as assessed by the Secretary within thirty days of the State Bar mailing the statement of costs to Defendant at the address on file with the State Bar Membership Department;
- d) Defendant kept the North Carolina State Bar Membership Department informed of his current physical address (not a Post Office box or drawer), telephone number, and e-mail address throughout the period of active suspension and notified the State Bar within ten days of any change;
- e) Defendant accepted all certified mail from the North Carolina State Bar sent to the address on record with the State Bar Membership Department throughout the period of active suspension;
- f) Defendant provided full and complete responses to and all requested documentation in response to all communications from the North Carolina State Bar, including letters of notice, requests for information, and communications from the Attorney Client Assistance Program ("ACAP"), within thirty days of Defendant's receipt of the communication or by the deadline stated in the communication, whichever is sooner, and participated in good faith in the State Bar's fee dispute resolution program for any petition filed with ACAP throughout the period of active suspension;
- g) Defendant remained current in payment of all North Carolina State Bar membership dues, fees, and costs, including all Client Security Fund assessments and other charges or surcharges the State Bar is authorized to collect from him, including all judicial district dues, fees, and assessments incurred during the period of active suspension to the date of his filing a motion in the cause; Defendant provided proof of such payment to the State Bar Office of Counsel within ten days of the date of payment;
- h) Defendant did not violate any of the Rules of Professional Conduct of North Carolina or of any other jurisdiction in which he is or may become licensed to practice law or the laws of the United States or of any state or local government, other than minor traffic violations, in effect during the period of active suspension; and

- i) Defendant entered into a contract with a practice monitor as described *infra* in paragraph 6.

6. If Defendant's application for a stay is granted, the stay shall remain in effect for the remaining period of the two-year suspension so long as Defendant complies and continues to comply with the following conditions during the stay:

- a) Within thirty days after entry of this Order, Defendant shall arrange for an active member of the North Carolina State Bar to serve as his law practice monitor. Defendant's monitor shall be an attorney in good standing who practices law in the judicial district in which Defendant practices law and who has been approved in advance by the State Bar Office of Counsel;
- b) Defendant shall pay all costs and/or fees, if any, charged by the monitor for his/her supervision. Within five days of the date Defendant reaches an agreement with the monitor to provide the monitoring services, Defendant shall supply the North Carolina State Bar Office of Counsel with a letter from the monitoring attorney confirming his or her agreement to perform the duties listed herein;
- c) The monitor shall meet with Defendant each month. At each meeting, Defendant and the monitor must review each of Defendant's pending cases, identifying the anticipated course of the representation and any scheduled court dates, and Defendant's communications with his clients. Defendant and the monitor must also review at least one case in detail in each area of law in which Defendant is practicing, with discussion including but not limited to identification of applicable statutory and regulatory authorities, identification of potential legal issues, and plan of representation. Defendant shall come to each meeting prepared to discuss these topics and shall provide to the monitor in advance of the meeting all information needed to ensure the monitor's meaningful participation in the meeting;
- d) Defendant shall ensure that the monitor submits quarterly written reports of these meetings and discussions to the North Carolina State Bar Office of Counsel; such reports are due January 15, April 15, July 15, and October 15 as such dates occur through the duration of the stay of this suspension;
- e) Defendant shall make appropriate arrangements for an alternate monitor if the original monitoring attorney cannot serve or is unwilling to serve through the duration of the stay of this suspension;
- f) Defendant shall keep the North Carolina State Bar Membership Department advised of his current physical business address (not a Post Office box or drawer), telephone number, and email address and shall notify the State Bar of any changes of address within ten days of such change;

- g) Defendant shall accept all certified mail from the North Carolina State Bar sent to the address on record with the State Bar Membership Department;
- h) Defendant shall provide full and complete responses to and all requested documentation in response to all communications from the North Carolina State Bar, including letters of notice, requests for information, and communications from the Attorney Client Assistance Program ("ACAP"), within thirty days of Defendant's receipt of the communication or by the deadline stated in the communication, whichever is sooner, and shall participate in good faith in the State Bar's fee dispute resolution program for any petition filed with ACAP;
- i) Defendant shall remain current in payment of all North Carolina State Bar membership dues, fees, and costs, including all Client Security Fund assessments and other charges or surcharges the State Bar is authorized to collect from him, including all judicial district dues, fees, and assessments; Defendant shall provide proof that he paid such dues, fees, or costs to the North Carolina State Bar Office of Counsel within ten calendar days of paying them;
- j) Defendant shall not violate the Rules of Professional Conduct of North Carolina or of any other jurisdiction in which he is or may become licensed to practice law or the laws of the United States or of any state or local government, other than minor traffic violations, during the stay of the suspension; and
- k) Defendant shall timely comply with all North Carolina State Bar Continuing Legal Education ("CLE") requirements as set forth in 27 N.C. Admin. Code 1D .1518 and pay all fees and costs assessed by the applicable deadline and shall provide proof of same to the State Bar Office of Counsel within ten calendar days of completing the courses.

3. If during the stay of the suspension, Defendant fails to comply with any one or more of the conditions stated in paragraphs 6(a) through (k) above, the stay of the suspension of Defendant's law license may be lifted as provided in 27 N.C. Admin. Code 1B .0118.

4. If the stay of the suspension is lifted and the suspension is activated for any reason, Defendant may, after serving the activated suspension, move for a stay if provided for in the order activating the suspension pursuant to N.C. Admin. Code 1B .0118 or may petition for reinstatement by filing a petition pursuant to 27 N.C. Admin. Code 1B .0129. For any stay or reinstatement, Defendant must demonstrate compliance with the requirements of the order activating the suspension, the applicable rules, as well as the following requirements by clear, cogent, and convincing evidence:

- a) That Defendant properly wound down his law practice and complied with the terms of 27 N.C. Admin. Code 1B .0128;
- b) That Defendant submitted his license and membership card to the Secretary of the North Carolina State Bar within thirty days after the date of the order lifting the stay and/or activating the suspension of his law license;

- c) That Defendant kept the North Carolina State Bar Membership Department advised of his current physical business and home addresses (not post-office box or drawer addresses), telephone number(s), and e-mail address(es) following the entry of this Order and provided the State Bar Membership Department with new contact information within ten days;
- d) That Defendant accepted all certified mail from the North Carolina State Bar sent to the address on record with the State Bar Membership Department;
- e) That Defendant provided full and complete responses to and all requested documentation in response to all communications from the North Carolina State Bar, including letters of notice, requests for information, and communications from the Attorney Client Assistance Program ("ACAP"), within thirty days of Defendant's receipt of the communication or by the deadline stated in the communication, whichever is sooner, and participated in good faith in the State Bar's fee dispute resolution program for any petition filed with ACAP throughout the period of active suspension;
- f) That Defendant remained current in payment of all North Carolina State Bar membership dues, fees, and costs, including all Client Security Fund assessments and other charges or surcharges the State Bar is authorized to collect from him, including all judicial district dues, fees, and assessments;
- g) That Defendant did not violate any of the Rules of Professional Conduct of North Carolina or of any other jurisdiction in which he is or may become licensed to practice law or the laws of the United States or of any state or local government, other than minor traffic violations, following the entry of this Order;
- h) That at the time of his petition for reinstatement, there is no deficit in Defendant's completion of mandatory CLE hours, in reporting of such hours, in payment of any fees associated with attendance at CLE programs, or in payment of any penalties or late fees assessed against him; and
- i) That Defendant paid the administrative fees and costs of this proceeding as assessed by the Secretary within thirty days of the State Bar mailing the statement of costs to Defendant at the address on file with the State Bar Membership Department.

5. If the stay of suspension is lifted and the suspension is activated for any reason, and if Defendant fails to fully comply with 27 N.C. Admin. Code 1B § .0128, Defendant shall reimburse the State Bar for any expenses incurred by the State Bar in winding down Defendant's practice. Such expenses may include, but are not limited to, storage facility fees, rent payments, moving expenses, charges for secure disposal of client files, postage or other mailing expenses, and compensation paid to the appointed trustee and/or the trustee's assistant(s) for time and travel associated with the trusteeship. The State Bar shall send an invoice of the expenses incurred by the State Bar in winding down Defendant's practice to Defendant at the address on file with the State Bar Membership Department. Defendant shall pay the expenses within thirty days of the State Bar mailing the invoice to him.

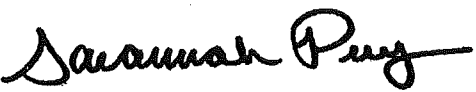
6. Unless Defendant's obligations under this Order are modified by further order of the DHC, Defendant's obligations under this Order end two years from the effective date of the Order, provided there are at that time no pending motions to activate the suspension of his law license alleging lack of compliance with the conditions of the stay of the suspension. Pursuant to 27 N.C. Admin. Code 1B .0118, the DHC retains jurisdiction until all conditions of the stay of the suspension have been met. If a motion or proceeding alleging lack of compliance with the conditions for the stay of the suspension is pending when the period of the stay of the suspension would otherwise have terminated, the DHC retains jurisdiction and may lift the stay of the suspension and activate the two-year suspension in whole or in part if it finds that any of the conditions of the stay have not been met. The stay of the suspension and Defendant's obligation to comply with the conditions for the stay will continue until resolution of any such pending motion or proceeding.


Signed by the undersigned Hearing Panel Chair with the consent of the other Hearing Panel members.

This the 11th day of May 2021.


Margaret M. Hunt, Chair
Disciplinary Hearing Panel

Agreed and consented to by:


Savannah B. Perry
Attorney for Plaintiff


Wesley S. White
Defendant