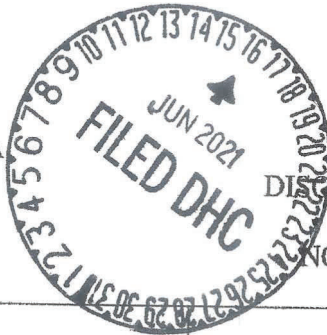


STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
18 DHC 11R

THE NORTH CAROLINA STATE BAR,
Plaintiff,

v.

JAMES M. GOARD, Attorney,
Defendant.

CONSENT ORDER
STAYING SUSPENSION

This matter was considered by a Hearing Panel of the Disciplinary Hearing Commission ("DHC") composed of Richard V. Bennett, Chair, Brian O. Beverly and Tyler B. Morris pursuant to a petition by Defendant for a stay of the remainder of the suspension imposed by the Consent Order of Discipline in *The North Carolina State Bar v. James M. Goard*, 18 DHC 11. Plaintiff, the North Carolina State Bar, was represented by G. Patrick Murphy. Defendant, James M. Goard, was represented by Alan M. Schneider.

Based on Defendant's petition, Plaintiff's response, a review of the records of the North Carolina State Bar and the consent of the parties, the Hearing Panel hereby 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, James M. Goard, was admitted to the North Carolina State Bar in 1999, and is, and was at all times material hereto, subject to the laws of the State of North Carolina, the Rules and Regulations of the State Bar, and the Rules of Professional Conduct.
3. On April 12, 2019, a hearing panel of the DHC entered a Consent Order of Discipline, which suspended Defendant's license to practice law for a period of five years, effective 60 days from service of the Consent Order upon Defendant.
4. Defendant accepted service of the Consent Order through counsel on April 15, 2019. Thus, Defendant's five-year suspension became effective on June 14, 2019.
5. The Consent Order of Discipline provides that after two years, Defendant may apply for a stay of the remaining period of suspension upon filing a petition up to 60 days before

any proposed effective date of the stay and demonstrating by clear, cogent and convincing evidence that Defendant has met all requirements for a stay and reinstatement set out in 27 N.C. Admin. Code §§ 1B.0128 and .0129, as well as other specified conditions.

6. Defendant is eligible for a stay of the remaining period of suspension on June 14, 2021, two years after the effective date of his suspension.

7. On April 22, 2021, Defendant filed a petition requesting a stay of the remaining portion of his active suspension and seeking reinstatement to active status subject to the continuing conditions set forth in the Consent Order of Discipline.

8. Upon review and investigation of Defendant's Petition and supporting documentation, as well as an independent review of the records maintained by the State Bar, the State Bar filed a response on May 20, 2021 acknowledging that Defendant has complied with all of the conditions for obtaining a stay of the remaining portion of his suspension.

Based upon the foregoing Findings of Fact and with the consent of the parties, the Hearing Panel makes the following

CONCLUSIONS OF LAW

1. All the parties are properly before the Hearing Panel and the Panel has jurisdiction over Defendant, James M. Goard, and the subject matter of this proceeding.

2. Defendant has satisfied the requirements set forth in 27 N.C. Admin. Code §§ 1B.0128 and .0129 and the conditions established in the Consent Order of Discipline for a stay of his suspension and reinstatement to active status, subject to the terms of the Consent Order of Discipline entered in 18 DHC 11.

3. Defendant's reinstatement to active status should be conditioned upon continued compliance with the conditions and requirements in the Consent Order of Discipline.

Based upon the foregoing Findings of Fact and Conclusions of Law, and with the consent of the parties, the Hearing Panel enters the following:

ORDER

1. The remainder of the five-year suspension of Defendant's law license imposed by the Consent Order of Discipline in 18 DHC 11 is hereby stayed and Defendant is reinstated to the active practice of law in North Carolina effective June 14, 2021.

2. The stay of the remaining suspension is subject to the terms, conditions and requirements set forth in the Consent Order of Discipline in 18 DHC 11. Goard's status as an active member of the North Carolina State Bar during the term of the stay of suspension is contingent upon his compliance with all of the conditions set forth in paragraphs 5 – 12 of the Consent Order of Discipline, attached as Exhibit 1 and incorporated by reference.

3. If Defendant fails to comply with any one or more of the conditions set out in the Consent Order of Discipline, then the stay of the suspension of his law license may be lifted as provided in 27 N.C. Admin. Code § 1B .0118.

4. The Disciplinary Hearing Commission will retain jurisdiction of this matter throughout the remainder of the suspension and any stay thereof.

5. Pursuant to 27 N.C. Admin. Code § 1B .0118(e), Defendant is taxed with the costs and administrative fees of this proceeding.

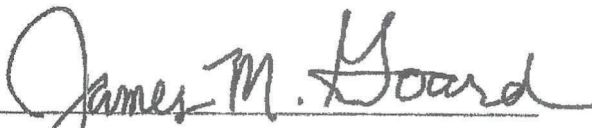
SO ORDERED.

Signed by the Chair with the consent of the other hearing panel members, this the 15th day of June, 2021.



Richard V. Bennett, Chair
Disciplinary Hearing Panel

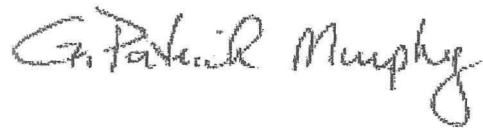
CONSENTED TO BY:



James M. Goard
Defendant



Alan M. Schneider
Attorney for Defendant



G. Patrick Murphy
Attorney for Plaintiff