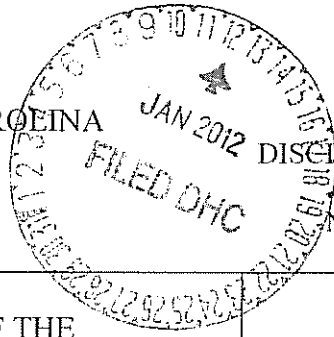


STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
11 DHC 14, 11 BSR 7

IN RE THE MATTER OF THE
PETITION FOR REINSTATEMENT

JOHN M. KIRBY

ORDER STAYING SUSPENSION

THIS MATTER is before the Secretary of the North Carolina State Bar pursuant to a Petition for a Stay of Suspension filed by John M. Kirby ("Kirby") on 22 December 2011.

Based upon the petition and its attachments and upon a review of the records of the North Carolina State Bar, the Secretary makes the following

FINDINGS OF FACT

1. On 17 June 2011, a hearing panel of the Disciplinary Hearing Commission (hereinafter, "DHC") entered a Consent Order of Discipline in file number 11 DHC 14 (hereinafter "the Order of Discipline").
2. The Order of Discipline suspended Kirby's license to practice law in North Carolina for a period of two years, effective 20 July 2011. The Order of Discipline provided that, at any time after serving six months of the active suspension of his license, Kirby could file a petition with the Secretary of the North Carolina State Bar, no sooner than thirty days before any proposed effective date of the stay, seeking a stay of the remaining period of his suspension upon compliance with the conditions stated in the Order of Discipline.
3. On 22 December 2011, Kirby filed a verified petition to stay the remaining portion of his active suspension and seeking reinstatement to active status subject to the continuing conditions and requirements set forth in the Order of Discipline.
4. The Order of Discipline required that Kirby be in compliance with a number of conditions to qualify for a stay of the remaining period of his suspension.
5. In his petition, Kirby described and provided documentation of the actions he had taken to comply with the conditions of the Order of Discipline.
6. Counsel for the North Carolina State Bar did not file an objection to Kirby's petition.

Based upon the foregoing Findings of Fact, the Secretary makes the following

CONCLUSIONS OF LAW

1. The petitioner, John M. Kirby, has satisfied the conditions established in the Order of Discipline for a stay of his suspension and reinstatement to active status, subject to the continuing conditions set forth in the Order of Discipline.

2. Kirby's reinstatement to active status should be conditioned upon compliance with all of the terms, conditions, and requirements in the Order of Discipline.

Based upon the findings and conclusions stated herein, the Secretary hereby enters the following

ORDER

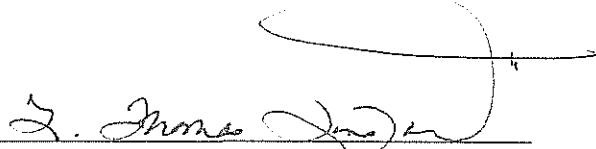
1. The remaining active suspension of Kirby's license imposed by the Order of Discipline is hereby stayed and Kirby is reinstated to the active practice of law in North Carolina as of 20 January 2012.

2. The stay of the remaining period of suspension is subject to all of the terms, conditions, and requirements set forth in the Order of Discipline.

3. Kirby's status as an active member of the North Carolina State Bar is contingent upon his compliance with all of the remaining terms, conditions, and requirements set forth in the Order of Discipline.

4. If Kirby fails to comply with all terms, conditions, and requirements set forth in the Order of Discipline, the DHC may lift the stay and activate the remaining period of suspension.

This the 12th day of January, 2012.



L. Thomas Lunsford II, Secretary
North Carolina State Bar