STATE OF NORTH CAROLINA

WAKE COUNTY

NOV 2024
FILED DHC

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

THE NORTH CAROLINA STATE BAR, Plaintiff v. NICOLLE T. PHAIR, Attorney, Defendant	CONSENT ORDER OF DISCIPLINE

THIS MATTER was considered by a Hearing Panel of the Disciplinary Hearing Commission composed of Brian O. Beverly, Chair, and members Joshua O. Harper and Hampton M. Billips, pursuant to North Carolina Administrative Code, Title 27, Chapter 1, Subchapter B, § .0115(i). Plaintiff, The North Carolina State Bar, was represented by Robert Weston and Savannah McLamb. Defendant, Nicolle T. Phair, was represented by Alan M. Schneider and Joshua Walthall. Plaintiff and Defendant stipulate and agree to the findings of fact and conclusions of law in this Order and to the discipline imposed. Defendant freely and voluntarily stipulates to the findings of fact and consents to the conclusions of law and entry of the order of discipline. Defendant freely and voluntarily waives her right to appeal this Consent Order of Discipline.

Based upon the pleadings in this matter and the consent of the parties, the Hearing Panel hereby enters 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. During all or part of the relevant periods referred to herein, Defendant was engaged in the practice of law in the State of North Carolina and maintained a law office in Sanford, North Carolina.

<u>FIRST CLAIM</u>

3. Defendant represented a client, K. Hart, charged with criminal and infraction offenses in Lee County District Court stemming from an alleged hit and run incident.

4. Mr. Hart's case was on the court's docket for June 10, 2022, with District Court Judge O. Henry Willis, Jr. presiding.

5. The victim in the case was present in the district criminal courtroom on June 10.

6. The State's case required the victim to positively identify Mr. Hart.

7. Defendant also attended the June 10 court session and was in the district criminal courtroom with Mr. Hart

8. Shortly before the prosecutor called Mr. Hart's case to be heard, Defendant directed Mr. Hart to leave the courtroom with her.

9. After they left the courtroom, Defendant directed Mr. Hart to remain in the lobby for the remainder of the events at issue, and he did not return to the district criminal courtroom.

10. Defendant then went to an adjacent courtroom where child support matters were being heard.

11. There, she initiated contact with a man (Mr. Harrington) and his wife, Simonia Griffin.

12. Mr. Harrington was in court as a party to a child support matter.

13. Defendant did not know Mr. Harrington or Ms. Griffin in any capacity before initiating contact with them in the child support courtroom.

14. Mr. Harrington had no connection to Mr. Hart or his case.

15. In the child support courtroom, Defendant introduced herself to Mr. Harrington and Ms. Griffin as a lawyer.

16. After introducing herself, Defendant asked Mr. Harrington if he would come to the district criminal courtroom with her and do her a favor.

17. Defendant told Mr. Harrington that she needed him to stand beside her in the district criminal courtroom to see if someone would pick him out.

18. Defendant told Mr. Harrington that she would do all the talking and he simply needed to stand in for the person she represented.

19. Defendant assured Mr. Harrington and Ms. Griffin there would be no problems and he would not get into trouble.

20. Defendant's assurance to Mr. Harrington and Ms. Griffin mislead Mr. Harrington and Ms. Griffin about the personal risk to Mr. Harrington from participating in Defendant's plan.

21. Mr. Harrington agreed to Defendant's request.

22. After Defendant and Mr. Harrington re-entered the district criminal courtroom, the prosecutor called Mr. Hart's case to be heard.

23. At Defendant's direction, Defendant and Mr. Harrington approached and stood behind the defense table without Mr. Hart, who remained in the lobby.

24. The court directed the prosecutor to arraign Mr. Hart.

25. While Defendant and Mr. Harrington stood behind the defense table, the prosecutor read to Defendant and Mr. Harrington the charges brought against Mr. Hart.

26. The court then asked the prosecutor and Defendant to approach and discuss the possibility of a plea agreement on the charges against Mr. Hart.

27. While they did so, Defendant left Mr. Harrington at the defense table.

28. At the bench, Defendant explained that Mr. Hart wanted a trial because he did not believe the witnesses could identify him.

29. The court therefore announced a lunch recess before trial.

30. Defendant did not inform the court or prosecutor at any time before the recess that Mr. Harrington was not her client, Mr. Hart, and was not the named defendant in the action being heard.

31. Defendant did not disclose Mr. Harrington's identity to the court or prosecutor as a strategy so that she could reach the examination of the victim and

test whether the victim would assume that Mr. Harrington was the defendant in the action and therefore incorrectly identify him as the perpetrator of the crime.

32. By calling Mr. Harrington to stand and then sit at the defense table, next to Mr. Hart's counsel, while Mr. Hart's case was called and the charges against Mr. Hart were read and while Defendant discussed the prospects of negotiating a plea agreement in Mr. Hart's case with the court and prosecutor at the bench, Defendant impliedly represented to the court and the prosecutor that Mr. Harrington was the defendant charged in the case—Mr. Hart.

33. Defendant's implicit representation to the court and the prosecutor that Mr. Harrington was the defendant charged in the case, Mr. Hart, was false.

34. As court began to recess, the prosecutor and court discovered that Mr. Harrington may have been someone other than Mr. Hart

35. In Defendant's presence, the prosecutor and a law enforcement officer asked Mr. Harrington for his name.

36. Mr. Harrington did not answer and looked to Defendant for guidance.

37. Defendant instructed Mr. Harrington to continue leaving the courtroom.

38. As a result, Mr. Harrington left the courtroom and returned to the child support courtroom.

39. Judge Willis then directed that both Defendant and Mr. Harrington return and appear before the court.

40. Law enforcement officers retrieved Mr. Harrington from the child support courtroom.

41. Judge Willis informed Mr. Harrington that the court was considering holding both Defendant and Mr. Harrington in contempt for the events.

42. Defendant's actions misled the court and prosecutor to believe that Mr. Harrington was her client, the named defendant in the action during court proceedings in the action.

SECOND CLAIM

43. On January 29, 2020, Defendant represented clients J. Herring, P. Walley, A. Kelly, and N. Butler in criminal matters in Lee County District Court with District Court Judge Resson Faircloth presiding.

44. Each client had their case set on the court's probable cause calendar for that day.

45. Mr. Herring, Mr. Walley, and Ms. Kelly were being held in custody pending disposition of their cases.

46. Mr. Butler was on pretrial release and was present in Courtroom #1 (the "probable cause courtroom") on the morning of January 29.

47. Defendant appeared in the probable cause courtroom on the morning of January 29 and handled other client matters.

48. The matters of Mr. Herring, Mr. Walley, Ms. Kelly, and Mr. Butler were not resolved before the morning session of court recessed.

49. When the morning session of court recessed, Defendant was aware that the matters of Mr. Herring, Mr. Walley, Ms. Kelly, and Mr. Butler remained unresolved.

50. The court directed Ms. Phair and Mr. Butler to return at 2:00 p.m. to resolve her remaining client matters on the calendar that day.

51. Neither Defendant nor Mr. Butler returned at 2:00 p.m.

52. Without Defendant present, the court could not dispose of her clients' matters.

53. In Defendant's absence, the court disposed of all other matters on its docket.

54. After approximately 30-40 minutes of waiting for Defendant, the court decided to conclude its business for the day.

55. Due to Defendant's absence, the court was forced to continue the matters of Mr. Herring, Mr. Walley, and Ms. Kelly until the next probable cause court session two weeks later.

56. During the intervening two weeks, Mr. Herring, Mr. Walley, and Ms. Kelly remained in jail.

57. Due to Defendant's and Mr. Butler's failures to return, the court issued an order for Mr. Butler's arrest and an order for Defendant to appear and show cause why she should not be held in criminal contempt.

58. The court then recessed for the day at approximately 3:30 p.m.

59. Before the court recessed, Defendant did not make any reasonable efforts to contact the court, the clerk's office, the prosecutor, or her clients about her absence.

60. Before the court recessed, Defendant had no communications with Mr. Herring, Mr. Walley, Ms. Kelly, or Mr. Butler about Defendant not returning for the afternoon session of Lee County probable cause court or the implications of that decision on their cases.

61. At approximately 4:00 p.m., Defendant returned to the courthouse.

62. Defendant's conduct constituted criminal contempt under N.C. Gen. Stat. §§ 5A-11(3), (6), and (7).

63. The district court found the elements of criminal contempt by Defendant to be established beyond a reasonable doubt and entered a judgment of criminal contempt against Defendant.

64. Defendant appealed the district court's ruling.

65. Subsequently, during a September 9, 2021 hearing, Superior Court Judge James Hardin, Jr. found the elements of criminal contempt by Defendant to be established beyond a reasonable doubt and entered a judgment of criminal contempt against Defendant.

66. The superior court found beyond a reasonable doubt that when Defendant returned to the courthouse at 4:00 p.m. on January 29, she told the deputy clerk from the probable cause courtroom that she had been in domestic court that afternoon.

67. Defendant was not in domestic court on January 29, 2020. During the lunch recess, Defendant received a phone call wherein her sister expressed concern for their mother, which was particularly concerning to Defendant as her father passed away in the week prior. Defendant attended to her mother until she returned to court.

68. The superior court specifically found Defendant's statement to the deputy clerk was among three explanations for her failure to appear before Judge Faircloth as directed on January 29, 2020 at 2:00, that were not credible.

69. The superior court further found beyond a reasonable doubt that Defendant's failure to comply with the order to return to the courtroom at 2:00 p.m. with Mr. Butler was:

(a) a willful disobedience of the court's lawful order, directive, or instruction;

(b) a willful and grossly negligent failure to perform her duties in an official transaction; and

(c) a willful and grossly negligent failure to comply with the schedules and practices of the court resulting in substantial interference with the business of the court.

Based on the record and the foregoing Findings of Fact, the Hearing Panel makes the following:

CONCLUSIONS OF LAW

1. All parties are properly before the Hearing Panel and this tribunal has jurisdiction over Defendant, Nicolle Phair, and the subject matter of this proceeding.

2. 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) in that Phair violated the Rules of Professional Conduct in effect at the time of Defendant's conduct as follows:

(a) By misrepresenting Mr. Harrington as the named defendant in Mr. Hart's case, Defendant: knowingly made a false statement of material fact to a tribunal, in violation of Rule 3.3(a)(1); engaged in conduct involving misrepresentation that reflected adversely on Defendant's fitness as a lawyer, in violation of Rule 8.4(c); and engaged in conduct prejudicial to the administration of justice, in violation of Rule 8.4(d).

(b) By attempting to prevent the prosecutor and law enforcement from talking with Mr. Harrington, Respondent requested a person other than a client to refrain from voluntarily giving relevant information to another party, in violation of Rule 3.4(f).

(c) By misleading Mr. Harrington and Ms. Griffin about the risk to Mr. Harrington from assisting Defendant with her request, Defendant engaged in conduct involving a misrepresentation that reflected adversely on Defendant's fitness as a lawyer, in violation of Rule 8.4(c).

(d) By failing to communicate with Mr. Herring, Mr. Walley, Ms. Kelly, or Mr. Butler about her decision not to return for the afternoon session of Lee County probable cause court or the implications of that decision on their cases, Defendant failed to keep clients reasonably informed about the status of their matters, in violation of Rule 1.4(a)(3), and failed to explain a matter to the extent reasonably necessary to permit clients to make informed decisions regarding their representations, in violation of Rule 1.4(b).

(e) By failing to timely return to court to handle the matters of Mr. Herring, Mr. Walley, Ms. Kelly, and Mr. Butler when they were on the calendar, Defendant failed to act with reasonable diligence and promptness in representing clients, in violation of Rule 1.3, and failed to make reasonable efforts to expedite litigation, in violation of Rule 3.2.

(f) By failing to comply with the court's order that she return at 2:00 p.m. to the probable cause courtroom, Defendant: knowingly disobeyed an order of the court, in violation of Rule 3.4(c); committed a criminal act that reflected adversely on Defendant's honesty, trustworthiness or fitness as a lawyer, in violation of Rule 8.4(b); and engaged in conduct prejudicial to the administration of justice, in violation of Rule 8.4(d).

(g) By telling the deputy clerk that Defendant had been in domestic court during the afternoon session of Lee County probable cause court, Defendant engaged in conduct involving a misrepresentation that reflected adversely on Defendant's fitness as a lawyer, in violation of Rule 8.4(c).

Based upon the foregoing Findings of Fact and Conclusions of Law, and the stipulations of the parties, the Hearing Panel hereby finds by clear, cogent, and convincing evidence the following additional

FINDINGS OF FACT REGARDING DISCIPLINE

1. The findings of fact in paragraphs 1 through 69 above are reincorporated as if fully set forth herein.

2. Defendant has substantial experience in the practice of law, having been licensed since 1996 and having practiced criminal law for the entirety of her career.

3. An attorney's honesty with the court and court personnel is fundamental to the system of justice. The administration of justice is compromised when attorneys are not candid and truthful with the court. When attorneys are dishonest with the court, there is significant harm to the legal profession, the public's perception of the profession, as well as the potential for significant harm to clients.

4. In connection to the Hart matter, when Defendant approached Mr. Harrington and Ms. Griffin in the child support court room about assisting her with her plan in the Hart case, Defendant knew or should have known that they were relying on her as a lawyer with a more sophisticated knowledge of the legal system.

5. Mr. Harrington and Ms. Griffin were traumatized by their experience in court on January 29, 2020.

6. Defendant's conduct in the Hart matter negatively affected Mr. Harrington's and Ms. Griffin's perception of the legal profession.

7. Defendant's willful failure to timely return to the afternoon session of court on January 29, 2020 negatively impacted the public's perception of the profession and significantly harmed the administration of justice in that a court held publicly Defendant in criminal contempt of court.

8. Defendant has received prior discipline:

(a) In 2018, Defendant accepted a reprimand from the North Carolina State Bar in connection with grievance file number 17G0476, involving violations of Rules 3.3(a), 3.5(a)(4)(A), and 8.4(c).

(b) In 2022, the DHC issued an admonition to Defendant in case number 21 DHC 8, involving a violation of Rule 5.3(b).

9. Defendant's conduct in the Hart matter caught the attention of national media outlets, including the American Bar Association Journal, which publicized Defendant's conduct in online articles.

10. It negatively impacts the public's perception of the profession when a North Carolina lawyer violates the Rules of Professional Conduct in a particularly newsworthy manner.

Based upon the foregoing Findings of Fact, Conclusions of Law, and Additional Findings of Fact Regarding Discipline, and upon consideration of the factors set forth in 27 N.C. Admin. Code 1B .0116(f), the Hearing Panel hereby enters the following additional

CONCLUSIONS OF LAW REGARDING DISCIPLINE

1. The Hearing Panel carefully considered all the different forms of discipline available to it and considered all the factors enumerated in 27 N.C. Admin. Code 1B .0116(f) of the Discipline and Disability Rules of the North Carolina State Bar.

2. The Hearing Panel concludes that the following factors from § .0116(f)(1), which are to be considered in imposing suspension or disbarment, are present in this case:

(a) intent of the defendant to cause the resulting harm or potential harm;

(b) intent of the defendant to commit acts where the harm or potential harm is foreseeable;

(c) circumstances reflecting the defendant's lack of trustworthiness;

(d) elevation of the defendant's own interest above that of the client;

(e) negative impact of defendant's actions on client's or public's perception of the profession;

(f) negative impact of the defendant's actions on the administration of justice;

(g) effect of defendant's conduct on third parties; and

(h) acts of misrepresentation;

3. The Hearing Panel concludes that the following factors from § .0116(f)(2), which require consideration of disbarment, are present in this case:

(a) acts of misrepresentation.

4. The Hearing Panel concludes that the following factors from § .0116(f)(3), which are to be considered in all cases, are present in this case:

(a) prior disciplinary offenses;

(b) lack of remoteness of prior offenses;

(c) a pattern of misconduct;

(d) multiple offenses;

(e) effect of any personal or emotional problems on the conduct in question;

(f) vulnerability of victim; and

(g) degree of experience in the practice of law.

5. The Hearing Panel has considered all lesser sanctions, including censure, reprimand, and admonition, and finds that discipline less than a suspension would not adequately protect the public from Defendant's misconduct.

Based upon the foregoing Findings of Fact, Conclusions of Law, and Additional Findings and Conclusions Regarding Discipline, the Hearing Panel enters the following

ORDER OF DISCIPLINE

1. The law license of Defendant, Nicolle T. Phair, is hereby suspended for three years effective sixty 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 ninety 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 her law license and membership card to the Secretary of the North Carolina State Bar no later than sixty days following service of this Order upon Defendant.

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

5. After serving no less than six 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. Admin. Code 1B .0118(c). Defendant may apply for a stay up to thirty days prior to the end of the six-month period but no stay of the suspension shall be entered prior to the expiration of at least six months of this suspension. In order to be eligible for a stay of the remaining period of suspension, Defendant must demonstrate by clear, cogent, and convincing evidence the following:

(a) Defendant surrendered her 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 her;

(b) Defendant properly wound down her 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 ninety 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 her 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 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 her, 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; and

(h) Defendant did not violate any of the Rules of Professional Conduct of North Carolina or of any other jurisdiction in which she 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.

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

(a) Defendant shall keep the North Carolina State Bar Membership Department advised of her 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;

(b) Defendant shall accept all certified mail from the North Carolina State Bar sent to the address on record with the State Bar Membership Department;

(c) 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;

(d) 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 her, including all judicial district dues, fees, and assessments; Defendant shall provide proof that she paid such dues, fees, or costs to the North Carolina State Bar Office of Counsel within ten calendar days of paying them;

(e) Defendant shall not violate the Rules of Professional Conduct of North Carolina or of any other jurisdiction in which she 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

(f) 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.

7. 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 (f) above, the stay of the suspension of Defendant's law license may be lifted as provided in 27 N.C. Admin. Code 1B .0118.

8. 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 27 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 her law practice and complied with the terms of 27 N.C. Admin. Code 1B .0128;

(b) That Defendant submitted her 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 her law license;

(c) That Defendant kept the North Carolina State Bar Membership Department advised of her 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 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 her, 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 she 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 her 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 her; 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.

9. 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 her.

10. Unless Defendant's obligations under this Order are modified by further order of the DHC, Defendant's obligations under this Order end three years from the effective date of the Order, provided there are at that time no pending motions to activate the suspension of her 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 three-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 7th day of November 2024.

Brian O. Beverly, Chair
Disciplinary Hearing Panel

Agreed and consented to by:

Robert Weston
Attorney for Plaintiff

Savannah McLamb
Attorney for Plaintiff

Nicolle T. Phair
Defendant

Alan M. Schneider
Attorney for Defendant

Joshua Walthall
Attorney for Defendant