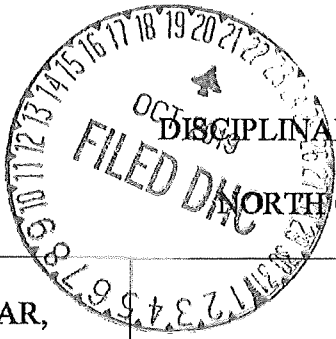


STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
18 DHC 7

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

ROBERT R. SCHOCH, Attorney,

Defendant

ORDER OF DISCIPLINE

THIS MATTER was heard on 1 and 2 August 2019 and 19 September 2019 before a Hearing Panel of the Disciplinary Hearing Commission composed of Donald C. Prentiss, Chair, and members Fred W. DeVore, III and Tyler B. Morris. Jennifer A. Porter represented Plaintiff, the North Carolina State Bar. Defendant, Robert R. Schoch, appeared *pro se*.

Based upon the pleadings, the stipulated facts, and the evidence admitted at the hearing, 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, Robert R. Schoch (“Schoch”), was admitted to the North Carolina State Bar in 1971, 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. During all or part of the relevant periods referred to herein, Schoch was engaged in the practice of law in the State of North Carolina and maintained a law office in High Point, Guilford County, North Carolina.

4. Schoch was properly served with process, a hearing in this matter was set, and the matter came before the hearing panel with due notice to all parties.

TPR Proceedings

5. In 2016, Schoch represented the mother in termination of parental rights proceedings (the “TPR Proceedings”) in files 14 JT 392 and 15 JT 19.

6. In the course of the TPR Proceedings, Schoch engaged in the following conduct¹:

- a. Misrepresented the reason Schoch was seeking a continuance.
- b. Went behind the Judge’s bench without permission and misrepresented that he had permission to go behind the Judge’s bench.
- c. Failed to stand when addressing the Court.
- d. Failed to yield gracefully to Court rulings and/or abide by the Court’s rulings and instructions.
- e. Talked over and interrupted the Judge, opposing counsel and witnesses, with additional instances of failing to yield gracefully to rulings of the Court.
- f. In addition, engaged in other conduct intended to disrupt a tribunal.
- g. In representing a client, used means having no substantial purpose other than to embarrass, delay, or burden a third person.
- h. Alluded to matters that he did not reasonably believe were relevant or that would not be supported by admissible evidence, and asserted his personal opinions concerning the justness of a cause, the credibility of a witness, and/or the culpability of a civil litigant.
- i. Asserted personal knowledge of facts related to the case.
- j. Injected irrelevant and inflammatory commentary about himself, his children, and his personal experiences.
- k. Made unsubstantiated allegations against a witness and opposing counsel of withholding, corrupting, manufacturing and/or exaggerating evidence.
- l. Made unsubstantiated allegations against opposing counsel of misleading the Court and acting in bad faith.

7. In post-trial communications, Schoch made unfounded accusations against the Judge and opposing counsel of hiding information, *ex parte* communications and obstruction of justice, including, but not limited to, in emails dated July 8, 2016 and July 11, 2016.

Davis/Kahn matter

¹ The Sealed Order of Discipline entered in this case contains more detailed findings from the confidential record of the TPR Proceedings.

8. Defendant undertook representation of Mr. T. Khan with respect to various matters, including but not limited to representation with respect to criminal charges brought by the State against Mr. Khan in Guilford County arising from an incident on December 28, 2017.

9. Criminal charges arising from the same incident on December 28, 2017 were also brought by the State against Ms. A. Davis, who was T. Khan's female companion and roommate.

10. Ms. Davis was represented by counsel Kevin Dowling in her criminal case.

11. The subject of Mr. Dowling's representation of Ms. Davis in her criminal case included the incident on December 28, 2017 and the resulting criminal charges against Ms. Davis.

12. In about April 2018, Defendant met with Ms. Davis.

13. Defendant's meeting with Ms. Davis occurred during Defendant's representation of Mr. Khan.

14. Defendant's meeting with Ms. Davis occurred during Mr. Dowling's representation of Ms. Davis.

15. Defendant intended at this meeting to discuss with Ms. Davis the incident on December 28, 2017 and the pending criminal charges against Mr. Khan and Ms. Davis.

16. Defendant knew when he met with Ms. Davis that she was represented by counsel in her criminal case involving the incident on December 28, 2017 and the resulting criminal charges.

17. Defendant knew that the subject of Mr. Dowling's representation of Ms. Davis included the incident on December 28, 2017 and the resulting criminal charges against Ms. Davis.

18. Ms. Davis' attorney, Mr. Dowling, was not present at this meeting between Defendant and Ms. Davis.

19. Defendant had not notified Mr. Dowling about the meeting.

20. Defendant had not obtained Mr. Dowling's consent to communicate with Ms. Davis about the subject of Mr. Dowling's representation of Ms. Davis.

21. Defendant was not authorized by law or court order to communicate with Ms. Davis about the subject of Mr. Dowling's representation of Ms. Davis.

22. When Defendant met with Ms. Davis in April 2018, he discussed with her the incident on December 28, 2017 and the pending criminal charges against Mr. Khan and Ms. Davis.

23. Defendant's goal for his meeting with Ms. Davis was to have her exonerate Mr. Khan of criminal liability.

24. The information that Ms. Davis could provide that would exonerate Mr. Khan would in turn incriminate Ms. Davis.

25. During his meeting with Ms. Davis, Defendant elicited from Ms. Davis comments which exonerated Mr. Khan of criminal liability and comments which incriminated Ms. Davis.

26. Defendant made a video and audio recording of this meeting with Ms. Davis.

27. Defendant did not inform Ms. Davis that he was recording the meeting and her statements made during the meeting.

28. Defendant intended to utilize the recording of Ms. Davis's statements to attempt to persuade the District Attorney's Office to dismiss the charges against Mr. Khan.

Based on the foregoing Findings of Fact, the Hearing Panel enters the following:

CONCLUSIONS OF LAW

1. All the parties are properly before the Hearing Panel and the Panel has jurisdiction over Defendant, Robert R. Schoch, and the subject matter.

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 misrepresenting the basis for the continuance sought by Schoch, Schoch knowingly made false statements of material fact or law to a tribunal in violation of Rule 3.3(a)(1), engaged in conduct involving dishonesty, fraud, deceit or misrepresentation 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 going behind the Judge's bench without permission and by misrepresenting that he had permission to go behind the Judge's bench, Schoch engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c), and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d);
- (c) By making derogatory comments, irrelevant comments and questions that had no substantial purpose other than to embarrass or burden a third person, and unsubstantiated allegations of misconduct and personal accusations to and/or about the Judge, other counsel and witnesses, which included accusations of misconduct, bad faith, dishonesty and criminal acts, Schoch alluded to matters he did not reasonably believe were relevant or supported by admissible evidence and stated personal opinions as to the credibility of a witness in violation of Rule 3.4(e), engaged in undignified or discourteous conduct degrading to the tribunal

in violation of Rule 3.5(a)(4)(B), used means that had no substantial purpose other than to embarrass or burden a third person in violation of Rule 4.4(a), and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d);

- (d) By (i) failing to stand to address the Court, (ii) failing to abide by Court rulings and instructions, (iii) talking over and interrupting the Judge, opposing counsel and witnesses, (iv) placing his foot or leg on counsel table during the TPR Proceedings, (v) improperly coming out from behind counsel table, and (vi) seeking to sit next to his client and hold her hand during her cross-examination, Schoch engaged in conduct intended to disrupt a tribunal, including engaging in undignified or discourteous conduct that is degrading to a tribunal in violation of Rule 3.5(a)(4)(B), and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d);
- (e) By failing to (i) conduct himself with dignity and propriety; (ii) stand and remain behind counsel table to address the Court; (iii) obtain permission to go behind the bench; (iv) treat adverse witnesses with fairness and due consideration, and without abusive language or offensive personal references; (v) conduct himself with candor and fairness; (vi) yield gracefully to rulings of the Court and avoid detrimental remarks both in court and out; and (vii) promote respect for the Court, Schoch intentionally and habitually violated Rule 12 of the North Carolina General Rules of Practice in violation of Rule 3.5(a)(4)(C), and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d);
- (f) By making statements of personal experiences, by stating personal opinions concerning the justness of the cause, the credibility of a witness, and/or the culpability of a civil litigant, by vouching for his client, and by asserting personal knowledge of facts related to the case during the TPR Proceedings, Schoch violated Rule 3.4(e), and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d);
- (g) During the course of his representation of Mr. Khan, Defendant communicated with Ms. Davis about her criminal case, including the incident on December 28, 2017 and the resulting criminal charges against Ms. Davis. At the time of this communication, Defendant knew Ms. Davis was represented by counsel in that criminal case and that the subject of that representation included the incident on December 28, 2017 and the resulting criminal charges against Ms. Davis. Defendant did not have the consent of Ms. Davis' lawyer to talk with Ms. Davis about the subject of the representation and was not authorized by law or court order to do so. By communicating with Ms. Davis in this manner, Defendant communicated with a person he knew was represented by counsel about the subject of the representation during the representation of a client in violation of Rule 4.2(a); and
- (h) By meeting with Ms. Davis without the presence or consent of her attorney and eliciting statements from Ms. Davis, that he recorded without her knowledge,

which incriminated Ms. Davis and which exonerated Mr. Khan, with the intent to use those statements to attempt to persuade the District Attorney's Office to dismiss the charges against Mr. Khan, Defendant engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d).

3. The Hearing Panel concluded that the clear, cogent, and convincing evidence of the case did not show that Defendant violated Rule 3.5(a)(4)(B) and Rule 8.4(d) by yelling and cursing in the TPR proceedings, or that Defendant violated Rule 3.3(a)(1), Rule 8.4(c), and Rule 8.4(d) by misrepresenting in the TPR proceedings when he first became knowledgeable of the facts of the case and the timing of the commencement of his representation of the mother.

Based on the foregoing Findings of Fact and Conclusions of Law, 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 – 28 above are reincorporated as if set forth herein.

2. Comments in court by one lawyer tending to disparage the personality or performance of another are wholly inappropriate. Such comments tend to reduce public trust and confidence in the courts and, in more extreme cases, directly interfere with the truth-finding function of the court and with the ability of opposing counsel to effectively represent his or her client.

3. Witnesses should not be subjected to abuse which is calculated to degrade or bring the witness into ridicule or contempt. It was absolutely unacceptable for Defendant to call the social worker witness "Nurse Ratchet," to make personal comments about the color of her clothes, her smiling, and her rocking in her chair, and to ask her personal questions such as whether she has children.

4. Refraining from abusive or obstreperous conduct is a corollary of the advocate's right to speak on behalf of a litigant. Lawyers are expected to avoid disruptive, undignified, discourteous, and abusive behavior, including angry outbursts, insults, slurs, personal attacks, and unfounded personal accusations. Zealous advocacy does not rely upon such tactics and is never a justification for such conduct.

5. Defendant's client in the termination proceeding acted out angrily and disrespectfully in court, including making disrespectful comments to opposing counsel and slamming her hands down on the table on one occasion when she disagreed with something a witness was saying. On one occasion referenced above, Defendant's client's mother used profanity and left the courtroom. In the judge's experience, people in the courtroom don't typically engage in these types of behaviors, particularly if they are represented by counsel, absent mental health issues or unless they feel empowered to do so. The judge's perception was that Defendant's disrespectful comments to opposing counsel and the court in the termination proceeding led his client and her mother to feel empowered to similarly behave with disrespect.

6. Defendant's conduct in the termination proceeding as set out above, including talking over the judge, opposing counsel, and the witness, interjecting inappropriate comments, making derogatory comments to and about opposing counsel and the social worker witness, failing to obey the rulings and instructions of the judge, being disrespectful of the judge's rulings, arguing with the judge, and failing to obey the rules of court, caused significant harm to the administration of justice in the termination proceeding, including in the following ways:

- a. By significantly lengthening the time required to complete the termination proceeding, causing a proceeding expected to take approximately two days to take eight days;
- b. Delaying hearings in other juvenile cases, impacting other children in foster care, as a result of the additional days taken for this termination proceeding;
- c. Creating a chaotic and disrespectful atmosphere in the courtroom which impugned the integrity of the judicial process, made it difficult for the judge to preside over the proceeding in an efficient and effective manner, made it difficult for opposing counsel to effectively represent her client, and which encouraged disrespectful conduct by Defendant's client and the client's mother; and
- d. Having a negative effect on the social worker, a required witness, causing her to be nervous, shaky, and upset.

7. Societal order rests upon respect for the rule of law and respect for the decisions of the courts. It is particularly damaging to public perception of the legal system when an officer of the court denigrates the integrity of the system and demeans its participants.

8. Attorneys as officers of the court have a duty to avoid conduct that undermines the integrity of the adjudicative process. When an attorney makes misrepresentations to the court as Defendant was found to have done in the termination proceeding, it causes significant harm to the profession and the administration of justice, eroding the ability of judges and attorneys to rely on another attorney's word.

9. Defendant's conduct in the termination proceeding as set out above and in the preceding paragraph 6 caused significant harm to his client. His disrespectful behavior empowered his client to act out angrily and disrespectfully in court, which impaired his client in presenting herself and her mental health status in the best light before the court. Defendant's failure to respect the bifurcated nature of the proceedings and to comply with the judge's instructions to focus his evidence and arguments to the pertinent stage of the proceeding impaired his client's ability to present any facts in her favor persuasively at the appropriate time in the proceeding. Defendant's improper comments alleging that the court and the Department of Social Services were aligned and biased against his client engendered distrust in his client against the system within which she would need to cooperate if she were to try to situate herself to be able to apply to have the termination order set aside.

10. Defendant's conduct in the termination proceeding caused significant harm to the profession. Attorneys are the leaders in the courtroom and set the standard, and when an

attorney acts disrespectfully as Defendant did, it casts a negative pall on the profession as a whole. The negative impact was manifested in the disrespectful conduct shown by Defendant's client and his client's mother toward opposing counsel and the court.

11. Defendant's conduct in the Davis/Kahn matter embodied the overreach and the harms that Rule 4.2 of the Rules of Professional Conduct was designed to prevent. In blatant disregard for Ms. Davis' choice, and constitutional right, to be represented and assisted by counsel with respect to her criminal charges, Defendant met with Ms. Davis without her attorney's knowledge or consent and recorded her on video admitting to the conduct with which she was charged, in statements he elicited from her.

12. The egregious nature of Defendant's conduct in meeting with Ms. Davis is heightened by Defendant's failure to correct Ms. Davis when at the beginning of the meeting she stated her understanding that Defendant couldn't tell anyone what she told him. Defendant didn't tell her that he could disclose what she said since she was not his client, nor did he inform her that he was recording the meeting and intended to share what she said with the District Attorney's Office.

13. The assistant district attorney assigned to prosecute the Davis and Kahn cases dismissed the charges in both cases due to the taint created by Defendant's meeting with and recording of Ms. Davis without her attorney's knowledge or consent.

14. Defendant's meeting with and recording of Ms. Davis without her attorney's knowledge or consent caused significant harm to the administration of justice, including in the following ways:

- a. By undermining and interfering with Ms. Davis' attorney's representation of Ms. Davis; and
- b. By creating circumstances under which the prosecutor felt compelled to dismiss pending criminal charges due to the taint caused by his conduct.

15. Defendant indicated in his testimony that when he approached the Assistant District Attorney assigned to the Davis and Kahn cases, he had just wanted to talk with the prosecutor and had not wanted to enter an appearance for Mr. Kahn in his criminal case. Defendant seeking to act in a matter before the court without entering an appearance is reminiscent of conduct that was at issue in his prior case before the DHC, in 11 DHC 16.

16. Defendant's disparaging remarks toward opposing counsel and the social worker in the termination proceeding and his failure to obey the instructions and rulings of the judge in the termination proceeding are similar in nature to the conduct for which he was reprimanded in 11 DHC 16.

17. Defendant was admonished on several occasions by the judge during the course of the termination proceedings but did not cease engaging in conduct that violated Rule 12 of the General Rules of Practice as well as the Rules of Professional Conduct.

18. Defendant has not acknowledged the wrongful nature of his conduct. Defendant did not admit violating any of the Rules of Professional Conduct other than committing a technical violation of Rule 4.2. Defendant minimized the significance of his misconduct in the Davis/Kahn matter and indicated he would not change any of his conduct in the termination proceeding.

19. Defendant has the following prior discipline:

- a. Reprimand from the DHC by order filed on January 30, 2012 in 11 DHC 16 for conduct in a criminal case including making derogatory comments about the defense attorney in the case, interfering in that attorney's representation of his client, failing to obey an order of the court, and interacting in an improper and disruptive matter toward a potential witness and the prosecutor.
- b. Admonition from the Grievance Committee in file 12G0899 issued at its April 2013 meeting for violations of trust account rules found during a random audit in August 2012.

20. Defendant presented evidence of his good character and of his dedication to providing representation to those he felt were disadvantaged or victims of injustice, often on a *pro bono* basis.

21. The Hearing Panel finds by clear, cogent, and convincing evidence the facts contained in the conclusions set out below of the applicable factors regarding discipline from those listed in 27 N.C. Admin. Code 1B.0116(f).

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

CONCLUSIONS REGARDING DISCIPLINE

1. The Hearing Panel carefully considered all of the different forms of discipline available to it.

2. The Hearing Panel considered all of the factors enumerated in 27 N.C. Admin. Code 1B.0116(f).

3. The Hearing Panel concludes that the following factors from 27 N.C. Admin. Code 1B.0116(f)(1), which are to be considered in imposing suspension or disbarment, are present in this case:

- a. Factor (B), Intent of Defendant to commit acts where the harm or potential harm is foreseeable;
- b. Factor (C), Circumstances reflecting Defendant's lack of honesty, trustworthiness, or integrity;

- c. Factor (E), Negative impact of Defendant's actions on client's and public's perception of the profession;
- d. Factor (F), Negative impact of Defendant's actions on the administration of justice;
- e. Factor (G), Impairment of the client's ability to achieve the goals of the representation;
- f. Factor (H), Effect of Defendant's conduct on third parties;
- g. Factor (I), Acts of misrepresentation.

4. The Hearing Panel considered the following factors listed in 27 N.C. Admin. Code 1B.0116(f)(2), which if found would warrant consideration of disbarment, but determined that disbarment was not the appropriate discipline to be imposed in this case.

5. The Hearing Panel concludes that the following factors from 27 N.C. Admin. Code 1B.0116(f)(3), which are to be considered in all cases, are present in this case:

- a. Factor (A), Prior disciplinary offenses in the state of North Carolina;
- b. Factor (B), Remoteness of prior offenses;
- c. Factor (C), Absence of dishonest or selfish motive;
- d. Factor (D), Failure to timely make a good faith effort to rectify consequences of misconduct;
- e. Factor (F), A pattern of misconduct;
- f. Factor (G), Multiple offenses;
- g. Factor (K), A cooperative attitude toward the proceedings;
- h. Factor (O), Refusal to acknowledge wrongful nature of conduct;
- i. Factor (P), Absence of remorse;
- j. Factor (Q), Evidence of good character and reputation;
- k. Factor (S), Significant degree of experience in the practice of law;
- l. Factor (V) Other factors, to wit:

(1) The Hearing Panel had concerns regarding Defendant's legal competence under Rule 1.1 of the Rules of Professional Conduct. It appeared to the Hearing Panel that Defendant may be experiencing physical issues, such as

hearing loss and memory loss, that are negatively impacting his ability to effectively represent clients in court.

6. The Hearing Panel considered all of the disciplinary options available to it and determined that suspension is appropriate and necessary in this case, in light of the significant harm caused by Defendant's conduct to his client, the profession, and the administration of justice.

7. The Hearing Panel has considered all lesser sanctions and finds that discipline short of suspension would not adequately protect the public for the following reasons:

- a. Defendant has been disciplined previously for misconduct of a similar nature to the misconduct in which he engaged in the termination proceeding. The written discipline he previously received was not effective in preventing subsequent transgressions by Defendant;
- b. Defendant has failed to admit to the wrongful nature of his conduct and has given the Hearing Panel no assurance that he would not engage in future violations of the Rules of Professional Conduct; and
- c. 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 the public regarding the conduct expected of members of the Bar of this State.

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

ORDER OF DISCIPLINE

1. Defendant, Robert R. Schoch, is hereby suspended from the practice of law for four years.

2. Defendant shall pay the administrative fees and costs of this proceeding as assessed by the Secretary of the North Carolina State Bar. Defendant must pay the costs within 30 days of service upon him of the statement of costs by the Secretary.

3. Within 15 days of the effective date of this Order Defendant shall provide the State Bar with an address and telephone number at which clients seeking return of files can communicate with Defendant and obtain such files. Defendant must keep this information current with the State Bar, providing updated information to the State Bar within 15 days of any change.

4. Defendant shall promptly return client files in his possession, custody, or control to clients upon request, within 5 days of receipt of such request. Defendant will be deemed to have received any such request 3 days after the date such request is sent to Defendant if the

request is sent to the address Defendant provided the State Bar pursuant to the preceding paragraph.

5. Defendant shall comply with all provisions of 27 N.C. Admin. Code 1B.0128 as set out therein.


6. After no less than two years following the effective date of this order, Defendant may file a motion with the Disciplinary Hearing Commission pursuant to 27 N.C. Admin. Code 1B.0118(c) to have the remaining period of suspension imposed by this Order stayed. To be eligible to have the remaining period of suspension stayed after completing the two years of suspension, Defendant must comply with the requirements of 27 N.C. Admin. Code 1B.0118 and 27 N.C. Admin. Code 1B.0129, and must show by clear, cogent, and convincing evidence the following:

- a. That he timely complied with paragraphs 2-5 of this section of the Order of Discipline, including having properly wound down his law practice and timely complied with all provisions of 27 N.C. Admin. Code 1B.0128.
- b. That Defendant obtained a medical examination and evaluation no earlier than 60 days prior to filing the motion for stay by a licensed and qualified medical professional who agrees to assess and give an opinion regarding whether Defendant has at that time any mental or physical condition which impairs or in any way affects Defendant's ability to practice law, or his professional judgment, performance, or competence as an attorney. Defendant shall include with any motion for stay a complete report from this medical professional that includes the professional's opinion regarding whether Defendant has at that time any mental or physical condition which impairs his professional judgment, performance, or competence as an attorney and that also includes the reasons supporting the opinion. Defendant shall sign an authorization consenting to the release of all medical records and information related to this examination and evaluation to the Office of Counsel, and Defendant shall not revoke that release. Defendant shall attach this authorization to any motion for stay. All expenses related to this examination, evaluation, and report shall be borne by Defendant.
- c. That Defendant has not attempted to communicate, on behalf of a party or a potential witness, with any participant in any case involving such party or potential witness, including but not limited to attempting to provide information to counsel for a party, a potential witness for a party, or to the court.
- d. That Defendant has responded to all letters of notice and requests for information from the N.C. State Bar by the deadline stated in the communication;
- e. That Defendant has kept the State Bar Membership Department advised of his current physical home address;

- f. That Defendant owes no outstanding membership fees, Client Security Fund assessments and fees, or costs assessed by the DHC or the State Bar and has complied with and satisfied any outstanding CLE requirements; and
- g. That Defendant has not violated the Rules of Professional Conduct or the laws of the United States or any state.

7. If Defendant is not granted a stay of any portion of the four-year suspension, or if some part of the suspension is stayed but the stay is thereafter revoked, then before Defendant may subsequently be reinstated to active status he must prove compliance by clear, cogent, and convincing evidence with the requirements of the immediately-preceding paragraph 6, attaching to his petition for reinstatement any item required to be included with a motion for stay under the preceding paragraph.

Signed by the Chair with the consent of the other Hearing Panel members, this the 21 day of October, 2019.



Donald C. Prentiss, Chair
Disciplinary Hearing Panel