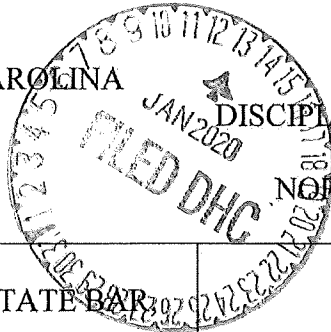


STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
17 DHC 32 SC

NORTH CAROLINA STATE BAR
Plaintiff

v.

PHILIP S. ADKINS, Attorney,
Defendant

CONSENT ORDER
TO EXTEND STAY OF SUSPENSION

This matter came on for consideration in response to Plaintiff's Motion Seeking to Activate Suspension of Law License. Plaintiff, the North Carolina State Bar, was represented by Leonor Bailey Hodge. Defendant, Philip S. Adkins, represented himself. Defendant waives a formal hearing in this matter and both parties stipulate and consent to the findings of fact, conclusions of law, and disposition outlined below. By consenting to entry of this order, Defendant waives any right to appeal this order or to challenge in any way the sufficiency of the findings.

Based upon the pleadings and the consent of the parties, the Hearing Panel hereby finds by the greater weight of the evidence the following

FINDINGS OF FACT

1. On 19 April 2018, the Disciplinary Hearing Commission entered an Order of Discipline finding that Defendant, Philip S. Adkins ("Adkins" or "Defendant"), violated the Rules of Professional Conduct in his trust account management and which suspended his license to practice law for two years ("April 2018 Order of Discipline"). This suspension was stayed for two years provided Adkins complied with the conditions specified in the order.

2. The first condition of the stay provides that Adkins must, within thirty (30) days after entry of the Order, retain a certified public accountant ("CPA"), approved in advance by the Office of Counsel, to independently audit his trust account. This condition requires Adkins to cooperate with the CPA to ensure that the audit is complete within sixty (60) days of the date the CPA was first retained.

3. The first condition further requires that the CPA shall provide monthly written reports to the State Bar updating the State Bar on the audit's progress until the audit is complete.

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4. Additionally, upon completion of the audit, the order requires the CPA to provide the State Bar with a written final audit report that identifies who owns the funds presently held in Defendant's trust account, identifies by owner and amount the funds Defendant was required to maintain in the trust account, and which identifies any shortage in the trust account, and provide supporting documentation with the audit report.

5. Pursuant to the terms of the order, it is Defendant's sole responsibility to ensure that the CPA completes and submits the reports required by the order and to bear all costs of the audit, including any costs for preparation and submission of reports associated therewith.

6. Although Adkins timely retained a CPA to audit his trust account, between April 2019 and November 2019 Defendant did not ensure the CPA communicated with the State Bar about the status of the audit report which was due within 60 days of the date the auditor was retained.

7. The CPA did not submit a completed report until 25 November 2019, several months after it was due and after Plaintiff filed its Motion to Activate Suspension of Law License. The CPA did not provide monthly reports of the status of the audit between April 2019 and November 2019.

8. Defendant's failure to timely submit the CPA's final report and to ensure the CPA provided monthly updates on the status of completion of the report between April 2019 and November 2019 constituted a failure to comply with the conditions of the stay of his suspension as required by the April 2018 Order of Discipline.

Based upon the foregoing 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, Philip S. Adkins, and over the subject matter of this proceeding.

2. Defendant failed to comply with the following conditions of the stay of his suspension:

- a. Defendant will cooperate with the CPA to ensure that the audit is complete within sixty (60) days of the date the CPA is first retained. The CPA shall provide monthly written reports to the State Bar updating the State Bar on the audit's progress until the audit is complete.

3. This violation warrants extending the length of the stay of suspension of Defendant's law license.

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

ORDER

1. The stay of Defendant's suspension is hereby extended for eighteen (18) months until 31 October 2021.

2. The conditions of the stay as outlined in the April 2018 Order of Discipline apply throughout the extended stay until 31 October 2021.

3. The extended stay of suspension is also conditioned on Defendant's full and timely compliance with the Order to Replenish and Disburse from Trust Account entered on 23 December 2019 in Wake County Civil Superior Court in case file no. 16 CVS 14221.

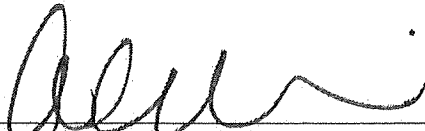
4. Unless Defendant's obligations under this order or the April 2018 Order of Discipline are modified, Defendant's obligations under these orders end 31 October 2021 provided there are no pending motions or show cause proceedings alleging lack of compliance with conditions of the stay of suspension. If a motion or show cause proceeding alleging lack of compliance with the conditions of the stay of the suspension is pending when the period of stay would otherwise have terminated, the Disciplinary Hearing Commission retains jurisdiction and the ability to 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 show cause proceeding.

5. If Defendant fails to comply with any one or more of the conditions set out in the April 2018 Order of Discipline or the condition of this order contained in paragraph 3 above, then the stay of suspension may be lifted in accordance with 27 N.C. Admin. Code 1B.0118.

6. If the stay of the suspension is lifted and the suspension is activated for any reason, the Disciplinary Hearing Commission may enter an order imposing such conditions as it deems proper for reinstatement of Defendant's license at the end of the suspension. Additionally, Defendant must establish by clear, cogent, and convincing evidence prior to being reinstated to the practice of law after any period of active suspension those items listed in paragraph 6(a) through (l) of the April 2018 Order of Discipline.

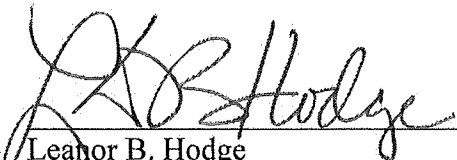
7. The Disciplinary Hearing Commission will retain jurisdiction of this matter pursuant to 27 N.C. Admin. Code 1B.0118 until all conditions of the stay of the suspension are satisfied.

Signed by the Chair with the consent of the other Hearing Panel members, this the 13 day of January, 2020.

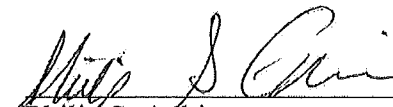


Allison C. Tomberlin, Chair
Disciplinary Hearing Panel

CONSENTED TO BY:



Leannor B. Hodge
Deputy Counsel
North Carolina State Bar
Counsel for Plaintiff



Philip S. Adkins
Defendant