

STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE
 DISCIPLINARY HEARING COMMISSION
 OF THE
 NORTH CAROLINA STATE BAR
 18 DHC 45

THE NORTH CAROLINA STATE BAR,
 Plaintiff

v.

ORDER OF DISCIPLINE

TRAVIS H. SIMPSON, Attorney,
 Defendant

THIS MATTER was heard by a Hearing Panel of the Disciplinary Hearing Commission composed of R. Lee Farmer, Chair, and members Maya Madura Engle and Ronald C. Brinson pursuant to 27 N.C. Admin. Code 1B.0115(g). Plaintiff was represented by Maria J. Brown. Defendant Travis H. Simpson appeared *pro se*.

Simpson failed to file a responsive pleading in this matter and, on 21 February 2019, the Hearing Panel entered a Default Order Making Findings of Fact and Conclusions of Law, pursuant to which the allegations in the Plaintiff's complaint were deemed admitted and concluding as a matter of law that Simpson violated the Rules of Professional Conduct as set forth in the complaint.

Based upon the pleadings in this matter and the Default Order Making Findings of Fact and Conclusions of Law entered by the Hearing Panel, the Hearing Panel makes by clear, cogent, and convincing evidence the following:

FINDINGS OF FACT

1. Plaintiff, the North Carolina 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 promulgated thereunder.

2. Defendant, Travis H. Simpson ("Defendant" or "Simpson"), was admitted to the North Carolina State Bar in September 1997 and is an Attorney at Law subject to the rules, regulations, and Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.

3. During the relevant period referred to herein, Defendant was engaged in the practice of law in Winston Salem, Forsyth County, North Carolina.

4. On 2 October 2010, J.W. was in an automobile accident at the intersection of Thurmond Street and 20th Street in Winston Salem.

5. As a result of the accident, police charged the other driver with failure to stop for a flashing red light.

6. On 8 October 2010, J.W. retained Defendant to represent him in a personal injury action arising out of the accident.

7. Defendant filed a complaint on behalf of J.W. on 30 September 2013.

8. Contrary to the information J.W. gave Defendant and the information in the police report, the complaint Defendant filed on J.W.'s behalf indicated that the accident occurred at Thurmond Street and Northwest Boulevard.

9. J.W. notified Defendant of this error.

10. Shortly after Defendant filed the complaint, he stopped returning J.W.'s telephone calls and otherwise failed to maintain adequate communication with J.W. about the status of his case or the efforts he was undertaking on J.W.'s behalf.

11. Defendant filed a voluntary dismissal of J.W.'s case on 5 May 2015.

12. Defendant did not advise J.W. of the need to dismiss the case or seek J.W.'s consent to do so.

13. On 21 August 2015, J.W. filed a grievance with the State Bar concerning Defendant's representation of him, grievance file no. 15G0868.

14. The State Bar served Defendant with a Letter of Notice in no. 15G0868 on 17 November 2015.

15. Pursuant to 27 N.C. Admin. Code 1B.0112(c), Defendant was to respond to the Letter of Notice within fifteen days of his receipt of the Letter of Notice.

16. Defendant failed to respond to the Letter of Notice in no. 15G0868 within fifteen days.

17. On 4 January 2016, the State Bar sent Defendant a letter notifying him that the State Bar had not received a response to the Letter of Notice in no. 15G0868 and asking him to respond by 11 January 2016.

18. Defendant failed to respond to the Letter of Notice in no. 15G0868 by 11 January 2016.

19. On 9 February 2016, Defendant provided a response to the Letter of Notice in no. 15G0868.

20. On 6 May 2016, the State Bar sent Defendant a letter requesting additional information about Defendant's representation of J.W.

21. Defendant was required to provide a response to the 6 May 2016 letter by 18 May 2016.

22. Defendant did not respond to the 6 May 2016 letter.

23. On 5 May 2016, Defendant re-filed the complaint in J.W.'s case.

24. The language of the complaint was identical to the first version Defendant filed; he did not fix the erroneous reference to Northwest Boulevard.

25. Defendant did not advise J.W. that he was re-filing the case or otherwise communicate with J.W.

26. By order dated 9 September 2016, J.W.'s case was dismissed with prejudice.

27. J.W.'s case was dismissed because Defendant failed to serve the other party with process and let the issued Summons lapse.

28. Defendant failed to notify J.W. that his case had been dismissed.

29. In late August 2014, K.M. retained Defendant to represent her in a personal injury matter arising out of a 20 August 2014 car accident.

30. From August 2014 to July 2017, Defendant took no significant action in Complainant's case.

31. Defendant failed to act with reasonable diligence and promptness on K.M.'s behalf.

32. During that period, Defendant failed to keep K.M. informed about the status of the matter.

33. During that period, K.M. called Defendant a number of times.

34. On multiple occasions, Defendant told K.M. that he would have her money for her in a couple of weeks and that he would call her.

35. Defendant did not call K.M.

36. Defendant failed to comply promptly with reasonable requests for information from K.M.

37. Defendant failed to reasonably consult with K.M. about the means by which her objectives were to be accomplished.

38. Defendant filed the complaint on behalf of K.M. on 21 August 2017.

39. In the complaint, Defendant named “Brenden O’Connor” as the driver of the other automobile involved in the collision with K.M., when the name of that individual was actually “Brendan O’Connor.”

40. On or about 18 October 2017, some of the defendants in K.M.’s case filed a motion to dismiss the action, asserting lack of personal jurisdiction, insufficiency of process, and failure to state a claim upon which relief could be granted.

41. That same day, those defendants also served interrogatories, a request for production of documents, and a Rule 8(a)(2) request.

42. Defendant failed to inform K.M. of the filing of the motion or discovery requests or explain their significance to her.

43. Defendant did not make any effort to respond to the discovery requests.

44. In or around December 2017, K.M. filed a grievance with the North Carolina State Bar regarding Defendant’s representation of her, grievance file no. 17G1270.

45. On or about 5 February 2018, Defendant was served with a Letter of Notice in no. 17G1270.

46. The Substance of Grievance attached to the Letter of Notice alleged that Defendant had failed to consult with K.M. about the means by which her objectives were to be accomplished, failed to keep her informed about the status of her matter, failed to comply promptly with reasonable requests for information from K.M., and failed to act with reasonable diligence and promptness on behalf of K.M.

47. The Substance of Grievance further alleged that K.M. did not know what had been happening in her case, whether the matter had been resolved, and whether Defendant had received any settlement funds on her behalf.

48. In his response to the Letter of Notice, Defendant was obligated to provide a full and fair disclosure of all facts and circumstances pertaining to the alleged misconduct.

49. Defendant failed to provide a full and fair disclosure of all facts and circumstances pertaining to the alleged misconduct.

50. In his written response to grievance file no. 17G1270, Defendant offered a stipulation to most of the factual allegations recited in the Substance of Grievance and indicated that, since the filing of K.M.’s grievance, “there have been additional negative developments in her case.”

51. Defendant did not respond to multiple inquiries from the State Bar regarding the nature of those developments.

52. On or about 26 March 2018, the defendants in K.M.'s case filed a motion to compel responses to their discovery requests.

53. Defendant did not inform K.M. of the filing of this motion or explain its significance to her.

54. On or about 11 April 2018, K.M. went to Defendant's office to see if she could speak with him about her case.

55. Defendant met with K.M. and told her that he had forgotten to serve a summons on one of the defendants.

56. Defendant offered to compensate K.M. for the harm caused by his error.

57. Defendant did not advise K.M. in writing of the desirability of seeking the advice of independent legal counsel.

58. K.M. reported to the State Bar that Defendant had offered to compensate her for his mishandling of her matter.

59. This resulted in the opening of a new grievance file, grievance file no. 18G0394.

60. On or about 9 May 2018, Defendant was served with a Letter of Notice in no. 18G0394.

61. Pursuant to 27 N.C. Admin. Code 1B.0112(c), Defendant was required to respond to the Letter of Notice within fifteen days of his receipt of the Letter of Notice.

62. Defendant failed to respond to the Letter of Notice in no. 18G0394 within fifteen days.

63. On 4 June 2018, the State Bar sent Defendant a letter notifying him that the State Bar had not received a response to the Letter of Notice in no. 18G0394 and asking him to respond by 11 June 2018.

64. Defendant failed to respond to the Letter of Notice in no. 18G0394.

65. On or about 10 May 2018, K.M. spoke with Defendant.

66. Defendant promised to make a payment to K.M. within a couple of days.

67. On or about 7 June 2018, K.M. went to Defendant's office to speak with him.

68. Defendant gave K.M. a check for \$1,000.00 and indicated he would give her an unspecified amount of additional money on the first of July.

69. K.M. asked Defendant for something in writing to memorialize their arrangement, and Defendant told her that was not necessary.

70. On or about 5 July and 2 August 2018, Defendant made additional \$1,000.00 payments to K.M.

Based upon the pleadings, the Default Order Making Findings of Fact and Conclusions of Law, and the foregoing Findings of Fact, the Disciplinary Hearing Panel makes the following:

CONCLUSIONS OF LAW

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

2. Defendant's conduct, as set out in the Findings of Fact above, constitutes grounds for discipline as follows:

A. 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 his actions as follows:

- (a) By failing to maintain communication with J.W., including failing to notify J.W. about the dismissals of the case, Defendant failed to keep his client reasonably informed about the status of the matter in violation of Rule 1.4(a)(3) and failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions about the representation in violation of Rule 1.4(b);
- (b) By failing to respond to J.W.'s inquiries about the status of the matter, Defendant failed to comply promptly with reasonable requests for information in violation of Rule 1.4(a)(4);
- (c) By failing to obtain J.W.'s consent to dismiss and re-file the complaint, Defendant failed to reasonably consult with the client about the means by which the client's objectives are to be accomplished in violation of Rule 1.4(a)(2) and failed to abide by the client's decisions concerning the objectives of the representation after reasonable consultation in violation of Rule 1.2(a);
- (d) By failing to include accurate information in the complaint about the location of the accident and failing to correct the issue even after J.W. brought the error to his attention, and by allowing the Summons to lapse, Defendant failed to act with reasonable diligence in representing his client in violation of Rule 1.3;
- (e) By failing to provide a timely response to the Letter of Notice in 15G0868 and by failing to respond to the 6 May 2016 follow-up letter, Defendant knowingly failed to respond to a lawful demand for information from a disciplinary authority in violation of Rule 8.1(b);

- (f) By failing to maintain communication with K.M., including failing to notify and consult with K.M. about the motion to dismiss and discovery requests, Defendant failed to abide by the client's decisions concerning the objectives of the representation after reasonable consultation in violation of Rule 1.2(a), failed to reasonably consult with the client about the means by which the client's objectives are to be accomplished in violation of Rule 1.4(a)(2), failed to keep his client reasonably informed about the status of the matter in violation of Rule 1.4(a)(3), and failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions about the representation in violation of Rule 1.4(b);
 - (g) By failing to respond to K.M.'s inquiries about the status of the matter, Defendant failed to comply promptly with reasonable requests for information in violation of Rule 1.4(a)(4);
 - (h) By failing to ensure that he had appropriately named and issued a Summons to the right defendant prior to the running of the statute of limitations in K.M.'s case, Defendant failed to act with reasonable diligence and promptness in representing his client in violation of Rule 1.3;
 - (i) By failing to make any effort to respond to the discovery requests in K.M.'s case, Defendant failed to make a reasonably diligent effort to comply with a legally proper discovery request by an opposing party in violation of Rule 3.4(d)(2);
 - (j) By failing to provide a full and fair disclosure of the facts related to his representation of K.M. and by failing to respond to the State Bar's requests for additional information in file no. 17G1270 and by failing to respond to the Letter of Notice in 18G0390, Defendant knowingly failed to respond to a lawful demand for information from a disciplinary authority in violation of Rule 8.1(b);
 - (k) By taking steps to settle a claim or potential malpractice claim with K.M. without advising her in writing of the desirability of seeking the advice of independent legal counsel, Defendant settled a claim or potential claim for malpractice liability with an unrepresented or former client without ensuring that the client was advised in writing of the desirability of seeking and given a reasonable opportunity to seek the advice of independent legal counsel in violation of Rule 1.8(h)(2); and
- B. Pursuant to N.C. Gen. Stat. § 84-28(b)(3), for failure to answer a formal inquiry issued by the North Carolina State Bar in a disciplinary matter.

Based upon the foregoing Findings of Fact and Conclusions of Law, and the additional evidence presented at the hearing, the Hearing Panel finds by clear, cogent, and convincing evidence the following:

FINDINGS OF FACT REGARDING DISCIPLINE

1. Defendant was licensed in North Carolina in 1997 and has substantial experience in the practice of law.

2. Defendant has prior disciplinary offenses in North Carolina. The Grievance Committee imposed an admonition in 2002 for (among other things) a lack of client communication; a censure in 2006 for lack of diligence and client communication and failing to respond to the State Bar; a censure in 2011 for (among other things) lack of diligence and client communication and failing to respond to the State Bar; and a censure in 2013 failing to respond to the State Bar. Much of the misconduct addressed in this Order mirrored the misconduct for which Defendant was previously disciplined.

3. Clients are entitled to representation by attorneys they can trust to accomplish their goals. A cornerstone of client trust in an attorney is that the attorney will properly protect and maintain the client's interests. An attorney's failure to do so erodes the confidence clients place in attorneys who handle their affairs and harms the public and profession as a whole.

4. J.W. and K.M. relied on Defendant to protect and pursue their legal rights. Defendant failed to protect the interests of J.W. and K.M. in their personal injury claims, preventing them from meaningfully accessing the courts to attempt to recover compensation for their injuries and pay their medical expenses.

5. Even after being disciplined for failures of diligence and client communication, Defendant continued to run his law practice in a manner that left his clients without information about what was happening in their cases and at risk of losing their claims due to his lack of diligence. In so doing, Defendant elevated his own interests above those of his clients. Additionally, Defendant has shown that only a higher level of discipline than what has previously been imposed can adequately protect the public from future transgressions from this attorney.

6. By engaging in multiple instances of client neglect with regard to J.W. and K.M., failing to communicate with J.W. and K.M., and failing to respond to the Bar, Defendant displayed a pattern of misconduct. At the time of this conduct, Defendant knew or should have known that his actions could harm his clients and the profession.

7. Defendant has made payments to K.M. totaling approximately \$10,000.00 for restitution for the errors made in her case.

8. Defendant professed remorse for the impact of his conduct on his clients.

9. Defendant's repeated failure to respond to State Bar inquiries and otherwise participate in the grievance process caused significant potential harm to the profession. Such

conduct interferes with the State Bar's ability to regulate its members and undermines the profession's privilege to remain self-regulating.

Based upon the foregoing Findings of Fact, Conclusions of Law, and the additional Findings of Fact Regarding Discipline, the Hearing Panel makes the following:

CONCLUSIONS OF LAW REGARDING DISCIPLINE

1. The Hearing Panel has considered all of the factors enumerated in 27 N.C. Admin. Code 1B.0116(f)(1) of the Discipline and Disability Rules of the North Carolina State Bar and concludes that the following factors that warrant suspension or disbarment are present:

- (a) Intent of the Defendant to commit acts where the harm or potential harm is foreseeable;
- (b) Elevation of Defendant's own interest above that of the client;
- (c) Negative impact of Defendant's actions on the client's or public's perception of the profession;
- (d) Impairment of the client's ability to achieve the goals of the representation; and
- (e) Multiple instances of failure to participate in the legal professions self-regulation process.

2. The Hearing Panel has considered all of the factors enumerated in 27 N.C. Admin. Code 1B.0116(f)(2) of the Discipline and Disability Rules of the North Carolina State Bar and concludes that no factors are present that would warrant disbarment.

3. The Hearing Panel has considered all of the factors enumerated in 27 N.C. Admin. Code 1B.0116(f)(3) of the Discipline and Disability Rules of the North Carolina State Bar and concludes the following factors are applicable in this matter:

- (a) Prior disciplinary offenses in this State;
- (b) Timely good faith effort to make restitution or to rectify consequences of misconduct;
- (c) A pattern of misconduct;
- (d) Refusal to acknowledge wrongful nature of conduct;
- (e) Remorse; and
- (f) Experience in the practice of law.

4. The Hearing Panel has considered issuing an admonition, reprimand or censure but concludes that such discipline would not be sufficient. The Hearing Panel concludes that such discipline would fail to acknowledge the seriousness of the violations committed by Defendant, would not be sufficient to prevent future transgressions by this attorney, and would send the wrong message to attorneys and the public regarding the conduct expected of members of the Bar in this State.

5. The Hearing Panel has considered all alternatives and concludes that a suspension is necessary to adequately protect the public. The Hearing Panel finds that an order imposing discipline short of suspension would not be appropriate.

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

ORDER OF DISCIPLINE

1. Defendant, Travis H. Simpson, is hereby suspended from the practice of law for three years, effective thirty days from service of this order upon Defendant.

2. 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.

3. Defendant shall submit his license and membership card to the Secretary of the State Bar within thirty days of the effective date of this Order.

4. Defendant is taxed with the costs and administrative fees of this action as assessed by the Secretary. Defendant shall pay the costs and administrative fees within thirty days of service of the statement of costs and administrative fees upon him.

5. Within 30 days after service of this Order, Defendant shall provide the State Bar's Office of Counsel with an address and telephone number at which clients seeking their files can communicate with Defendant. Defendant shall promptly return all files to his clients upon request.

6. After serving no fewer than eighteen months of the suspension, Defendant may apply to have the remainder of the three-year suspension stayed. Defendant may apply for the stay by filing a motion in the cause and demonstrating by clear, cogent, and convincing evidence his compliance with the requirements of 27 N.C. Admin. Code 1B.0129(b) of the Discipline and Disability Rules of the North Carolina State Bar and the following conditions:

(a) Defendant timely complied with paragraphs 2 - 5 of this section of the Order of Discipline;

(b) Defendant kept the North Carolina State Bar Membership Department advised of his current physical business and home addresses (not a P.O. Box), telephone

number(s), and email address and notified the Bar of any change in address or telephone number within ten (10) days of such change;

- (c) Defendant promptly accepted service of all certified mail from the State Bar and responded to all letters of notice and requests for information from the State Bar, including communications from the Attorney Client Assistance Program, by the deadline stated in the communication or, in the absence of a stated deadline, within fifteen days of receipt;
- (d) Defendant participated fully, timely, and in good faith in the State Bar's fee dispute resolution program when notified of any petitions for resolution of disputed fees;
- (e) Defendant timely complied with any State Bar membership and Continuing Legal Education requirements and paid all fees and costs assessed by the State Bar by the applicable deadline. At the time he petitions for reinstatement or seeks a stay, Defendant must demonstrate that he is current in payment of all applicable membership dues, fees, costs, penalties accrued, Client Security Fund assessments, judicial district dues, and any other charges the State Bar is authorized to collect;
- (f) Defendant completed a course of training in law office management, approved in advance by the Office of Counsel;
- (g) Defendant provided to the Office of Counsel written or documentary evidence establishing that Defendant is not then suffering from any mental or physical condition that significantly impairs his professional judgment, performance, or competence as an attorney and which meets all of the following criteria: (1) dated no earlier than one month prior to the date of Defendant's petition for reinstatement, (2) signed by a provider from whom Defendant has been receiving ongoing treatment or a licensed psychologist who has conducted a comprehensive psychological evaluation of Defendant, and (3) accompanied by sufficient releases to permit the Office of Counsel to make direct, meaningful inquiry of the treatment provider or evaluator;
- (h) Defendant has arranged for an active member of the North Carolina State Bar who (1) is in good standing, (2) practices law in the county in which Defendant primarily practices, and (3) has been approved in advance by the State Bar Office of Counsel to serve as his practice monitor and provided to the Office of Counsel the proposed practice monitor's written consent to perform the following duties: The monitor will supervise all client matters and make reasonable efforts to ensure that Defendant handles all client matters in a timely fashion, including promptly responding to his clients and diligently pursuing his clients' matters. The monitor will meet once per month with Defendant and submit written quarterly reports of this supervision to the Office of Counsel, such reports due

on the following dates as they occur during any stay of this suspension: January 15, April 15, July 15, and October 15;

- (i) Defendant has not engaged in the unauthorized practice of law during the period of active suspension; and
- (j) Defendant has not violated the Rules of Professional Conduct or the laws of the United States or of any state or local government during his suspension, other than minor traffic violations.

7. Defendant may file a motion in the cause seeking a stay of the remainder of the suspension up to 30 days prior to completing eighteen months of active suspension but shall not be permitted to resume practicing until he has served at least eighteen months of active suspension.

8. If Defendant successfully seeks a stay of the suspension of his law license pursuant to this Order, the stay will continue in force only as long as Defendant complies with the following conditions:

- (a) Defendant shall keep the North Carolina State Bar Membership Department advised of his current physical business and home addresses, telephone number(s), and email address and shall notify the Bar of any change in address or telephone number within ten (10) days of such change;
- (b) Defendant shall promptly accept service of all certified mail from the State Bar and respond to all letters of notice and requests for information from the State Bar, including communications from the Attorney Client Assistance Program, by the deadline stated in the communication or, in the absence of a stated deadline, within fifteen days of receipt;
- (c) Defendant shall timely comply with all State Bar membership and Continuing Legal Education requirements and pay all fees and costs assessed by the State Bar and Client Security Fund by the applicable deadline;
- (d) Defendant shall timely satisfy the CLE requirements for members in good standing;
- (e) Defendant shall participate fully, timely, and in good faith in the State Bar's fee dispute resolution program when notified of any petitions for resolution of disputed fees;
- (f) Defendant shall meet once per month with his monitoring attorney, report the status of all current client matters to the monitoring attorney, cooperate with the monitoring attorney, and provide any information the monitoring attorney deems reasonably necessary to ensure that Defendant is properly and timely handling all client matters. Defendant shall bear the responsibility of ensuring the monitoring attorney sends a written report each quarter to the Office of

Counsel as described above. Defendant shall pay the cost, if any, charged by the monitoring attorney for this supervision. Defendant's first meeting with the monitor must occur within 30 days of entry of the order staying the suspension;

- (g) Should it become necessary to replace the practice monitor, Defendant shall immediately notify the Office of Counsel and shall provide the name of a proposed alternate monitor for approval. Defendant's failure to timely submit the name of a proposed replacement monitor will not toll or excuse noncompliance with Defendant's obligations under this Order to meet monthly with a monitor and to ensure the monitor provides quarterly reports;
- (h) If Defendant is receiving ongoing treatment for any mental or physical condition that bears on his professional judgment, performance, or competence when he seeks a stay or begins such treatment at any time during the stay, Defendant shall direct his treatment provider(s) to provide the Office of Counsel with semi-annual written reports concerning Defendant's condition, Defendant's compliance with the treatment plan, and Defendant's progress resulting from treatment. Such reports shall be received by the Office of Counsel every June 1 and December 1. If Defendant is not receiving ongoing treatment, he shall provide a certification so indicating by the deadlines for the provider's reports. Defendant shall also comply with requests from the Office of Counsel seeking updates on the status of any ongoing treatment within fifteen (15) days of receipt of such requests. If Defendant changes treatment providers, Defendant shall sign an authorization form consenting to the release of any medical records and information related to Defendant's treatment to the Office of Counsel, and Defendant shall not revoke that release. Defendant shall simultaneously provide a copy of such signed authorization to the Office of Counsel and his new treatment provider(s). Within thirty (30) days of starting treatment with the new provider(s), Defendant shall direct such new treatment provider(s) to provide the Office of Counsel with a written report detailing Defendant's treatment plan, as well as the semi-annual written reports described above. All expenses of such treatment and reports shall be borne by Defendant; and
- (i) Defendant shall not violate the Rules of Professional Conduct or the laws of the United States or of any state or local government during the period of stayed suspension, other than minor traffic violations.

9. If Defendant fails to comply with any of the conditions stated in Paragraph 8 above, the stay of the suspension may be lifted as provided in 27 N.C. Admin. Code 1B.0118.


10. If Defendant does not seek a stay of the suspension, or if some part of the suspension is stayed and thereafter the stay is revoked, Defendant must provide in support of his petition for reinstatement clear, cogent, and convincing evidence of the following:

- (a) Compliance with the general provisions for reinstatement listed in Rule .0129(b) of the North Carolina State Bar Discipline and Disability Rules; and
- (b) Compliance with the conditions set out in Paragraph 6 above, with the exception of the condition described at 6(h).

11. Nothing in this Order shall prohibit the State Bar from investigating and, if necessary, pursuing disciplinary action against Defendant for additional misconduct discovered or reported which occurred during the same time period as the conduct addressed in this Order.

The findings, conclusions, and orders herein are the unanimous decisions of the Hearing Panel.

Signed by the Chair with the consent of the other Hearing Panel members, this the ~~4th~~ day of June, 2019.



R. Lee Farmer, Chair
Disciplinary Hearing Panel