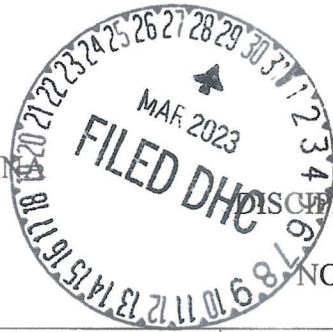


STATE OF NORTH CAROLINA
WAKE COUNTY



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

THE NORTH CAROLINA STATE BAR,
Plaintiff

v.

VALERIE BENNETT QUEEN, Attorney,
Defendant

ORDER OF DISCIPLINE

THIS MATTER was considered by a Hearing Panel of the Disciplinary Hearing Commission composed of the Chair, Margit Monaco Hicks, and members Christon S. Halkiotis and Synthia Scott Kearney upon Plaintiff's Motion for Default Order of Discipline. Kelley DeAngelus, Deputy Counsel, represented Plaintiff, the North Carolina State Bar. Defendant Valerie Bennett Queen was not represented, did not make an appearance in this matter, and did not file any written submissions in response to Plaintiff's Motion for Order of Discipline. After reviewing the pleadings herein and pursuant to 27 N.C.A.C. § 1B.0115(g), the Hearing Panel determines it is appropriate to grant Plaintiff's Motion for Order of Discipline.

THEREFORE, based on the pleadings and the admissions established by Defendant's default pursuant to 27 N.C. Admin. Code § 1B.0115(f), the Hearing Panel hereby finds 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 (Chapter 1 of Title 27 of the North Carolina Administrative Code).
2. Defendant, Valerie Bennett Queen, was admitted to the North Carolina State Bar in 2012, 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 North Carolina Rules of Professional Conduct.
3. The Complaint in this action was filed on April 27, 2022.

4. Defendant was served with the Summons and Complaint on September 10, 2022.
5. Defendant failed to file an answer or any responsive pleading by the deadline established by 27 N.C.A.C. § 1B.0115(c).
6. Upon Plaintiff's motion, default was entered against Defendant by the Secretary of the State Bar on December 13, 2022.
7. Plaintiff filed a Motion for Order of Discipline on February 22, 2023 and served the motion on that date by electronic mail (e-mail) and by depositing a copy of the same in the U.S. Mail in a postage prepaid envelope addressed to Defendant's last known address.
8. During part of the relevant periods referred to herein, Queen was an active member of the North Carolina State Bar residing in Raleigh, Wake County, North Carolina.
9. Queen was properly served with process in this matter and this matter came before the Hearing Panel with due notice to all parties.
10. On October 28, 2019, client E.L. paid Defendant \$500.00 to represent her in an employment discrimination claim.
11. On December 6, 2019, E.L. emailed Defendant to ask if Defendant had "any additional information on the case" and requested that she give E.L. "a call as soon as you can."
12. On December 11, 2019, E.L. sent a second email to Defendant again requesting Defendant call or email her with a case update stating that she had left Defendant several phone messages with no answer.
13. On January 9, 2020, Defendant replied to E.L.'s December 11, 2019 email and asked whether E.L. could meet with Defendant at the Equal Employment Opportunity Commission ("EEOC") "tomorrow morning, or one morning next Monday, Tuesday or Wednesday."
14. E.L. replied to Defendant's email stating that she would meet Defendant at the EEOC on Tuesday, January 14, 2020, and inquired about what time they should meet.
15. Defendant failed to respond to E.L.'s January 9, 2020 email.
16. On January 14, 2020, E.L. went to the EEOC to meet with Defendant.
17. Defendant never arrived at the EEOC to meet with E.L. on January 14, 2020.
18. On January 23, 2020, E.L. emailed Defendant asking if Defendant still represented her, and to send E.L. "my file that you have accumulated thus far ASAP" if Defendant was no longer her attorney.

19. Defendant failed to respond to E.L.'s January 23, 2020 email.
20. From October 28, 2019 through January 23, 2020, Defendant failed to take any action on behalf of E.L. in furtherance of her employment discrimination claim.
21. Defendant failed to deliver E.L.'s client file to E.L.
22. Defendant failed to return the \$500.00 in attorney fees E.L. paid to her.
23. On February 21, 2020, E.L. filed a Petition for Resolution of Disputed Fee with the North Carolina State Bar Fee Dispute Resolution Program, assigned file number 20FD0070.
24. Defendant accepted service by certified mail of a Letter of Notice regarding E.L.'s fee dispute petition on March 3, 2020.
25. In the Letter of Notice for E.L.'s fee dispute, the State Bar notified Defendant that she was required to submit a written signed response to the petition within 15 days of service of the Letter of Notice upon her.
26. Pursuant to N.C.A.C § 1D.708(c), Defendant was required to provide a written, signed response to the petition within 15 days of service of the Letter of Notice upon her.
27. Defendant did not provide a written, signed response to E.L.'s fee dispute within 15 days after she was served and did not provide any other substantive response to the Letter of Notice.
28. On December 2, 2020, Defendant accepted service via certified mail of a letter from the State Bar notifying her that her response to E.L.'s fee dispute had not been received and was considered late.
29. In the December 2, 2020 letter, the State Bar notified Defendant that she was required to respond within 3 days of receipt of that letter.
30. Defendant failed to respond to E.L.'s fee dispute.
31. On May 6, 2021, the Wake County Sheriff's Office served Defendant with a Letter of Notice notifying her that a grievance had been filed against her by client E.L., assigned file number 21G0095.
32. In the Letter of Notice for grievance file 21G0095, Defendant was informed that, pursuant to 27 N.C.A.C. § 1B.0112(c), she was required to provide a written, signed response to the Letter of Notice within 15 days of service of the Letter of Notice upon her.
33. Defendant did not submit a written, signed response to the Letter of Notice in grievance file 21G0095 and did not respond in any other way to the grievance.

34. On May 11, 2020, Defendant's client, J.U. filed a Petition for Resolution of Disputed Fee with the North Carolina State Bar Fee Dispute Resolution Program, assigned file number 20FD0150.
35. Defendant accepted service by certified mail of the Letter of Notice regarding J.U.'s fee dispute petition on June 18, 2020.
36. In the Letter of Notice for J.U.'s fee dispute, the State Bar notified Defendant that she was required to submit a written, signed response to the petition within 15 days of service of the Letter of Notice upon her.
37. Pursuant to N.C. Admin. Code § 1D.708(c), Defendant was required to provide a written, signed response to the petition within 15 days of service of the Letter of Notice upon her.
38. Defendant did not provide a written, signed response to J.U.'s fee dispute within 15 days after she was served and did not provide any other substantive response to the Letter of Notice.
39. On October 30, 2020, Defendant accepted service by certified mail of a letter from the State Bar notifying her that her response to J.U.'s fee dispute had not been received and was considered late.
40. In the October 30, 2020 letter, the State Bar notified Defendant that she was required to respond within 3 days of her receipt of that letter.
41. Defendant failed to respond to J.U.'s fee dispute.
42. On July 6, 2021, the State Bar emailed Defendant that a grievance had been filed against her and inquired whether Defendant would accept service of the Letter of Notice by email.
43. Defendant failed to respond to the July 6, 2021 email from the State Bar.
44. On July 15, 2021, and again on August 11, 2021, the State Bar sent Defendant additional emails inquiring whether she would accept service by email.
45. Defendant did not respond to the State Bar's inquiries until August 18, 2021, when she sent a reply indicating that she would accept service by email.
46. Immediately following Defendant's reply, the State Bar emailed Defendant a copy of the Letter of Notice and an Acceptance of Service form for the grievance filed by J.U., assigned file 21G0521.
47. On August 27, 2021, Defendant sent two replies to the State Bar's prior email that attached the Letter of Notice and Acceptance of Service regarding grievance file 21G0521.

48. Both of Respondent's August 27, 2021 emails indicated that she had received and reviewed the substance of that grievance.
49. On September 27, 2021, Defendant emailed the State Bar that she had a medical emergency and had been recently released from the hospital but would "try to provide specific information this week as I'm physically able to."
50. In the Letter of Notice for grievance file 21G0521, Defendant was notified that she was required, pursuant to N.C.A.C. § 1B.0112(c) to provide a written, signed response to the Letter of Notice within 15 days of accepting service of the Letter of Notice upon her.
51. After emailing the State Bar on September 27, 2021, Defendant never responded to grievance file 21G0521.
52. Defendant did not provide a written, signed response to the Letter of Notice in grievance file 21G0521 and did not respond to the substance of the grievance in any other way.

Based upon the pleadings, Defendant's default, and the foregoing Findings of Fact, 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 and the subject matter of this proceeding.
2. Defendant has failed to file any responsive pleading in this matter and a proper entry of default was entered by the Secretary of the State Bar.
3. 27 N.C.A.C. § 1B.0115(f) provides that allegations contained in the complaint will be deemed admitted if the defendant fails to file an answer. The allegations of Plaintiff's complaint are deemed admitted.
4. 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) for violation of the Rules of Professional Conduct in effect at the time of the conduct as follows:
 - a. By failing to take any action on behalf of E.L. in furtherance of E.L.'s employment discrimination claim, Defendant failed to act with reasonable diligence and promptness in representing a client in violation of Rule 1.3;
 - b. By failing to respond to E.L.'s inquiries regarding the status of her employment discrimination claim, Defendant failed to keep her client reasonably informed about the status of her matter in violation of Rule 1.4(a)(3), failed to promptly comply with reasonable requests for information in violation of Rule 1.4(a)(4), and failed

to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation in violation of Rule 1.4(b);

- c. By failing to respond to E.L.'s inquiries regarding whether Defendant still represented her after January 23, 2020, Defendant failed to keep her client reasonably informed about the status of her matter in violation of Rule 1.4(a)(3), failed to promptly comply with reasonable requests for information in violation of Rule 1.4(a)(4), and failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation in violation of Rule 1.4(b);
 - d. By failing to deliver E.L.'s case file to E.L. upon her request, Defendant failed to surrender papers and property to which E.L. was entitled in violation of Rule 1.16(d);
 - e. By failing to return E.L.'s \$500.00 in attorney fees paid to Defendant on October 28, 2019 after having not taken any action in furtherance of E.L.'s employment discrimination claim, Defendant collected a clearly excessive fee in violation of Rule 1.5(a), and failed to refund an advance payment of fees that had not been earned in violation of Rule 1.16(d);
 - f. By failing to respond to fee dispute file 20FD0070, Defendant failed to participate in good faith in the fee dispute resolution process in violation of Rule 1.5(f)(2);
 - g. By failing to respond to grievance file 21G0095, Defendant knowingly failed to respond to a lawful demand for information from a disciplinary authority in violation of Rule 8.1(b);
 - h. By failing to respond to fee dispute file 20FD0150, Defendant failed to participate in good faith in the fee dispute resolution process in violation of Rule 1.5(f)(2); and
5. 27 N.C.A.C. § 1B.0115(g)(2)(B) provides that, upon entry of the defendant's default by the Secretary, State Bar counsel may then apply to the hearing panel for a default order imposing discipline. This provisions states, "Upon such motion, the hearing panel shall enter and order making findings of fact and conclusions of law as established by the facts deemed admitted by the default. If such facts provide sufficient basis, the hearing panel shall enter an order imposing the discipline deemed to be appropriate." The hearing panel may, but is not required, to hear additional evidence before entering an order of discipline. 27 N.C.A.C. § 1B.0115(g)(2)(B).
6. The facts established through the default provide sufficient basis for the Hearing Panel to enter an order of discipline in this case.

7. Additional evidence is not necessary to determine the appropriate discipline in this case.

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 and conclusions of law above are reincorporated as if set forth herein.
2. Defendant's failure to respond to requests for information from E.L., including E.L.'s inquiries regarding whether Defendant still represented E.L., directly interfered with the administration of justice, and resulted in significant harm to E.L. who relied upon Defendant to protect her interests.
3. Defendant's failure to promptly turn over E.L.'s client file upon E.L.'s request caused significant harm to her former client who needed that documentation to proceed.
4. Defendant, by collecting an advance fee from E.L., and failing to perform the work for which she was retained, has shown herself to be untrustworthy. Clients are entitled to representation by attorneys they can trust to accomplish their goals.
5. Defendant's taking of client money and failing to perform the work for which she was retained caused potential significant harm to the standing of the legal profession in the eyes of the public. Defendant's conduct in this regard erodes the public's trust in the profession. Confidence in the legal profession is a building block for public trust in the legal system as a whole.
6. The State Bar's Fee Dispute Resolution Program provides clients a readily accessible and free process by which to attempt resolution of fee issues. Defendant's failure to participate in the State Bar's Fee Dispute Resolution Program caused significant harm to E.L. and J.U. by denying her clients this free option to try to resolve their fee issues and recover their funds.
7. Defendant's failure to participate in the State Bar's Fee Dispute Resolution Program also caused significant harm to the administration of justice. Defendant's conduct prevented the Program from serving its intended function for the benefit of clients, and the profession, by undermining trust in the State Bar's ability to assist clients through this service.
8. Defendant's repeated failures to respond to the multiple inquiries of the State Bar demonstrates her refusal to participate in the profession's self-regulatory process. By refusing to respond to the grievance inquiries from the State Bar, Defendant caused significant harm to the administration of justice by impeding the State Bar's investigation of those grievance matters and interfering with the State Bar's ability to regulate its

members. Defendant's conduct in this regard caused potential significant harm to the profession's privilege to remain self-regulating.

9. Defendant has been licensed since 2012. With her degree of experience, Defendant should have known better than to engage in these acts that have led to the discipline imposed in this order.
10. In November 2020, Defendant was issued a Reprimand for grievance files 19G1169 and 20G0243 for cashing a check made payable jointly to Defendant and her client and delivering the client's portion in cash, failing to give the client a written accounting of the receipt and disbursement of the entrusted funds, failing to maintain an IOLTA trust account, failing to respond to the Grievance Committee's question whether she maintained an IOLTA trust account, and failing to comply with a federal court order requiring her to: attend training, be admitted to the federal court, file a notice of appearance, and obtain competent co-counsel.
11. Since July 20, 2021, Defendant's law license has been administratively suspended for failing to comply with the mandatory continuing legal education requirements pursuant to 27 N.C.A.C. §§ 1D.1500 and 1D.1600.
12. The Hearing Panel finds by clear, cogent, and convincing evidence any additional facts that may be contained in the conclusions regarding discipline set out below.

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, including admonition, reprimand, censure, suspension and disbarment.
2. The Hearing Panel considered disbarment and has determined that disbarment is not warranted given the facts and circumstances of this case.
3. The Hearing Panel considered all of the factors enumerated in 27 N.C.A.C § 1B.0116(f)(1) and determined the following factors are applicable:
 - a. Factor (B) Intent of the defendant to commit acts where the harm or potential harm is foreseeable;
 - b. Factor (C) Circumstances reflecting the defendant's lack of honesty, trustworthiness, or integrity;
 - c. Factor (D) Elevation of Defendant's own interest above those of her clients;

- d. Factor (E) Negative impact of defendant's actions on client's or public's perception of the profession;
 - e. Factor (F) Negative impact of the defendant's actions on the administration of justice;
 - f. Factor (G) Impairment of the client's ability to achieve the goals of the representation;
 - g. Factor (H) Effect of defendant's conduct on third parties; and
 - h. Factor (J) Multiple instances of failure to participate in the legal profession's self-regulation process.
4. The Hearing Panel considered all of the factors enumerated in 27 N.C.A.C § 1B.0116(f)(2) and determined that factor (A) acts of dishonesty, misrepresentation, deceit or fabrication is present, however, this factor alone does not warrant disbarment in light of the totality of the evidence in this case.
5. The Hearing Panel considered all of the factors enumerated in 27 N.C.A.C § 1B.0116(f)(3) and determined the following factors are applicable:
 - a. Factor (A) Prior disciplinary offenses in this state or any other jurisdiction;
 - b. Factor (C) Dishonest or selfish motive;
 - c. Factor (E) Indifference to making restitution;
 - d. Factor (F) A pattern of misconduct;
 - e. Factor (G) Multiple offenses;
 - f. Factor (M) Bad faith obstruction of the disciplinary proceedings by intentionally failing to comply with rules or orders of the disciplinary agency;
 - g. Factor (O) Refusal to acknowledge wrongful nature of conduct;
 - h. Factor (S) Degree of experience in the practice of law; and,
6. The Hearing Panel considered lesser alternatives and finds that censure, reprimand, or admonition would be insufficient discipline that would not adequately protect the public due to of the gravity of the actual and potential harm to Defendant's clients, the public, the administration of justice, and the legal profession caused by Defendant's conduct,

including her failure to provide legal services she undertook to provide and her repeated failures to comply with her professional obligations to respond to the State Bar's requests for information, and the resulting threat of potential significant harm Defendant poses to the public.

7. The Hearing Panel determines that discipline short of suspension would not be sufficient to adequately protect the public from future misconduct by Defendant for the following reasons:
 - a. The factors under 27 N.C.A.C. §§ 1B.0116(f)(1) and (f)(3) support imposition of suspension as the appropriate discipline;
 - b. Defendant has previously been disciplined by reprimand which has proven to be insufficient to protect the public from future misconduct by Defendant;
 - c. Defendant caused significant harm and potential significant harm to Defendant's clients, the public, the administration of justice, and the profession, as set out in detail above;
 - d. 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;
 - e. For the public to have confidence in the State Bar's regulation of the profession, lawyers who continuously engage in improper conduct, including neglect of client matters, refusal to refund unearned fees, and refusal to participate in the profession's self-regulatory process, must be removed from the practice of law; and
 - f. The public will be adequately protected by suspension of Defendant's license and her resumption of the practice of law only upon Defendant's compliance with conditions designed to ensure protection of the public and continued compliance with the Rules of Professional Conduct.

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, Valerie Bennett Queen, is hereby suspended from the practice of law for five years, beginning 30 days from the date of service of this order upon Defendant.
2. Defendant shall submit her law license and membership card to the Secretary of the North Carolina State Bar no later than 30 days after the effective date of this order.

3. Defendant shall comply with the wind down provisions contained in 27 N.C.A.C. § 1B.0128, including filing an affidavit with the Secretary of the North Carolina State Bar no later than 10 days after the effective date of this order, certifying that she has complied with the wind down rule.
4. Defendant is taxed with the administrative fees and the costs of this action as assessed by the Secretary. Defendant shall pay the costs and administrative fees of this action as assessed by the Secretary no later than 30 days after service of the statement of costs upon her.
5. Within 30 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 and return of unearned fees and any funds held in trust can communicate with Defendant. This address must be a physical address at which Defendant maintains a consistent presence and receives mail. Defendant must keep this information current with the State Bar, providing updated information to the State Bar within 10 days of any change.
6. Defendant shall promptly return client files and unearned fees in her possession, custody, or control to clients upon their request within five days of receipt of the request. Defendant will be deemed to have received the request three days after the date the request is deposited in the United States Mail addressed to Defendant's address maintained with the North Carolina State Bar.
7. Within 15 days of the effective date of this order, Defendant shall disburse to the appropriate recipients all entrusted funds in her possession.
8. After serving no less than 18 months of the five-year suspension, Defendant may apply for a stay of the remaining period of suspension imposed by filing a verified petition with the Secretary of the North Carolina State Bar pursuant to 27 N.C.A.C § 1B.0118(c) demonstrating by clear, cogent, and convincing evidence that in addition to complying with the general provisions listed in 27 N.C.A.C. § 1B.0128, Defendant has complied with the following conditions:
 - a. Defendant timely complied with paragraphs 1- 7 of this section of the Order of Discipline;
 - b. Defendant completed 12 hours of the North Carolina State Bar's Professionalism for New Attorneys continuing legal education programs, taken in-person, during the 12 months immediately preceding filing the petition for stay, and provided proof of her completion to the Office of Counsel;
 - c. Defendant completed three hours of trust accounting continuing legal education programs, approved by the Office of Counsel, separate and apart from those

programs taken pursuant to the preceding paragraph, during the 12 months immediately preceding the filing the petition for stay, and provided proof of her completion to the Office of Counsel;

- d. Defendant fully complied with her obligations under 27 N.C.A.C. §§ 1D.0904(b) and 1D.1524(b) pursuant to her Order of Administrative Suspension dated July 30, 2021, and provided the Office of Counsel proof of her compliance;
- e. Defendant promptly and appropriately responded to all inquiries from clients requesting the return of client files and unearned fees;
- f. Defendant properly disbursed all entrusted funds in her possession to the appropriate recipients, reimbursed the Client Security Fund for all funds paid to her clients, and provided the Office of Counsel proof of her compliance;
- g. Defendant created a documented communication policy for her law practice to ensure compliance with her obligations under Rule 1.4, and provided proof of compliance to the Office of Counsel;
- h. Defendant was evaluated by a psychologist or psychiatrist approved by the Office of Counsel to determine whether she has any identifiable condition(s) for which treatment is recommended. The evaluation shall take place no more than twelve months before Defendant petitions for a stay of her suspension. Defendant shall be solely responsible for all costs associated with the evaluation. Defendant must also demonstrate:
 - i. That a written report was prepared by the evaluating clinician(s) pursuant to the preceding paragraph and submitted to the Office of Counsel within 10 days of completion;
 - ii. That Defendant executed releases directing and authorizing the evaluating clinician(s) to communicate and share all records related to the evaluation with the Office of Counsel; and,
 - iii. That Defendant complied with all treatment recommendations of the evaluating clinician(s), and that the clinician certifies that Defendant does not suffer from any mental or physical conditions that would significantly impair her professional judgment, performance, or competence as an attorney and—if applicable—executed releases directing and authorizing the clinician(s) who provided the recommended treatment to communicate and share all records related to the treatment with the Office of Counsel;
- i. That at least 30 days prior to filing a petition for stay, Defendant arranged for an active member of the North Carolina State Bar to serve as her law practice monitor

during the stay. The practice monitor shall be an attorney in good standing who practices law in the judicial district in which Defendant practices law and who has been approved by the State Bar's Office of Counsel. Defendant shall pay the costs, if any, charged by the practice monitor for the monitor's supervision. At the time she files a petition for stay, Defendant must provide the Office of Counsel with a letter from the practice monitor confirming the practice monitor's agreement to perform the duties described in paragraph 9(c) below during the period of stayed suspension;

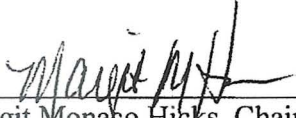
- j. That, if Defendant does not intend to open or operate a trust account during the period of stay, Defendant has attached to the petition a signed, notarized affidavit attesting that she will not open or operate a trust account or handle entrusted funds during the period of stayed suspension;
 - k. That Defendant kept the North Carolina State Bar Membership Department advised of her current business and home addresses and notified the Bar of any change in address within ten days of such change;
 - l. That Defendant entered into a written fee agreement with every non-court appointed client, including all non-court appointed clients for whom legal services are provided *pro bono*, and the fee agreement stated with specificity the legal work Defendant shall undertake to perform;
 - m. That Defendant accepted all certified mail from the North Carolina State Bar and responded to all letters of notice and requests for information from the North Carolina State Bar by deadlines stated in the communication or within 15 days of receipt of such communication, whichever is earlier, and participated timely and in good faith in the State Bar's Fee Dispute Resolution Program for any petition received after the effective date of this order;
 - n. That Defendant did not violate the Rules of Professional Conduct or any state or federal laws other than minor traffic violations during the period of suspension; and,
 - o. That Defendant did not engage in the unauthorized practice of law during the period of suspension.
9. If Defendant successfully petitions for a stay, the remainder of the suspension of Defendant's law license shall be stayed as long as Defendant complies and continues to comply with the following conditions:
- a. If Defendant attested in connection with her petition for stay that she did not intend to handle entrusted funds or open or operate a trust account during the period of stayed suspension, Defendant will, at least annually, provide a signed notarized

affidavit attesting that she did not open or operate a trust account or handle entrusted funds during the preceding year of the period of stay. This affidavit will be due on 1 July each year during the period of stay;

- b. If Defendant maintains a trust account during the period of stayed suspension, she shall retain a certified public accountant approved by the Office of Counsel who shall provide semi-annual written reports to the State Bar confirming that, at all times during the period of each written report, Defendant maintained in her trust account all client funds or other entrusted funds she was required to maintain in trust and that Defendant has at all times relevant to each such report been in compliance with all requirements of the Rules of Professional Conduct regarding safekeeping property (currently codified in Rules 1.15-2 and 1.15-3). Defendant shall be solely responsible for the cost of compliance with this paragraph;
- c. Defendant shall meet with her law practice monitor at least monthly. The practice monitor shall review all of Defendant's pending cases. Defendant shall ensure that her practice monitor submits quarterly written reports to the Office of Counsel confirming that the meetings are occurring, that the monitor has reviewed all of Defendant's pending cases, and that Defendant is meeting deadlines, appearing in court when her clients' cases are on the calendar, adequately communicating with clients, and behaving in accordance with all professional standards. The reports are due January 15, April 15, July 15, and October 15 during the period of stayed suspension. If at any point during the stayed suspension Defendant's practice monitor cannot serve or is unwilling to serve, Defendant shall, within 30 days, arrange for an alternate practice monitor who meets the requirements set forth in paragraph 8(i) above;
- d. Defendant shall keep the North Carolina State Bar Membership Department advised of her current business and home addresses and notify the Bar of any change in address within 10 days of such change;
- e. Defendant shall respond to all communications from the North Carolina State Bar by the deadline stated in the communication, or within 15 days of the date of the communication, whichever is sooner, and shall participate timely and in good faith in the State Bar's fee dispute resolution process for any petition received during the period of the stay;
- f. Defendant shall timely comply with all North Carolina State Bar CLE requirements as set forth in 27 N.C.A.C. § 1D.1518 and pay all fees and costs assessed therefor by the applicable deadline. Defendant shall provide proof of the same to the Office of Counsel within 10 days of completing each CLE course; and

- g. Defendant shall not violate the Rules of Professional Conduct or the laws of the United States or any state or local government during the period of the stay, other than minor traffic violations.
10. If Defendant fails to comply with any of the conditions of the stayed suspension provided in paragraphs 9(a)-(g) above, the stay of the suspension may be lifted as provided in 27 N.C.A.C. § 1B.0118 of the North Carolina State Bar Discipline and Disability Rules.
11. If Defendant does not seek a stay of the suspension of her law license, or if some part of the suspension is stayed and thereafter the stay is revoked, Defendant must comply with the conditions set out in paragraphs 8(a) through (g) and paragraphs 8(j) through (o) above and the provisions of 27 N.C.A.C. § 1B.0129 before seeking reinstatement of her license to practice law, and must provide in her petition for reinstatement clear, cogent, and convincing evidence showing her compliance therewith.
12. The Disciplinary Hearing Commission will retain jurisdiction of this matter pursuant to 27 N.C.A.C. §§ 1B.0118 and 1B.0129(b) throughout the period of the suspension, any stay thereof, and until all conditions set forth above are satisfied.

Signed by the Chair with the consent of the other Hearing Panel members, this the 29 day of March, 2023.



Margit Monaco Hicks, Chair
Disciplinary Hearing Panel