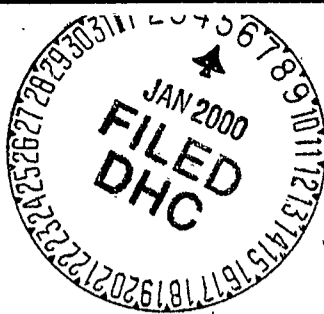


WAKE COUNTY
NORTH CAROLINA



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
99 DHC 8

12754

THE NORTH CAROLINA STATE BAR,)
Plaintiff)
v.)
EDWARD P. HAUSLE, ATTORNEY)
Defendant)

FINDINGS OF FACT
AND CONCLUSIONS OF LAW
AND ORDER OF DISCIPLINE

This matter was heard on the 29th day of October, 1999, before a Hearing Committee of the Disciplinary Hearing Commission composed of Joseph G. Maddrey, Chair; Kenneth M. Smith, and B. Stephen Huntley. Douglas J. Brocker represented plaintiff. Gary S. Parsons represented defendant, Edward P. Hausle. Based upon the pleadings and the evidence introduced at the hearing, the Hearing Committee hereby enters the following:

FINDINGS OF FACT

1. Plaintiff, the North Carolina State Bar (hereafter "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, Edward P. Hausle, (hereafter "Hausle"), was admitted to the North Carolina State Bar on February 28, 1985 and is, and was at all times referred to herein, an Attorney at Law licensed to practice in North Carolina, 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 times relevant to this complaint, Hausle actively engaged in the practice of law in the State of North Carolina and maintained a law office in the cities of Winterville, Chapel Hill, and Greenville, North Carolina.

4. Dr. Jarol Knowles and her former husband, Robert Anthony Knowles, filed cross motions for custody and support of their minor daughter, Dorothy Tanyss Knowles, in Orange County District Court, file number 96 CVD 537 (hereafter "custody action").

5. A hearing was held on the custody motions in August 1996 (hereafter "custody hearing") before the Honorable Lowry M. Betts.

6. After the hearing, Judge Betts entered an order on August 26, 1996 on the Knowles' cross motions for custody and support (hereafter "custody order").

7. The custody order awarded the Knowles joint legal and physical custody of Dorothy, with alternating annual physical custody between North Carolina and Cambodia.

8. Dr. Knowles retained Hausle on or about September 25, 1996 to represent her in an appeal of the custody order.

9. Dr. Knowles paid Hausle an initial retainer of \$3,750 to represent her on appeal.

10. Dr. Knowles was referred to Hausle by attorney Lunsford Long.

11. Prior to September 1996, Hausle handled many appeals of civil matters in the North Carolina courts.

12. As a result, Hausle was familiar with the North Carolina Rules of Appellate Procedure during all times relevant to this complaint.

13. Hausle signed a Notice of Appeal of the Knowles' custody order on September 25, 1996. The Notice of Appeal was filed by Dr. Knowles' trial attorney, Constance Ludwig, at Hausle's direction.

14. After the Notice of Appeal was filed, Hausle failed to perfect Dr. Knowles' appeal of the custody order.

15. Specifically, in the Knowles appeal, Hausle failed to:

(a) contract with a court reporter in writing for the production of the transcript within 10 days after filing the Notice of Appeal,

- (b) request a copy of the transcription tapes,
- (c) obtain a transcript,
- (d) serve a proposed record on appeal on opposing counsel, and
- (e) file a settled record on appeal with the Court of Appeals.

16. On approximately December 5, 1996, Hausle obtained an order extending the time to prepare the transcript until January 6, 1997 from the Orange County District Court.

17. No transcript was produced in the Knowles matter by January 6, 1997.

18. Hausle did not file any additional motions for an extension of time to prepare the transcript on or before January 6, 1997.

19. Several months later, on approximately May 16 and 17, 1997, Hausle saw Lunsford Long at a continuing legal education ("CLE") seminar in Atlantic Beach, North Carolina.

20. At that CLE seminar, Long asked Hausle about the status of Dr. Knowles' appeal.

21. Hausle represented to Long that there was a problem with the transcription tapes in the Knowles case and that was why the record on appeal had not been filed.

22. Approximately two weeks after Long asked him at the CLE seminar about Dr. Knowles' appeal, Hausle filed a Motion for Enlargement of Time in the Knowles case with the North Carolina Court of Appeals. The motion was mailed on May 31, 1997 and filed on June 3, 1997.

23. In the Motion for Enlargement of Time, Hausle represented to the Court of Appeals that he had contracted with a court reporter on October 7, 1996 for preparation of the transcript in the Knowles matter. Hausle further represented that the court reporter needed additional time to prepare the transcript "[b]ecause of difficulties with the tape recording."

24. In a cover letter dated May 31, 1997 transmitting the Motion for Enlargement to Dr. Knowles, Hausle also represented to her that: "There was a problem with the tapes, and I will need to get new tapes and have the transcript made from new tapes."

25. Contrary to his representations to the Court of Appeals, Dr. Knowles, and Lunsford Long, Hausle never:

(a) contracted with any court reporter for the preparation of the transcript,

(b) provided tapes to any court reporter, or

(c) discussed any tape recording "difficulties" with any court reporter.

26. Neither Hausle, Paul Walker, nor any other person listened to transcription tapes of the Knowles custody hearing prior to May 31, 1997.

27. In fact, no difficulties or problems existed with the transcription tapes of the Knowles custody hearing.

28. Hausle made knowingly false or misleading representations to the Court of Appeals, his client, Dr. Knowles, and fellow attorney Lunsford Long.

29. The Clerk of the North Carolina Court of Appeals entered an order denying Hausle's Motion for Enlargement on June 5, 1997.

30. Hausle's Motion for Enlargement was filed over four months late, pursuant to the deadlines set forth in Appellate Rule 7(b)(1).

31. The Court of Appeals denied Hausle's motion because it was untimely.

32. As a result of Hausle's failure to perfect her appeal, Dr. Knowles lost her right to a direct appeal of the custody order.

33. In addition to failing to perfect her appeal, Hausle also failed to keep Dr. Knowles reasonably informed about the status of her case and respond to her reasonable requests for information.

34. For example, between January and October 1997, Dr. Knowles made repeated attempts to contact Hausle regarding the status of her appeal.

35. During this time period, Dr. Knowles left numerous messages on Hausle's telephone answering machine or with his assistant, including the following dates in 1996: October 10 & 22, and the following dates in 1997: January 16, February 5, 6, 7, & 11, May 16 & 20, and September 22 & 25.

36. Hausle repeatedly failed to return Dr. Knowles' calls.

37. Hausle also failed to keep Dr. Knowles otherwise informed about the status of her appeal, both before and after his Motion for Enlargement of time was denied by the Court of Appeals.

38. For example, Hausle never communicated to Dr. Knowles that the Court of Appeals had denied his Motion for Enlargement.

39. Dr. Knowles learned for the first time in November 1997 that the Motion for Enlargement had been denied. This information was first communicated to Dr. Knowles through opposing counsel in the custody action.

40. After discovering and confirming that Hausle failed to perfect her appeal, Dr. Knowles and her general attorney, Lunsford Long, filed a grievance on January 9, 1998 with the North Carolina State Bar.

41. Hausle received a Letter of Notice regarding Dr. Knowles' grievance on March 21, 1998.

42. Hausle was required to respond within 15 days of receipt of the Letter of Notice.

43. Hausle requested an extension of time until April 16, 1998 to respond to the Letter of Notice.

44. Hausle failed to respond by April 16.

45. The State Bar sent Hausle a letter on April 28, 1998 again requesting him to respond.

46. Hausle responded to the Letter of Notice in the Knowles matter on May 8, 1998.

47. Hausle's response incorporated and included the same false statements and misrepresentations set forth in paragraphs 21-28 above. Hausle also knowingly misrepresented to the Grievance Committee that he contracted with court reporter Paul Walker to prepare the transcript in Dr. Knowles' appeal, and that he spoke with Mr. Walker in May 1997 about the transcripts.

48. On April 5, 1995, Brenda D. Brogden filed a complaint seeking equitable distribution in Granville County District Court (hereafter "ED action").

49. On February 20, 1997, the Honorable Pattie S. Harrison entered an order of equitable distribution in the Brogden ED action (hereafter "ED order").

50. Ms. Brogden was represented in the ED action at the trial level by R. Gene Edmundson and S. Katherine Burnette (hereafter "Edmundson and Burnette").

51. At the recommendation of Edmundson & Burnette, Ms. Brogden retained Hausle on approximately March 13, 1997 to represent her on the appeal of the ED order.

52. Hausle, through Edmundson and Burnette, filed a Notice of Appeal to the North Carolina Court of Appeals of the ED order on March 20, 1997.

53. Ms. Brogden paid Hausle a fee of \$7,500 to represent her on the appeal of the ED order.

54. After accepting the fee, Hausle failed to perfect Ms. Brogden's appeal of the ED order.

55. Specifically, a judicial conference to settle the record on appeal in the Brogden matter was held on November 10, 1997.

56. At the November 10, 1997 conference, Judge Harrison settled the record on appeal.

57. Hausle failed to file the settled record on appeal with the North Carolina Court of Appeals after Judge Harrison settled the record on appeal, as required by Appellate Rule 12(a).

58. As a result of Hausle's failure to file the settled record on appeal, on February 5, 1998, opposing counsel in the Brogden ED action filed a Motion to Dismiss the Appeal.

59. Hausle was served by opposing counsel with the Motion to Dismiss the Appeal and a Notice of Hearing for the Motion.

60. Judge Harrison heard the Motion to Dismiss the Appeal on March 17, 1998.

61. Hausle did not appear at the hearing. Through another attorney, Hausle moved to Continue the hearing. Judge Harrison denied the Motion to Continue.

62. Judge Harrison then granted the Motion to Dismiss and entered an Order dismissing Ms. Brogden's appeal of the ED order.

63. As a result of Hausle's failure to file the settled record on appeal, Ms. Brogden lost her right to a direct appeal of the ED order.

64. During the course of their professional relationship, Hausle also repeatedly failed to respond to numerous requests from Ms. Brogden for information, and failed to keep her reasonably informed about the status of her case after September 1997.

65. For example, Hausle failed to return telephone calls from Ms. Brogden to his office number – (919)355-2130 – on the following dates in 1997: October 27, 28, 30, and 31, November 3, 10, and 26, and December 4, 15, 17, and 18.

66. Hausle also failed to return telephone calls from Ms. Brogden to his office number in Chapel Hill – (919)962-4120 – on the following dates in 1997: October 20, 27, 29, and 30, and December 4.

67. Hausle also failed to return telephone calls from Ms. Brogden to his office numbers – (919)758-3019 and (919)758-2691 – on the following dates in 1998 prior to the March 17 hearing: February 9 and 10, and March 13, and 17.

68. Hausle also failed to respond to several letters from Ms. Brogden requesting information on the status of her case. The first two letters were dated December 18, 1997 and March 9, 1998. On March 16, 1998, Ms. Brogden sent Hausle another letter inquiring about the status of her appeal. All three of these letters indicated that Ms. Brogden was unaware of the status of her appeal and specifically did not know that the record on appeal had been settled. Hausle received these letters from Ms. Brogden.

69. On the same day as the last letter – March 16, 1998 -- Hausle called Ms. Brogden and left her a message to call him at his office in Greenville. Ms. Brogden returned his call in the early afternoon.

70. During their conversation on March 16, 1998, Hausle attempted to convince Ms. Brogden to drop her appeal. When she refused, Hausle informed Ms. Brogden for the first time that opposing counsel had filed a Motion to Dismiss the Appeal and that the hearing would be held on the next day.

71. After this conversation, Ms. Brogden went to the Court of Appeals and discovered that Hausle had missed the deadline for filing her settled record on appeal.

72. In a second conversation that same day, Hausle told Ms. Brogden that he would not be attending the hearing on the Motion to Dismiss the Appeal but that he would arrange for another attorney to request a continuance.

73. Ms. Brogden appeared at the hearing on March 17, 1998, and was forced to represent herself on the motion to dismiss after Judge Harrison denied the motion for a continuance.

74. After the hearing, Ms. Brogden again made numerous attempts to contact Hausle. For example, Ms. Brogden sent Hausle letters dated March 30, 1998 and April 13, 1998.

75. Ms. Brogden also left messages on Hausle's answering machine at his office numbers on the following dates: March 24, and April 8 and 20, which calls Hausle did not return.

76. On approximately April 20, 1998, Ms. Brogden traveled from her home in Oxford to respondent's office in Greenville. On that date, respondent gave her a copy of a letter that he claimed that he had previously sent to her. The letter was dated November 12, 1997 (hereafter "November 12, 1997 letter").

77. In the November 12, 1997 letter, Hausle discussed how Judge Harrison had settled the record on appeal and stated that because of the way the Judge had settled the record on appeal, he could not ethically represent Ms. Brogden any longer because there was no basis for the appeal.

78. Hausle never filed with the Court of Appeals a motion to withdraw his representation of Brogden.

79. Hausle took preliminary steps to perfect the appeal after November 10, 1997, including drafting a proposed judicial settlement of the record. He also represented to opposing counsel on November 20, 1997 that he was going to file the revised record on appeal.

80. Ms. Brogden never received the November 12, 1997 letter from Hausle until April 20, 1998.

81. Hausle never sent Ms. Brogden the November 12, 1997 letter.

82. Rather, Hausle created the November 12, 1997 letter sometime after November 12, 1997 and after he had missed the deadline for filing the settled record on appeal in the Brogden matter.

83. Hausle created the letter after November 12, 1997 in an attempt to conceal or cover up the fact that he failed to file the settled record on appeal in the Brogden matter.

84. Hausle made knowingly false representations to Ms. Brogden and others that he had sent her the November 12, 1997 letter in an attempt to conceal or cover up the fact that he failed to file the settled record on appeal.

85. After Ms. Brogden discovered that Hausle had failed to perfect her appeal, she filed a grievance with the North Carolina State Bar.

86. Hausle received a Letter of Notice regarding Ms. Brogden's grievance from the State Bar on July 3, 1998.

87. Hausle was required to respond within 15 days of receipt of the Letter of Notice.

88. Hausle failed to respond within 15 days.

89. The State Bar sent Hausle a follow up letter dated August 5, 1998 requesting him to respond by August 16, 1998.

90. Hausle failed to respond by August 16, 1998.

91. The State Bar sent Hausle another follow up letter dated August 31, 1998 requesting him to respond by September 8, 1998

92. Hausle responded to the Letter of Notice in the Brogden grievance in a letter dated September 5, 1998.

93. Hausle's response to the Grievance Committee included a copy of the November 12, 1997 letter. In his response, in a further attempt to conceal or cover up the fact that he failed to file the settled record on appeal in the Brogden matter, Hausle knowingly misrepresented to the Grievance Committee that he sent Ms. Brogden the November 12, 1997 letter.

94. Hausle was properly served with process and the hearing was held with due notice to all parties.

Based upon the foregoing Findings of Fact, the Hearing Committee enters the following:

CONCLUSIONS OF LAW

1. All parties are properly before the Hearing Committee and the Committee has jurisdiction over Hausle and the subject matter.

2. Hausle's conduct, as set out in the Findings of Fact above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) and (3) and Rules of Professional Conduct (hereafter "Rules") and Revised Rules of Professional Conduct (hereafter "Revised Rules") as follows:

a. By failing to perfect the appeal of Dr. Jarol Knowles, Hausle:

- (i) failed to act with reasonable diligence and promptness in representing his client in violation of Rule 6(b)(3);
- (ii) intentionally failed to carry out a contract of employment for professional services with his client in violation of Rule 7.1(a)(2); and
- (iii) intentionally prejudiced or damaged his client during the course of their professional relationship in violation of Rule 7.1(a)(3).

b. By misrepresenting to the North Carolina Court of Appeals, his client, Dr. Jarol Knowles, fellow attorney Lunsford Long, and the State Bar in his response to the grievance, that he contracted and communicated with court reporter Paul Walker and that difficulties or problems existed with the transcription tapes of the Knowles custody hearing, Hausle:

- (i) knowingly made a false statement of fact to a tribunal while representing a client in violation of Rule 7.2(a)(4);
- (ii) engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation in violation of Rule 1.2(c); and
- (iii) engaged in conduct prejudicial to the administration of justice in violation of Rule 1.2(d).
- (iv) knowingly made a false statement of material fact in connection with a disciplinary matter in violation of Revised Rule 8.1(a);

c. Hausle failed to keep his client, Dr. Jarol Knowles, reasonably informed about the status of her appeal and promptly comply with her reasonable requests for information in violation of Rule 6(b)(1) and Revised Rule 1.4(a).

d. Hausle knowingly failed to respond promptly to a lawful demand for information from the Grievance Committee regarding Dr. Knowles' grievance in violation of Revised Rule 8.1(b).

e. By failing to perfect the appeal of Brenda Brogden, Hausle:

- (i) failed to act with reasonable diligence and promptness in representing his client in violation of Revised Rule 1.3; and
- (ii) intentionally prejudiced or damaged his client during the course of their professional relationship in violation of Revised Rule 8.4(g).

f. By fabricating a purported letter to his client, backdating it to November 12, 1997, and misrepresenting to Ms. Brogden, another attorney, and the State Bar that he had sent the letter, Hausle:

- (i) engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation in violation of Revised Rule 8.4(c); and
- (ii) knowingly made a false statement of material fact in connection with a disciplinary matter in violation of Revised Rule 8.1(a).

g. Hausle failed to keep Brenda Brogden reasonably informed about the status of her appeal after September 1997 and failed to promptly comply with her reasonable requests for information in violation of Revised Rule 1.4(a).

h. Hausle knowingly failed to respond promptly to a lawful demand for information from the Grievance Committee regarding Brenda Brogden's grievance in violation of Revised Rule 8.1(b).

Based upon the foregoing Findings of Fact and Conclusions of Law and upon the evidence and arguments of the parties concerning the appropriate discipline, the Hearing Committee hereby makes these additional:

FINDINGS OF FACT REGARDING DISCIPLINE

1. Hausle's misconduct is aggravated by the following factors:

- a. prior disciplinary offenses;
- b. a pattern of misconduct;
- c. multiple offenses;
- d. submission of false evidence, false statements, or other deceptive practice during the disciplinary process; and
- e. substantial experience in the practice of law.

2. With respect to factor (d) above, the Committee specifically finds that Hausle testified and represented to the Grievance Committee that he sent a letter to court reporter Paul Walker purportedly dated October 7, 1996. Hausle asserted that this letter formed a contract with Mr. Walker to prepare the transcript in the Knowles matter. This purported October 7, 1996 letter was offered to attempt to explain Hausle's actions in handling the Knowles matter.

3. The Committee specifically finds that Hausle fabricated the October 7, 1996 letter, backdated it after the fact, and misrepresented to the Grievance Committee and the Hearing Committee that he had sent that letter at that time in an attempt to conceal his neglect of Dr. Knowles' appeal.

4. Hausle also represented to the Grievance Committee and the Hearing Committee that he had drafted and sent a letter purportedly dated June 23, 1997 to his client, Dr. Knowles. Hausle asserted that he had informed Dr. Knowles about the Court of Appeals' denial of the motion for enlargement of time by sending this letter.

5. The Hearing Committee finds that Hausle also fabricated the June 23, 1997 letter, backdated it after the fact, and misrepresented to the Grievance Committee and the Hearing Committee that he had sent the letter at that time in an attempt to conceal his neglect and his failure to keep Dr. Knowles reasonably informed about the status of her appeal.

6. Hausle's misconduct is mitigated by the following factors:

- a. Personal or emotional problems;
- b. Full and free disclosure to the Hearing Committee or a cooperative attitude toward the proceedings;
- c. Character or reputation; and
- d. Physical or mental disability or impairment.

7. The aggravating factors outweigh the mitigating factors.

Based upon the foregoing aggravating and mitigating factors and the arguments of the parties, the Hearing Committee hereby enters the following

ORDER OF DISCIPLINE

1. Edward P. Hausle is hereby suspended from the practice of law for a period of three years, effective 30 days from service of this order upon him.

2. After no less than six months following the effective date of the order, Hausle may file a verified petition for a stay of the remaining period of the suspension in accordance with the requirements of N.C. Admin. Code Chapter 1, Subchapter B, § .0125(b) of the N.C. State Bar Discipline & Disability Rules ("Discipline Rules"). Hausle's remaining suspension may be stayed if he establishes by clear, cogent, and convincing evidence the following conditions:

- a. Hausle has complied with all the requirements of Discipline Rule .0124;
- b. Hausle has complied with all the requirements of Discipline Rule .0125(b);
- c. Hausle has completed participation in a Lawyers Management Assistance Program, approved by the State Bar, at his own expense prior to his petition; Hausle shall contact such a program, make any required advanced payment, and have a plan in place within 60 days of entry of this order.
- d. Hausle paid all costs assessed by the Secretary in connection with this proceeding within 30 days of service of these costs by the Secretary;
- e. Hausle has not violated any federal or state laws;
- f. Hausle has not violated any provisions of the Revised Rules of Professional Conduct of the State Bar; and
- g. Hausle has submitted a certification from his treating psychiatrist that:
 - (i) He has followed all recommendations for treatment of any diagnosed psychological condition, including depression, for the past six months; and
 - (ii) In the psychiatrist's opinion, Hausle's psychological condition will not prevent him from adequately performing the responsibilities of an attorney or pose a threat to the public if he is allowed to resume the practice of law.

The psychiatrist making such a certification must be one approved by the State Bar. If Hausle's treating psychiatrist is not approved by the State Bar, the State Bar shall have the right to have Hausle evaluated by a psychiatrist, approved by it, to determine if the conditions set forth in (i) and (ii) above have been satisfied. Hausle also must execute a release allowing the State Bar to obtain his medical records and attach that release to his petition for reinstatement.

- h. Hausle has agreed to participate in the Lawyer Assistance Program (LAP) of the North Carolina State Bar. In connection with that Program, Hausle shall, before filing his petition for reinstatement, have:
- (i) Entered into a Friends Recovery Contract with LAP within 30 days of service of this order upon him. As specified in 27 N. C. Admin. Code, § 1D.0652, all information obtained by LAP concerning Hausle shall be confidential, except as specified in the Contract and this Order.
 - (ii) Complied with the terms of the Friends Recovery Contract during the term of the active suspension.
 - (iii) Instruct his treating psychiatrist to inform LAP immediately in writing if, at any point during the suspension, he ceases to be a patient or otherwise fails to comply with the course of treatment prescribed by his psychiatrist.

Hausle shall attach to his reinstatement petition documentation that he has satisfied the conditions set forth in subsections (i) to (iii) above.

3. Upon the entry of an order staying the remaining term of Hausle's suspension, such order of stayed suspension may continue in effect for the balance of the term of the suspension only upon compliance with all of the following conditions:

- a. Hausle shall not violate any federal or state laws;
- b. Hausle shall not violate any provisions of the Rules of Professional Conduct of the North Carolina State Bar.
- c. Hausle shall be responsible for ensuring that his treating psychiatrist forward quarterly reports to the State Bar certifying that for the past quarter:
 - (i) He has followed all recommendations for treatment of any diagnosed psychological conditions, including depression; and

- (ii) In the psychiatrist's opinion, Hausle's psychological conditions will not prevent him from adequately performing responsibilities as an attorney, or pose a threat to the public, if he is allowed to continue practicing law.

These reports shall be provided no later than January 1st, April 1st, July 1st, and October 1st, for the remainder of the stayed suspension.

- d. Hausle shall continue to comply with the terms of the Friends Recovery Contract. Hausle shall authorize the Lawyer Assistance Program to forward quarterly reports to the North Carolina State Bar at the beginning of each calendar quarter for the remainder of the stayed suspension. The quarterly reports shall either: (i) certify Hausle's continued compliance with the Contract, or (ii) alternatively disclose the details of Hausle's non-compliance with the Contract.
- e. Hausle must designate an active member of the North Carolina State Bar to monitor (hereafter "monitor") any appeals he agrees or is appointed to handle. The State Bar reserves the right to approve or reject any person submitted by Hausle as a monitor.

Throughout the stayed suspension, Hausle shall meet or discuss with the monitor no later than five business days after agreeing to any appellate representation to discuss all relevant deadlines regarding the appeal. Hausle shall discuss the status of each of his appeals with the monitor at least every 14 days. Hausle also shall meet at least monthly with the monitor to discuss the status of each of his appeals.

Hausle also shall be responsible for filing quarterly progress reports with the monitor. This quarterly report shall include the following information for each case Hausle is representing a client on appeal: (i) The date the notice of appeal was filed; (ii) Any extensions for appeal deadlines; (iii) The date the record on appeal was required and filed; (iv) The date the appellate brief was required and filed; (v) Any resolution in the appellate courts; and (vi) The date of discussions and meetings between the monitor and Hausle.

The report shall be reviewed and signed by the monitor and filed with the State Bar on a quarterly basis no later than January 1st, April 1st, July 1st, October 1st in each year of the stayed suspension. The State Bar shall not be responsible for making any compensation or reimbursement for any person selected by Hausle as a monitor.

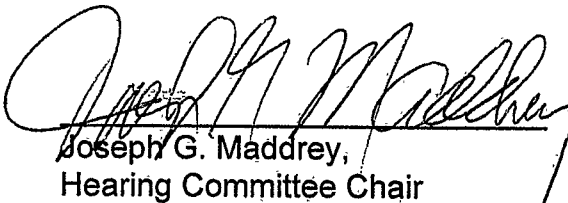
4. If no part of the suspension is stayed or if the suspension is stayed and subsequently activated, Hausle must petition the DHC at the end of the three year suspension and establish by clear, cogent, and convincing evidence, compliance with all of the conditions set forth in paragraph 2(a) through (h) above before his license to practice law is reinstated.

5. The Disciplinary Hearing Commission retains jurisdiction to impose any additional conditions on the practice of law by Hausle which a duly impaneled Hearing Committee believes are necessary for the protection of the public at the time Hausle petitions for reinstatement.

6. Hausle shall submit his license and membership card to the Secretary of the North Carolina State Bar no later than 30 days following service of this order upon him.

Signed by the chair with the consent of the other Hearing Committee members.

This the 31st day of December 1999.


Joseph G. Maddrey,
Hearing Committee Chair