

NORTH CAROLINA
WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING
COMMISSION
OF THE
NORTH CAROLINA STATE BAR
20 DHC 20-R

THE NORTH CAROLINA STATE
BAR,

Plaintiff

v.

WESLEY S. WHITE,

Defendant

ORDER STAYING
SUSPENSION

THIS MATTER is before a Hearing Panel of the Disciplinary Hearing Commission composed of Margaret M. Hunt, Chair, Brian O. Beverly, and Jane B. Weathers pursuant to Defendant's Motion for Stay of Suspension filed 1 September 2021.

Based upon a review of the records of the Disciplinary Hearing Commission, including the Motion for Stay and Plaintiff's response thereto, the Hearing Panel makes the following:

FINDINGS OF FACT

1. Pursuant to a Consent Order of Discipline filed in this matter on 11 May 2021, White was suspended from the practice of law for two years.
2. The effective date of the Consent Order of Discipline was 24 June 2021.
3. The Consent Order of Discipline provided that White would be eligible to seek a stay of the remaining period of suspension after serving no less than three months of active suspension and upon compliance with conditions stated in the Consent Order of Discipline.
4. As of 24 September 2021, White had served three months of active suspension.
5. White filed a verified petition on 1 September 2021 requesting a stay of the remaining period of his suspension and seeking reinstatement to

active status subject to conditions and requirements set forth in the Consent Order of Discipline.

6. The Consent Order of Discipline required White to comply with conditions set out therein to qualify for a stay of the remaining period of suspension.

7. In his verified petition, White certified that he had satisfied all of the conditions for a stay set forth in the Consent Order of Discipline.

8. After conducting an investigation regarding White's compliance with the requirements of 27 N.C.A.C. 1B § .0129(b) and the conditions in the Consent Order of Discipline, counsel for the North Carolina State Bar did not object to White's petition for stay of the suspension.

BASED UPON the foregoing Findings of Fact, the Hearing Panel makes the following:

CONCLUSIONS OF LAW

1. All parties are properly before the Disciplinary Hearing Commission and the Disciplinary Hearing Commission has jurisdiction over Petitioner, Wesley S. White, and the subject matter of this proceeding.

2. White has satisfied the requirements set forth in Rule .0129(b) and the conditions in the Consent Order of Discipline for a stay of his suspension and reinstatement to active status, subject to White's continued compliance with the conditions set forth in paragraphs 6(a) through (k) on pages 12-13 of the 11 May 2021 Consent Order of Discipline.

THEREFORE, it is hereby ORDERED:

1. White's 1 September 2021 Petition for Stay is ALLOWED, the balance of the suspension of his law license is stayed, and he shall be permitted to resume practicing law subject to the conditions set forth in paragraph 2, below.

2. The remaining period of suspension of White's law license is stayed as long as he complies and continues to comply with the following conditions during the stay:

- (a) Within thirty days after entry of this Order, White shall arrange for an active member of the North Carolina State Bar to serve as his law practice monitor. White's monitor shall be an attorney in good standing who practices law in the judicial district in which White practices law

and who has been approved in advance by the State Bar Office of Counsel;

- (b) White shall pay all costs and/or fees, if any, charged by the monitor for his/her supervision. Within five days of the date White reaches an agreement with the monitor to provide the monitoring services, White shall supply the North Carolina State Bar Office of Counsel with a letter from the monitoring attorney confirming his or her agreement to perform the duties listed herein;
- (c) The monitor shall meet with White each month. At each meeting, White and the monitor must review each of White's pending cases, identifying the anticipated course of the representation and any scheduled court dates, and White's communications with his clients. White and the monitor must also review at least one case in detail in each area of law in which White is practicing, with discussion including but not limited to identification of applicable statutory and regulatory authorities, identification of potential legal issues, and plan of representation. White shall come to each meeting prepared to discuss these topics and shall provide to the monitor in advance of the meeting all information needed to ensure the monitor's meaningful participation in the meeting;
- (d) White shall ensure that the monitor submits quarterly written reports of these meetings and discussions to the North Carolina State Bar Office of Counsel; such reports are due January 15, April 15, July 15, and October 15 as such dates occur through the duration of the stay of this suspension;
- (e) White shall make appropriate arrangements for an alternative monitor if the original monitoring attorney cannot serve or is unwilling to serve through the duration of the stay of this suspension;
- (f) White shall keep the North Carolina State Bar Membership Department advised of his current physical business address (not a Post Office box or drawer), telephone number, and email address and shall notify the State Bar of any changes of address within ten days of such change;
- (g) White shall accept all certified mail from the North Carolina State Bar sent to the address on record with the State Bar Membership Department;
- (h) White shall provide full and complete responses to and all requested documentation in response to all communications from the North Carolina State Bar, including letters of notice, requests for information, and communications from the Attorney Client Assistance Program ("ACAP"), within thirty days of White's receipt of the communication or

by the deadline stated in the communication, whichever is sooner, and shall participate in good faith in the State Bar's fee dispute resolution program for any petition filed with ACAP;

- (i) White shall remain current in payment of all North Carolina State Bar membership dues, fees, and costs, including all Client Security Fund assessments and other charges or surcharges the State Bar is authorized to collect from him, including all judicial district dues, fees, and assessments; White shall provide proof that he paid such dues, fees, or costs to the North Carolina State Bar Office of Counsel within ten calendar days of paying them;
- (j) White shall not violate the Rules of Professional Conduct of North Carolina or of any other jurisdiction in which he is or may become licensed to practice law or the laws of the United States or of any state or local government, other than minor traffic violations, during the stay of the suspension; and
- (k) White shall timely comply with all North Carolina State Bar Continuing Legal Education ("CLE") requirements as set forth in 27 N.C. Admin. Code 1D .1518 and pay all fees and costs assessed by the applicable deadline and shall provide proof of same to the State Bar Office of Counsel within ten calendar days of completing the courses.

3. If during the stay White fails to comply with any one or more of the conditions stated in paragraph 2 above, then the stay of the suspension of his law license may be lifted as provided in 27 N.C. Admin. Code 1B .0118 of the North Carolina State Bar Discipline and Disability Rules.

4. If the stay granted herein is lifted and the suspension of White's license is activated for any reason, White may, after serving the activated suspension, move for a stay if provided for in the order activating the suspension pursuant to N.C. Admin. Code 1B .0118 or may petition for reinstatement by filing a petition pursuant to 27 N.C. Admin. Code 1B .0129. For any stay or reinstatement, White must demonstrate compliance with the requirements of the order activating the suspension, the applicable rules, as well as the following requirements by clear, cogent, and convincing evidence:

- a) That White properly wound down his law practice and complied with the terms of 27 N.C. Admin. Code 1B .0128;
- b) That White submitted his law license and membership card to the Secretary of the North Carolina State Bar within thirty days after the date of the order lifting the stay and/or activating the suspension of his law license;

- c) That White kept the North Carolina State Bar Membership Department advised of his current physical business and home addresses (not post-office box or drawer addresses), telephone number(s), and e-mail address(es) following the entry of the order and provided the State Bar Membership Department with new contact information within ten days;
- d) That White accepted all certified mail from the North Carolina State Bar sent to the address on record with the State Bar Membership Department;
- e) That White provided full and complete responses to and all requested documentation in response to all communications from the North Carolina State Bar, including letters of notice, requests for information, and communications from the Attorney Client Assistance Program ("ACAP"), within thirty days of White's receipt of the communication or by the deadline stated in the communication, whichever is sooner, and participated in good faith in the State Bar's fee dispute resolution program for any petition filed with ACAP throughout the period of active suspension;
- f) That White remained current in payment of all North Carolina State Bar membership dues, fees, and costs, including all Client Security Fund assessments and other charges or surcharges the State Bar is authorized to collect from him, including all judicial district dues, fees, and assessments;
- g) That White did not violate any of the Rules of Professional Conduct of North Carolina or of any other jurisdiction in which he is or may become licensed to practice law or the laws of the United States or of any state or local government, other than minor traffic violations, following the entry of this Order;
- h) That at the time of his petition for reinstatement, there is no deficit in White's completion of mandatory CLE hours, in reporting of such hours, in payment of any fees associated with attendance at CLE programs, or in payment of any penalties or late fees assessed against him; and
- i) That White paid the administrative fees and costs of this proceeding as assessed by the Secretary within thirty days of the State Bar mailing the statement of costs to White at the address on file with the State Bar Membership Department.

5. The Disciplinary Hearing Commission will retain jurisdiction of this matter pursuant to § .0118(a) of the North Carolina State Bar Discipline and Disability Rules throughout the period of stayed suspension.

6. The stay of the remainder of White's suspension is effective immediately upon the filing of this Order.

Signed by the undersigned Chair with the knowledge and consent of the other members of the Hearing Panel, the 5th of October, 2021.

Margaret M. Hunt
Margaret M. Hunt, Chair
Disciplinary Hearing Panel