



STATE OF NORTH CAROLINA

WAKE COUNTY

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
23 DHC 12

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

EARL H. STRICKLAND, Attorney,

Defendant

CONSENT
ORDER OF DISCIPLINE

THIS MATTER was considered by a Hearing Panel of the Disciplinary Hearing Commission composed of Margaret M. Hunt, Chair, and members William A. Oden, III and Jane B. Weathers. Jennifer A. Porter represented Plaintiff, the North Carolina State Bar. Defendant, Earl H. Strickland, appeared *pro se*.

On December 4, 2023, the Hearing Panel granted Plaintiff's Motion for Partial Judgment on the Pleadings and issued an Order Entering Findings of Fact and Conclusions of Law. Those findings of fact and conclusions of law are set out in the first two sections below. The parties stipulate and agree to the additional findings of fact and additional conclusions of law recited in those sections of this Consent Order. The parties consent to the discipline imposed by this Order. By consenting to this Order, Defendant knowingly, freely, and voluntarily waives his right to appeal this Consent Order or to challenge in any way the sufficiency of the findings.

The following are the findings of fact previously found by clear, cogent, and convincing evidence and entered by the Hearing Panel in its Order Entering Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Plaintiff, the North Carolina State Bar ("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, Earl H. Strickland ("Strickland" or "Defendant"), was admitted to the North Carolina State Bar in 1976, 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 Rules of Professional Conduct.

3. During all or part of the relevant periods referred to herein, Strickland was engaged in the practice of law in the State of North Carolina and maintained a law office in Lumberton, Robeson County, North Carolina.

4. Strickland maintained an attorney trust account at Truist Bank (then BB&T) with an account number ending in the numbers 0384 ("TA x0384").

5. For some period of time, including but not limited to from March 2020 through June 2021, Strickland failed to conduct each month the monthly reconciliations of TA x0384 required by Rule 1.15-3(d) of the Rules of Professional Conduct, which required him each month to compare the balance of the trust account as shown on Strickland's records with the corresponding bank statement balance for the trust account.

6. For some period of time, including but not limited to from March 2020 through June 2021, Strickland failed to conduct each month the monthly reviews of TA x0384 required by Rule 1.15-3(e)¹ of the Rules of Professional Conduct, which required him each month to review the bank statements and canceled checks for TA x0384 for the respective month.

7. For some period of time, including but not limited to from the first quarter of 2020 through the second quarter of 2021, Strickland failed to conduct each quarter the quarterly three-way reconciliations of TA x0384 required by Rule 1.15-3(d) of the Rules of Professional Conduct, which required him each quarter to compare the total of positive subsidiary trust account ledger balances with the general ledger balance and the adjusted bank statement balance as of the reporting date.

8. As of February 28, 2020, Strickland's records showed the balances of his positive subsidiary trust account ledgers totaled \$15,344.18.

9. As of February 28, 2020, the positive client trust account balances shown in Strickland's records included the following:

- a. BOWENWOODBERRY ledger, with a balance of \$13,000.00 remaining from trust account transactions ending in the year 2012;
- b. BOWENWOODBERRY6-15-1 ledger, with a balance of \$164.89 remaining from trust account transactions ending in the year 2012;
- c. HUNT, JAMES WESLEY ledger, with a balance of \$1,000.00 from a 2013 deposit;
- d. JADALLAH ABDIL 1 ledger, with a balance of \$60.00 remaining from trust account transactions ending in the year 2011;
- e. JIMMY CARTER 08 ledger, with a balance of \$10.00 remaining from trust account transactions ending in the year 2008;

¹ Formerly codified as Rule 1.15-3(i).

- f. JR JONES GRAIN15 ledger, with a balance of \$558.54 remaining from trust account transactions ending in the year 2015;
 - g. LAWSON, JAMESR ledger, with a balance of \$.10 remaining from trust account transactions ending in the year 2016;
 - h. LOCKLEARDAVID ledger, with a balance of \$191.67 remaining from trust account transactions ending in the year 2012;
 - i. SIMS, THOMAS ledger, with a balance of \$100.00 remaining from trust account transactions ending in the year 2015; and
 - j. WILCOXCONNIE ledger, with a balance of \$.57 remaining from trust account transactions ending in the year 2012.
10. As of February 28, 2020, Strickland's records showed there were outstanding checks issued from TA x0384 totaling \$17,164.79, dating from 1995 through 2019.
11. As of February 28, 2020, Strickland needed to have \$32,508.97 in TA x0384 to cover the positive subsidiary trust account ledger balances and the outstanding checks that had been issued from TA x0384.
12. As of February 28, 2020, the balance of TA x0384 was \$19,615.70.
13. As of February 28, 2020, there were not sufficient funds in TA x0384 to cover the positive subsidiary trust account ledger balances and the outstanding checks that had been issued from TA x0384 as of February 28, 2020.
14. As of February 28, 2020, Strickland's records contained subsidiary trust account ledgers with negative balances, as follows:
- a. Ledger labeled as for Federal Express with a balance of -\$313.86;
 - b. Ledger for client B. Inman with a balance of -\$300.00;
 - c. Ledger labeled "Bank Ledger" with a balance of -\$.10; and
 - d. Ledger labeled "Bank Err & Variance" with a balance of -\$12,129.81.
15. Prior to February 28, 2020, Strickland had improperly disbursed funds from TA x0384 for bank charges or office expenses and had improperly disbursed funds from TA x0384 in excess of the funds in the trust account for the associated client matter.
16. As of February 28, 2020, Strickland had balances for clients in TA x0384 that he had maintained for more than five years, that he had not disbursed or escheated.
17. Mr. Strickland had not sent the required annual accountings to the clients for whom he held funds in trust for over a year.

18. From February 28, 2020 to July 26, 2021, there was no activity in TA x0384.
19. On July 14, 2021, a random audit of TA x0384 was completed by the State Bar.
20. The negative balances listed above in paragraph 14 were noted by the auditor in the documentation included with the audit report.
21. Strickland told the auditor that he would deposit funds to correct the -\$313.86 and -\$300.00 balances.
22. On July 27, 2021, Strickland made a deposit of \$313.86 and a deposit of \$300.00 into TA x0384 to cure those two deficits, listed in subparagraphs a. and b. of paragraph 14 above.
23. The July 27, 2021 deposits of \$313.86 and \$300.00 brought the balance of TA x0384 to \$20,229.56.
24. As of July 27, 2021, Strickland needed to have \$32,508.97 in TA x0384 to cover the positive subsidiary trust account ledger balances and the outstanding checks that had been issued from TA x0384.
25. As of July 27, 2021, there were not sufficient funds in TA x0384 to cover the positive subsidiary trust account ledger balances and the outstanding checks that had been issued from TA x0384 as of July 27, 2021.
26. From July 30, 2021 to October 11, 2021, there was no activity in TA x0384.
27. On October 11, 2021, the State Bar and Strickland engaged in e-mail communications with respect to grievance file 21G0752.
28. In those e-mail communications, the State Bar identified to Strickland that there remained a deficit of \$12,279.41 in TA x0384.
29. On October 12, 2021, Strickland deposited \$12,279.41 into TA x0384 to cure the remaining deficit in TA x0384.
30. The October 12, 2021 deposit brought the balance of TA x0384 to \$32,508.97.
31. As of January 10, 2022, Strickland had not disbursed the funds in his trust account or initiated escheatment processes, as applicable.
32. In Strickland's February 4, 2022 letter to the State Bar, Strickland articulated steps he would take to complete the applicable disbursements and escheatment processes.
33. As of February 4, 2022, Strickland had not disbursed the funds in his trust account or initiated escheatment processes, as applicable.

34. By letter dated August 4, 2022, Strickland was offered the opportunity to participate in the North Carolina State Bar Trust Account Compliance Program.

35. Strickland did not accept the offer to participate in the Trust Account Compliance Program.

The following are the conclusions of law previously entered by the Hearing Panel in its Order Entering Findings of Fact and Conclusions of Law based on the foregoing Findings of Fact:

CONCLUSIONS OF LAW

1. All the parties are properly before the Hearing Panel and the Panel has jurisdiction over Defendant, Earl H. Strickland, and the subject matter.

2. 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) in that Defendant violated the Rules of Professional Conduct in effect at the time of the conduct as follows:

- a. By failing to conduct each month reconciliations of TA x0384 in which the balance of the trust account as shown on Strickland's records was compared each month with the corresponding bank statement balance for the trust account, Strickland failed to conduct required monthly trust account reconciliations in violation of Rule 1.15-3(d);
- b. By failing to conduct each quarter reconciliations of TA x0384 in which the total of positive subsidiary trust account ledger balances was compared with the general ledger balance and the adjusted bank statement balance as of the reporting date, Strickland failed to conduct required quarterly trust account reconciliations in violation of Rule 1.15-3(d);
- c. By failing to review each month the bank statements and canceled checks for TA x0384, Strickland failed to conduct required monthly trust account reviews in violation of Rule 1.15-3(e)²;
- d. By failing to promptly disburse funds for client matters, failing to promptly ensure disbursements intended by outstanding checks were completed, and failing to initiate escheatment processes of abandoned property as applicable, Strickland failed to act with reasonable diligence and promptness in representing a client in violation of Rule 1.3, failed to promptly disburse entrusted funds in violation of Rule 1.15-2(n), and failed to escheat abandoned property in violation of Rule 1.15-2(r);

² Formerly codified as Rule 1.15-3(i).

- e. By failing to provide accountings to clients for whom he held funds in trust for over a year, Strickland failed to render annual accountings to clients in violation of Rule 1.15-3(f)³; and
- f. By improperly disbursing funds from TA x0384 for bank charges or office expenses and by improperly disbursing funds from TA x0384 in excess of the funds in the trust account for the associated client matter, Strickland failed to properly maintain and disburse entrusted funds in violation of Rule 1.15-2(a) and (n) and used entrusted property for the benefit of one other than the legal or beneficial owner of the property in violation of Rule 1.15-2(l)⁴.

Based on the foregoing Findings of Fact and Conclusions of Law, the stipulated facts, and upon the consent of the parties, the Hearing Panel hereby finds by clear, cogent and convincing evidence the following additional

FINDINGS OF FACT REGARDING DISCIPLINE

1. The findings of fact in paragraphs 1 – 35 above are reincorporated as if set forth herein.
2. A cornerstone of client trust in an attorney is that the attorney will properly protect, maintain, and disburse entrusted funds. Failure to do so erodes the confidence clients place in attorneys who handle their affairs and harms the profession.
3. The trust account record-keeping, review, and reconciliation requirements of the Rules of Professional Conduct are designed to assist with the proper protection, maintenance, and disbursement of entrusted funds, and to facilitate prompt detection and correction of any errors. Defendant's failure to have complied with these requirements as set out above caused significant harm to clients for whom he should have been maintaining funds in trust, including repeated failures to identify and maintain funds in trust for clients and repeated improper disbursements from his trust accounts.
4. Strickland was administratively suspended in July 2023 for failure to comply with membership and continuing legal education requirements.
5. The Hearing Panel finds by clear, cogent, and convincing evidence the facts contained in the conclusions set out below of the applicable factors regarding discipline from those listed in 27 N.C. Admin. Code 1B.0116(f).

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

³ Formerly codified as Rule 1.15-3(e).

⁴ Formerly codified as Rule 1.15-2(k).

CONCLUSIONS REGARDING DISCIPLINE

1. The Hearing Panel carefully considered all of the different forms of discipline available to it.

2. The Hearing Panel considered all of the factors enumerated in 27 N.C. Admin. Code 1B.0116(f).

3. The Hearing Panel concludes that the following factor from 27 N.C. Admin. Code 1B.0116(f)(1), which are to be considered in imposing suspension or disbarment, are present in this case:

- a. Factor (B), Intent of Defendant to commit acts where the harm or potential harm is foreseeable.

4. The Hearing Panel considered the factors listed in 27 N.C. Admin. Code 1B.0116(f)(2), which are factors warranting consideration of disbarment, and concluded no factors in this section of the rule are present in this case.

5. The Hearing Panel concludes that the following factors from 27 N.C. Admin. Code 1B.0116(f)(3), which are to be considered in all cases, are present in this case:

- a. Factor (A), Lack of prior disciplinary offenses;
- b. Factor (C), Absence of dishonest or selfish motive;
- c. Factor (D), Timely good faith efforts to make restitution and to rectify consequences of misconduct;
- d. Factor (F), A pattern of misconduct;
- e. Factor (G), Multiple offenses; and
- f. Factor (S), Degree of experience in the practice of law.

6. The Hearing Panel considered all of the disciplinary options available to it and determined that a suspension is appropriate in this case, in light of the significant harm and potential harm caused by Defendant's conduct to his clients and the profession. A suspension with conditions for a stay of the suspension and/or for reinstatement designed to achieve and maintain full compliance with the trust account record-keeping, review, and reconciliation requirements of the Rules of Professional Conduct is necessary to protect clients and the public.

7. The Hearing Panel has considered all lesser sanctions and finds that discipline short of a suspension would not adequately protect the public for the following reasons:

- a. A suspension with conditions designed to ensure measures are in place to achieve and maintain full compliance with the trust account record-keeping, review, and

reconciliation requirements of the Rules of Professional Conduct prior to Defendant continuing to practice law is necessary to protect clients and the public;

- b. Supervision under a stayed suspension is necessary to ensure all required corrections are made and sustained; and
- c. 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.

Based on the foregoing Findings of Fact, Conclusions of Law, additional Findings of Fact and Conclusions of Law Regarding Discipline, and with the consent of the parties, the Hearing Panel hereby enters the following

ORDER OF DISCIPLINE

1. Defendant, Earl H. Strickland, is hereby suspended from the practice of law for four years. The effective date of this Order is 30 days from service of this Order upon Defendant pursuant to 27 N.C. Admin. Code 1B.0128(c).
2. Defendant shall surrender his law license and bar card to the Clerk of the DHC no later than 30 days from service of this order upon him.
3. Defendant is taxed with the administrative fees and costs of this proceeding. Defendant shall pay the administrative fees and costs of this proceeding as assessed by the Secretary of the North Carolina State Bar. Defendant must pay the costs within 30 days of service upon him of the statement of costs by the Secretary.
4. Within 15 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 can communicate with Defendant and obtain such files. Defendant must keep this information current with the State Bar, providing updated information to the State Bar within 15 days of any change.
5. Defendant shall promptly return client files in his possession, custody, or control to clients upon request, within 5 days of receipt of such request. Defendant will be deemed to have received any such request 3 days after the date such request is sent to Defendant if the request is sent to the address Defendant provided the State Bar pursuant to the preceding paragraph.
6. Defendant shall comply with all provisions of 27 N.C. Admin. Code 1B.0128 as set out therein.
7. Defendant may apply to the DHC for a stay of this suspension upon providing with his motion for stay the documentation identified below and demonstrating the following by clear, cogent, and convincing evidence:

- a. Defendant timely complied with the immediately preceding paragraphs 2-6;
- b. Defendant has satisfied all outstanding membership and continuing legal education obligations, including curing the deficits that led to his July 2023 administrative suspension;
- c. Defendant has completed the disbursement and/or escheatment as appropriate of all funds in his trust account, including the client balances set forth in paragraphs 8 and 9 of the first Findings of Fact section of this Order and the outstanding checks referenced in paragraph 10 of the first Findings of Fact section of this Order;
- d. If Defendant does not intend to practice law, he shall provide an affidavit containing a certification to that effect. If no such affidavit is provided, then Defendant shall have satisfied paragraphs 7.e. and 7.f. below;
- e. Defendant has established written procedures for complying with the obligations in Rule 1.15-2 and Rule 1.15-3, setting forth the personnel to be involved, the documents to be utilized, and the process to be implemented;
- f. Defendant has made arrangements in writing for a Trust Account Monitor approved by the Office of Counsel of the North Carolina State Bar. Defendant will be responsible for any associated costs. The Trust Account Monitor shall agree in writing – such documentation to be included with any motion for stay or petition for reinstatement – to do the following:
 - (1) Review all transactions in any and all trust accounts utilized by Defendant each month, no later than the 15th day of the next subsequent month (e.g. review the transactions for January no later than February 15), with such review to include per trust account review of the bank statements, canceled checks, deposit slips, deposited items, any bank instrument by which funds were deposited into or disbursed from the trust account, the general ledger for the trust account, and the subsidiary trust account ledgers including those required by Rule 1.15-3(b)(5) for all clients for whom funds were received, disbursed, or maintained in the trust account in that month;
 - (2) Verify and certify for the month that all bank transactions (including all deposits, disbursements, bank charges, etc.) are recorded on a general ledger for the trust account and on an appropriate subsidiary trust account ledger and all entries on all general ledgers and subsidiary trust account ledgers accurately reflect the corresponding bank transaction;
 - (3) Verify and certify that a client identifier was used, and the same client identifier was consistently used per client, across all applicable records that month, including on the client's subsidiary trust account ledger, on the general ledger, on any trust account check or other instrument disbursing funds from the trust

account, and on any deposit slip depositing funds for the client into the trust account; and

- (4) Verify and certify that the client from whose funds in the trust account a disbursement was made is identified for all disbursements from the trust account, and that no disbursements were made from the trust account in excess of the funds in the trust account for that client;

8. If the DHC stays Defendant's suspension, the remaining period of Defendant's suspension shall be stayed for four years. The stay of Defendant's suspension of his law license will continue in effect only as long as Defendant complies with the following conditions:

- a. Defendant shall make any adjustments to his written procedures produced pursuant to paragraph 7.e. above required by the Office of Counsel to ensure compliance with the Rules of Professional Conduct and shall provide revised written procedures within 15 days of notice from the Office of Counsel;
- b. Defendant shall provide each month, no later than the 15th day of the next subsequent month (e.g. certification for January due no later than February 15), a certification by him that all written procedures were followed by him, by any other attorneys in his firm, and by all staff in his firm with respect to all trust accounts and all trust account transactions that month. If there was any failure to follow a written procedure, any and all such deficiencies shall be identified, explained, and corrective action implemented to ensure the procedure at issue is followed in the future. If Defendant identifies a need to change any procedure, Defendant must submit to the Office of Counsel the proposed change with explanation for approval, and must receive approval prior to implementing the change;
- c. Defendant shall provide monthly to the State Bar's Office of Counsel a written report of the three-way reconciliation of all attorney trust accounts to which he has access, using the State Bar's Reconciliation Report form from the State Bar's website and the reconciliation methods described in the State Bar Lawyer's Trust Account Handbook on the State Bar's website for the three-way reconciliation normally required quarterly under Rule 1.15-3(d)(1). Defendant shall complete the entire form for each trust account and include with each such report all documents identified on the form for when the entire form is completed, along with the client subsidiary trust account ledger for every client for whom funds were deposited, maintained, or disbursed at any point in time during that month. The client subsidiary trust account ledgers shall contain an accurate and appropriate entry for each deposit and disbursement of funds for the client in the trust account with an accurate running balance, and shall not contain any other entries (e.g. billing/invoicing record-keeping must be done separately). This documentation is due 15 days after the end of each month (e.g. documentation for January due February 15th, etc.);

- d. Defendant shall provide each month, no later than the 15th day of the next subsequent month (e.g. certification for January due no later than February 15), a certification from the Trust Account Monitor verifying and certifying the following:
- (1) That the Trust Account Monitor reviewed all transactions in any and all trust accounts utilized by Defendant each month, with such review including per trust account review of the bank statements, canceled checks, deposit slips, deposited items, any bank instrument by which funds were deposited into or disbursed from the trust account, the general ledger for the trust account, and the subsidiary trust account ledgers including those required by Rule 1.15-3(b)(5) for all clients for whom funds were received, disbursed, or maintained in the trust account in that month;
 - (2) That all bank transactions for all trust accounts (including all deposits, disbursements, bank charges, etc.) are recorded on a general ledger for the respective trust account and on an appropriate subsidiary trust account ledger and all entries on all general ledgers and subsidiary trust account ledgers accurately reflect the corresponding bank transaction;
 - (3) That a client identifier was used, and the same client identifier was consistently used per client, across all applicable records that month, including on the client's subsidiary trust account ledger, on the general ledger, on any trust account check or other instrument disbursing funds from the trust account, and on any deposit slip depositing funds for the client into the trust account;
 - (4) That the client from whose funds in the trust account a disbursement was made is identified for all disbursements from the trust account, and that no disbursements were made from the trust account in excess of the funds in the trust account for that client;
- e. Within ten days of any report by the Trust Account Monitor that he or she cannot make any of the above-required certifications due to inaccuracies, deficiencies, or other reasons, Defendant shall correct any inaccuracies, deficiencies, or other issues identified by the Trust Account Monitor resulting in the Trust Account Monitor's inability to make a required certification and shall provide documentation to the North Carolina State Bar Office of Counsel of the correction(s) and a certification from the Trust Account Monitor verifying that all necessary corrections have been made and making the certification he or she was previously unable to make;
- f. Each quarter, Defendant shall have the Trust Account Monitor or an accountant audit all trust accounts. Defendant will be responsible for any associated costs. This audit shall assess whether Defendant has in the trust account(s) the client funds he is required to maintain for clients at that time, as well as Defendant's compliance

with Rule 1.15-2 and Rule 1.15-3. The audit shall address the items on the Report Template form which will be provided by the State Bar to Defendant. The quarterly audit reports are due no later than 30 days after the end of the quarter – for example, the audit for the first quarter of the calendar year (January, February, and March) is due on April 30;

- g. If during the stay of the suspension any Trust Account Monitor or accountant previously approved by the State Bar to provide the services set out in this Order is no longer available to serve, Defendant shall make arrangements for a replacement and shall submit the name and information about the proposed replacement to the Office of Counsel for approval within 15 days of such unavailability and need for replacement;
- h. If a monthly three-way reconciliation report, a Trust Account Monitor review, a quarterly audit, or other review reveals any deviation from Defendant's obligations under Rule 1.15-2 or Rule 1.15-3, Defendant shall take remedial action and shall, within ten days of the date of such report, review, or audit, provide documentation to the Office of Counsel showing the remedial action. If State Bar review revealed the deviation, Defendant shall take remedial action within ten days of the date of the correspondence notifying him of the issue;
- i. For each calendar year of the stayed suspension, Defendant shall complete two additional hours of continuing legal education (CLE) on the topic of trust account management. These CLE requirements are in addition to Defendant's other CLE requirements;
- j. Defendant shall provide any trust account related documentation or records requested by the Office of Counsel within ten days of the request;
- k. Defendant shall keep the State Bar's Membership Department advised of his current business address, which address must be a street address, not a post office box or drawer;
- l. Defendant shall notify the State Bar of any change of address within 10 days of such change;
- m. Defendant shall timely and fully respond to all communications from the State Bar, including communications from the Attorney Client Assistance Program, within 30 days of receipt of such communication or by the deadline stated in the communication, whichever is sooner;
- n. Defendant shall participate in good faith in the State Bar's fee dispute resolution process for any petition of which he receives notice after the effective date of this Order; and

- o. Defendant shall not violate the Rules of Professional Conduct or the laws of the United States or any state or local government.

9. If Defendant is transferred to inactive status and is not handling entrusted or fiduciary funds or maintaining an attorney trust account, then, for as long as Defendant is not handling entrusted or fiduciary funds or maintaining an attorney trust account, on a monthly basis Defendant shall submit to the Office of Counsel an affidavit certifying that he did not handle any entrusted or fiduciary funds in that month and is not maintaining an attorney trust account. This affidavit shall be executed and provided to the Office of Counsel by the 5th day of the following month (e.g. the affidavit for January would be due to the Office of Counsel by February 5th). Such affidavit shall be in lieu of the requirements set forth in paragraphs 8.b. through 8.i. above.


10. If during any stay of the suspension Defendant fails to comply with any one or more of the conditions stated above, then the stay of the suspension of Defendant's law license may be lifted as provided in 27 N.C. Admin. Code 1B.0118.

11. If Defendant does not apply for a stay of the suspension, or any stay of the suspension is lifted and the suspension is re-activated for any reason, Defendant may apply for reinstatement after serving the suspension or activated suspension, as applicable, by filing a petition pursuant to 27 N.C. Admin. Code 1B.0129 demonstrating compliance by clear, cogent, and convincing evidence with the requirements therein, as well with the following requirements:

- a. Defendant complied with paragraphs 7.a. through 7.f. above;
- b. Defendant shall have promptly returned client files in his possession, custody, or control to clients upon request, within 5 days of receipt of such request. Defendant will be deemed to have received any such request 3 days after the date such request is sent to Defendant if the request is sent to the address Defendant provided the Membership Department of the State Bar pursuant to paragraph 4 above;
- c. Defendant disbursed to the proper recipients, or escheated as appropriate, all identified client funds in any trust account he maintained at the time of his suspension;
- d. Defendant completed four hours of CLE in the area of trust account management including at least one CLE by the Trust Account Compliance Counsel for the North Carolina State Bar in the year immediately preceding his application for reinstatement under this paragraph;
- e. Defendant kept the Membership Department of the State Bar informed of his current information for his physical address (not a Post Office box), telephone number, and e-mail address throughout the period of his suspension;
- f. Defendant accepted all certified mail from the State Bar sent to the address on record with the Membership Department of the North Carolina State Bar throughout the period of the suspension;

- g. Defendant responded timely and fully to all letters of notice and requests for information from the North Carolina State Bar by the deadline stated therein with full and complete responses and all requested documentation throughout the period of his suspension;
- h. Defendant came into compliance with any outstanding continuing education or membership obligations at the time of the filing of his petition for reinstatement;
- i. Defendant did not violate any of the Rules of Professional Conduct in effect during the period of the suspension;
- j. Defendant did not violate any laws of the State of North Carolina or of the United States during the period of the suspension;
- k. Defendant paid all costs and fees of this proceeding as assessed by the Secretary by the date of the filing of his petition for reinstatement; and
- l. If Defendant failed to fully comply with 27 N.C. Admin. Code 1B.0128, Defendant shall reimburse the State Bar for any and all expenses incurred by the State Bar in winding down Defendant's practice. Such expenses may include, but are not limited to, storage facility fees, rent payments, moving expenses, charges for secure disposal of client files, postage or other mailing expenses and compensation paid to any appointed trustee and/or the trustee's assistant for time and travel associated with the trusteeship. The State Bar shall send an invoice of wind-down expenses to Defendant at Defendant's last known address of record with the State Bar. Defendant shall not be eligible for any stay of suspension or reinstatement from suspension until he has reimbursed the State Bar for any wind-down expenses incurred.

Signed by the Chair with the consent of the other Hearing Panel members, this the 5th day of February, 2024.

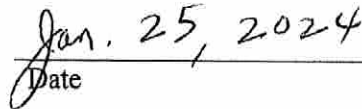


Margaret M. Hunt, Chair
Disciplinary Hearing Panel

WE CONSENT:



Earl H. Strickland
Defendant


Date



Jennifer A. Porter, Deputy Counsel
Attorney for Plaintiff

January 30, 2024

Date