

STATE OF NORTH CAROLINA

WAKE COUNTY

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
13 DHC 25

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

WILLIAM T. BATCHELOR, II, Attorney,

Defendant

CONSENT ORDER
STAY OF SUSPENSION

This matter was considered by a Hearing Panel of the Disciplinary Hearing Commission ("DHC") composed of Steven D. Michael, Chair, and members Beverly T. Beal and Christopher R. Bruffey. Plaintiff was represented by G. Patrick Murphy. Defendant, William T. Batchelor, II ("Batchelor"), appeared *pro se*. This matter is before the DHC upon petition by Batchelor for a stay of the remainder of the suspension imposed in the Order of Discipline in this case. Based on Batchelor's petition and with the consent of the parties, 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 promulgated thereunder.

2. Defendant was admitted to the North Carolina State Bar on March 21, 1986. Batchelor's law license was suspended for three years by the Order of Discipline entered in this matter, effective July 23, 2014.

3. The Order of Discipline provided that after serving one year of the active suspension, Batchelor could apply to have the remainder of the suspension stayed upon filing a petition and showing compliance with the conditions stated in the Order of Discipline.

4. On July 24, 2015, Batchelor filed a petition requesting a stay of the remaining portion of his active suspension and seeking reinstatement to active status subject to the continuing conditions set forth in the Order of Discipline.

5. Addendum attached hereto is incorporated herein *SW*

5. In his verified petition, Batchelor stated that he has satisfied all of the conditions in the Order of Discipline for a stay of the remaining period of his suspension.

6. After conducting an investigation of the requirements set out in 27 N.C. Admin. Code 1B § .0125(b) and the conditions of the Order of Discipline, Counsel for the North Carolina State Bar did not find any grounds to object to the petition for stay of the remaining part of the suspension.

Based upon the foregoing Findings of Fact, the Hearing Panel makes the following:

CONCLUSIONS OF LAW

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

2. Batchelor has satisfied the conditions in the Order of Discipline for a stay of his suspension and reinstatement to active status, subject to the continuing conditions set forth in the Order of Discipline.

3. Batchelor's reinstatement to active status should be conditioned upon continued compliance with the conditions and requirements in the Order of Discipline.

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

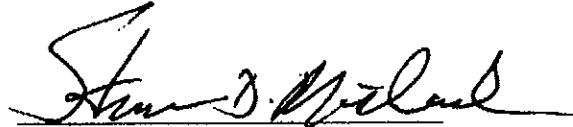
ORDER

1. The remainder of the suspension of Batchelor's law license is stayed and Batchelor is reinstated to the active practice of law as of the date of this Order.

2. The stay of the remaining suspension is subject to the terms, conditions, and requirements set forth in the Order of Discipline, which is attached hereto and hereby incorporated by reference.

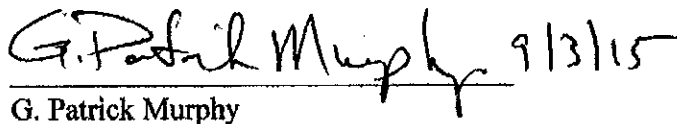
3. The Disciplinary Hearing Commission will retain jurisdiction of this matter pursuant to 27 N.C. Admin. Code 1B § .0114(x) of the North Carolina State Bar Discipline and Disability Rules throughout the period of the stayed suspension.

Signed by the Chair with the consent of the other hearing panel members, this
the 9th day of September 2015.

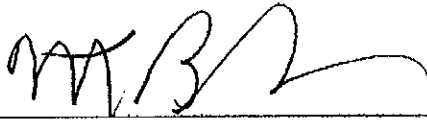


Steven D. Michael, Chair
Disciplinary Hearing Panel

CONSENTED TO BY:



G. Patrick Murphy
Attorney for Plaintiff



William T. Batchelor
Defendant *pro se*

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WILLIAM T. BATCHELOR, II, Attorney,

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ADDENDUM TO
CONSENT ORDER
STAY OF SUSPENSION

This matter was considered by a Hearing Panel of the Disciplinary Hearing Commission ("DHC") composed of Steven D. Michael, Chair, and members Beverly T. Beal and Christopher R. Bruffey. The Hearing Panel has requested the following information be provided as an Addendum to the Consent Order previously submitted to the Hearing Panel. Based on Batchelor's petition and with the consent of the parties, the Hearing Panel hereby finds by clear, cogent and convincing evidence the following as an Addendum:

FINDINGS OF FACT

1. Defendant timely submitted his license and membership card to the NC State Bar, provided to the Office of Counsel an address and telephone number at which clients seeking return of files could communicate with Defendant, and paid the costs and fees of the disciplinary proceeding.
2. The Certified Public Accountant used by the Defendant in this matter was Randy L. Albertson, CPA, PA. Mr. Albertson's address is 120 E. Main Street, Beulaville, NC 28518.
3. Mr. Albertson completed an audit and submitted his report on the two trust accounts in questions, BB&T Account 3231 and RBC Account 3840, within the time allotted by the Order of Discipline ("Order"). Pursuant to the Order, the audit was to be completed within 90 days of the effective date of the Order. The effective date of the Order was July 23, 2014; Mr. Albertson's report was submitted to the North Carolina State Bar on September 22, 2014.
4. NC State Bar records show Defendant is current on his continuing legal education ("CLE") requirements for the last complete year as to hours needed on a yearly basis for 2014.

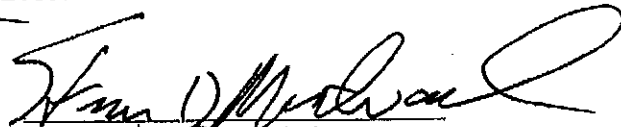
5. On June 9, 2015, Defendant completed 12 hours of additional CLE on the topics of law office management and/or trust account management and submitted notice of completion of the required additional 12 hours of CLE to the North Carolina State Bar within 10 days of their completion.
6. Defendant's physical address for his business when he resumes practice will be 107 Castle Street, Wilmington, NC 28401.
7. The parties have reviewed these additional findings of fact and consent to them being attached to and incorporated in the consent order of stayed suspension previously submitted to the Hearing Panel.

Based upon the foregoing, with the additional Findings of Fact, the Hearing Panel makes the following:

CONCLUSIONS OF LAW

1. All the parties are properly before the Hearing Panel and the Panel has jurisdiction over Defendant and the subject matter of this proceeding.
2. Batchelor has satisfied the conditions in the Order of Discipline for a stay of his suspension and reinstatement to active status, subject to the continuing conditions set forth in the Order of Discipline.
3. Batchelor's reinstatement to active status should be conditioned upon continued compliance with the conditions and requirements in the Order of Discipline.
4. This Addendum is incorporated into the consent order of stayed suspension previously submitted to the Hearing Panel.

Signed by the Chair with the consent of the other hearing panel members, this the 9th day of September 2015.


Steven D. Michael, Chair
Disciplinary Hearing Panel