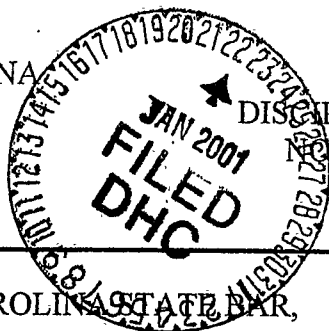


NORTH CAROLINA
WAKE COUNTY



20169

BEFORE THE
DISCIPLINARY HEARING COMMISSION
NORTH CAROLINA STATE BAR
00 DHC 26

THE NORTH CAROLINA STATE BAR,)

Plaintiff,)

v.)

DOUGLAS B. UNDERWOOD,)

Defendant)

CONSENT ORDER OF
DISCIPLINE

This matter was considered by a Hearing Committee of the Disciplinary Hearing Commission composed of Fred H. Moody, Jr., Chair; Jean G. Hauser and Carlyn G. Poole, upon the proposed consent order of discipline submitted by the parties. The Plaintiff was represented by Larissa J. Erkman. The Defendant was represented by John H. Painter. Both parties stipulate and agree to the findings of fact and conclusions of law recited in this consent order and to the discipline imposed. Based on the consent of the parties, the Hearing Committee hereby enters 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, Douglas B. Underwood (hereinafter "Defendant"), was admitted to the North Carolina State Bar on August 20, 1993 and is, and was at all times referred to herein, an attorney at law licensed to practice law in North Carolina, subject to the rules, regulations and Revised Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.

3. During the periods referred to herein, Defendant was engaged in the practice of law in North Carolina and maintained a law office in the Town of Monroe, Union County, North Carolina.

4. On November 3, 1997, Defendant was notified by letter from the North Carolina State Bar (hereinafter "State Bar") that he had been randomly selected for a procedural audit of his trust accounts pursuant to the random audit procedures authorized

in 27 N.C. Admin. Code Chapter 1, Subchapter B, Rule .0128(b). A Subpoena for Random Audit was duly served on Defendant.

5. Pursuant to the Random Audit Subpoena, on December 11, 1997, Bruno DeMolli (hereinafter, "DeMolli"), a staff auditor for the State Bar, conducted a procedural audit of Defendant's trust account maintained at First Union National Bank, Account Number 660406. DeMolli prepared a summary of his findings from the procedural audit on December 11, 1997. The summary of his findings was entitled "Trust Account Deficiency Statement."

6. DeMolli discovered and listed in the Trust Account Deficiency Statement the following deficiencies in Defendant's trust account procedures according to Rules 1.15-1 and 1.15-2 of the Revised Rules of Professional Conduct:

- (a) Defendant did not maintain a ledger for each person or entity for whom trust money was received;
- (b) Defendant did not reconcile his trust account quarterly;
- (c) Defendant did not always provide his clients with written accountings at the completion of disbursement of all funds held in trust; and
- (d) Defendant did not maintain a ledger of attorney funds on deposit to service his trust account

7. DeMolli personally delivered to Defendant on December 11, 1997 a copy of the Trust Account Deficiency Statement, and Defendant signed the Trust Account Deficiency Statement, acknowledging his receipt of it.

8. In the Trust Account Deficiency Statement, the State Bar specifically asked Defendant to provide a copy of an Amended Directive to First Union National Bank and to the State Bar and to provide assurances that his trust account had been reconciled for the month of December, 1997.

9. In the Trust Account Deficiency Statement, the State Bar also requested that all noted deficiencies in Defendant's trust account procedures be corrected and that the State Bar be notified in writing within 15 calendar days of the random review as to action taken or anticipated by Defendant to correct the deficiencies in his trust account procedures.

10. Defendant failed to respond to the State Bar within the time stated in the Trust Account Deficiency Statement. Defendant provided an Amended Directive to the bank within 15 days, but he did not provide a copy of the Amended Directive to the State Bar. Nor did Defendant provide to the State Bar assurances that his trust account had

been reconciled for December 1997 or notice of any actions he had taken to correct the deficiencies.

11. On March 10, 1998, DeMolli notified Defendant by follow-up letter ("the DeMolli Follow-up Letter") that he had failed to comply with the Trust Account Deficiency Statement and that he had ten days to respond following his receipt of the March 10, 1998 letter. The DeMolli Follow-up Letter was mailed to Defendant by certified mail, postage prepaid, article number P136866767.

12. Defendant received the DeMolli Follow-up Letter on March 13, 1998.

13. Defendant did not respond to the DeMolli Follow-up Letter.

14. As of the date of the filing of this complaint, Defendant has not notified the State Bar of any actions that he has taken to correct the deficiencies in his trust account procedures revealed in the Trust Account Deficiency Statement since the random procedural audit was completed on December 11, 1997.

15. Defendant has failed to correct the deficiencies in his trust account procedures revealed in the Trust Account Deficiency Statement since the random procedural audit was completed on December 11, 1997.

16. As a result of Defendant's failure to correct his trust account deficiencies and his failure to respond to the State Bar's Trust Account Deficiency Statement and the DeMolli Follow-up Letter, the State Bar initiated a grievance investigation against Defendant.

17. On April 17, 1998, the State Bar sent a Letter of Notice (the "Letter of Notice"), Substance of Grievance (the "Substance of Grievance") and a Subpoena for Cause Audit (the "First Grievance Subpoena") to Defendant by certified mail, postage prepaid, article Z122889979.

18. Defendant was served with the Letter of Notice, the Substance of Grievance and the First Grievance Subpoena on April 20, 1998.

19. The Letter of Notice informed Defendant that, pursuant to Section .0112(c) of the Discipline and Disability Rules, he was required to respond to the Substance of Grievance within 15 days of receiving the Letter of Notice.

20. Defendant did not respond to Substance of Grievance within 15 days of receiving the Letter of Notice, as required by Section .0112(c) of the Discipline and Disability Rules.

21. The First Grievance Subpoena commanded Defendant to appear and produce trust account documents on May 4, 1998 at the offices of the North Carolina State Bar.

22. Defendant failed to appear and produce trust account documents on May 4, 1998 or otherwise respond to the First Grievance Subpoena.

23. On June 9, 1998, Larissa J. Erkman, Deputy Counsel to the North Carolina State Bar ("Erkman"), sent a follow-up letter to Defendant by certified mail postage prepaid, article number Z122890159 again requesting Defendant's response to the Letter of Notice, Substance of Grievance and First Grievance Subpoena by June 15, 1998 (the "First Erkman Follow-up Letter").

24. Defendant received the First Erkman Follow-up Letter on June 9, 1998.

25. Defendant failed to respond by June 15, 1998 as requested by the First Erkman Follow-up Letter.

26. On June 15, 1998, T. Paul Messick, Jr., as Chair of the Grievance Committee of the State Bar, issued to Defendant a subpoena commanding Defendant to appear before the Grievance Committee of the State Bar in Pinehurst, North Carolina at 9:00 AM on July 16, 1998 to testify in a confidential grievance investigation and to bring any and all records, papers and documents pertaining to the grievance, including Defendant's trust account records (the "Second Grievance Subpoena").

27. On June 16, 1998, State Bar Investigator David Frederick ("Frederick"), pursuant to the authority provided by N.C. Gen. Stat. §84-31, personally served a copy of the Second Grievance Subpoena on Defendant at his office in Monroe, North Carolina.

28. Defendant failed to appear, testify and produce documents before the Grievance Committee on July 16 as required by the Second Grievance Subpoena and failed to otherwise respond to the subpoena.

29. On July 16, 1998, Frederick attempted to contact Defendant by telephone at Defendant's office telephone number, 704-292-1176, to determine why Defendant had failed to appear.

30. Defendant was not available to take Frederick's telephone call, so Frederick left a message at Defendant's office informing Defendant that he could be held in contempt for failing to appear pursuant to the Second Grievance Subpoena on July 16, 1998 and, in order to purge the contempt, Defendant had to appear and produce documents at the office of the State Bar on July 27, 1998.

31. Defendant failed to appear at the offices of the State Bar on July 27, 1998, and he failed to notify the State Bar as to any reason why he could not appear on that date.

32. On August 17, 1998, Erkman mailed to Defendant a letter (the "Second Erkman Follow-up Letter") informing Defendant that his failures to respond to the Trust

Account Deficiency Statement, the Letter of Notice and Substance of Grievance and the subpoenas commanding him to appear, testify and produce documents would be reviewed by the Grievance Committee at its October 1998 meeting and that his failures to respond may be deemed a violation of N.C. Gen. Stat. § 84-28(b)(3) and Rule 8.1(b) of the Revised Rules of Professional Conduct.

33. The Second Erkman Follow-up Letter also enclosed a notice to Defendant that the State Bar had subpoenaed his trust account records from First Union National Bank in accordance with the Financial Privacy Act and that he would be taxed with all expenses related to the bank's production of the records if he did not produce the records on or before August 31, 1998 (the "Financial Privacy Act Notice").

34. Defendant did not produce his trust account records to the State Bar on or before August 31, 1998.

35. First Union National Bank forwarded a copy of Defendant's trust account records to the State Bar in response to the State Bar's subpoena. The State Bar incurred a cost of \$76.00 in obtaining Defendant's trust account records from First Union National Bank.

36. On September 1, 1998, the State Bar Council issued a Notice to Show Cause in re Membership Fees to Defendant (the "Membership Notice to Show Cause"). The Membership Notice to Show Cause informed Defendant that he had failed to timely pay his membership fees for 1998 in the amount of \$175.00 and that his fees were delinquent.

37. The Membership Notice to Show Cause advised Defendant that he was required to pay his membership fees of \$175.00 plus a \$30.00 late fee by October 13, 1998 and that failure to do so would result in the State Bar Council entering an order to suspend his license at its meeting in Raleigh on October 1998.

38. Defendant did not pay his membership fee for 1998 and the late fee by the time of the State Bar Council's October 1998 meeting.

39. On October 23, 1998, Defendant's license was suspended for non-payment of the State Bar's 1998 membership fees.

40. On October 30, 1998, Erkman sent a letter to Defendant by telecopy and first class mail reminding him that he still had not responded to the Trust Account Deficiency Statement, the Letter of Notice and Substance of Grievance and the subpoenas issued by the State Bar (the "Third Erkman Follow-Up Letter").

41. The Third Erkman Follow-up Letter explained to Defendant that the grievance pending against him was not reviewed by the Grievance Committee in October, but would be reviewed by the Committee in January 1999, again invited Defendant to respond to the grievance and outstanding subpoenas by November 30, 1998,

and requested that Defendant explain his proper failures to respond as outlined in the Second and Third Erkman Follow-up Letters.

42. On November 10, 1998, Frederick met with Defendant at Defendant's office in Monroe and served Defendant with the order of suspension for non-payment of membership fees entered against him by the State Bar Council. Frederick also gave Defendant a copy of the Third Erkman Follow-up Letter. Frederick advised Defendant to call Erkman, and Defendant agreed that he would do so.

43. On November 10, 1998, Defendant gave Frederick an official bank check in the amount of \$205.00 for his mandatory 1998 dues and late fees. Defendant was subsequently reinstated to the practice of law.

44. Despite receiving by personal delivery the Third Erkman Follow-up Letter, which again requested a response from Defendant, Defendant failed to respond to the grievance and the outstanding subpoenas.

45. The grievance against Defendant, including his failures to respond to the Trust Account Deficiency Statement, the Letter of Notice and Substance of Grievance and the State Bar subpoenas, was considered by the Grievance Committee at its January 1999 meeting, at which time the Grievance Committee continued the grievance to allow time for the Positive Action for Lawyers ("PALS") program to contact Defendant in order to determine if Defendant were suffering from depression or other problems, in the hopes that the PALS program would be able to assist the Defendant in meeting his obligations to the Bar.

46. On December 10, 1999, Erkman contacted Defendant by telephone and explained that the grievance would again be presented to the Grievance Committee at its April 2000 meeting.

47. Erkman instructed Defendant that, prior to February 29, 2000, Defendant should respond to the Letter of Notice and Substance of Grievance, respond to the Trust Account Deficiency Statement, respond to the subpoenas, explain his prior failures to respond, and meet with a representative of the Lawyer Assistance Program, the successor to PALS, as directed by the Grievance Committee.

48. Erkman sent a letter to Defendant dated December 10, 1999 (the "Fourth Erkman Follow-up Letter") confirming their telephone conversation. The Fourth Erkman Follow-up Letter was mailed to Defendant by certified mail, postage prepaid, article number Z297833993.

49. Defendant received the Fourth Erkman Follow-up Letter.

50. As of the date of the filing of the complaint in his proceeding, Defendant still had not responded to the Trust Account Deficiency Statement, the DeMolli Follow-up Letter, Letter of Notice and Substance of Grievance, the First Grievance Subpoena,

the Second Grievance Subpoena, the First Erkman Follow-up Letter, the Second Erkman Follow-up Letter, the Third Erkman Follow-up Letter, or the Fourth Erkman Follow-up Letter, all of which were issued by the State Bar.

51. As of the filing of the complaint in this proceeding, Defendant had not contacted the Lawyer's Assistance Program.

52. As of the filing of the complaint in this proceeding, the State Bar had not obtained from Defendant client ledger cards and other supporting documentation necessary to conclude whether Defendant corrected the deficiencies in his trust account procedures and complied with the requirements of Rules 1.15-1 and 1.15-2.

53. A grievance has been filed by Kelly Leon Moore and is designated State Bar file number 00G0852 (the "Moore grievance"). Defendant waives any further notice and any finding of probable cause as to the Moore grievance.

54. The Moore grievance alleges that Defendant failed to perfect appeals from criminal judgments entered against Moore in Union County, 97-CRS-17776 and 98-CRS-10367. On September 29, 1998, Defendant was appointed to represent Moore in his appeals from the two criminal cases. On June 18, 1999, Defendant filed a motion to enlarge the time for filing the records on appeal. On July 7, 1999, the State of North Carolina filed a motion to dismiss the appeals. After hearing both the parties, Douglas Albright, presiding judge, denied the motion to enlarge time and dismissed the appeals on August 23, 1999. Defendant, through counsel, is presently taking steps to file a motion for appropriate relief on behalf of Mr. Moore.

55. Since at least October 1995, Defendant has suffered from severe depression and alcoholism.

56. Defendant obtained a substance abuse assessment and has entered a Recovery Contract with the Positive Action for Lawyers Program. Defendant has voluntarily admitted himself for intensive inpatient treatment and has been following all recommendations of his treating physicians and counselors.

Based upon the foregoing Findings of Fact and by consent of the parties, the Hearing Committee enters the following:

CONCLUSIONS OF LAW

1. All parties are properly before the Hearing Committee and the Committee has jurisdiction over the Defendant Douglas B. Underwood and the subject matter of this proceeding.

2. Defendant, with the advice of counsel, has waived any further notice of the Moore Grievance and any finding of probable cause as to the Moore grievance and consents to that matter being adjudicated in this proceeding.

3. The Defendant'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 84-28(b)(3) as follows:

- (a) By knowingly failing to respond to numerous lawful demands for information from the State Bar and by failing to answer formal inquiries issued by the State Bar in a disciplinary matter, Defendant violated Rule 8.1(b) of the Revised Rules of Professional Conduct and N.C. Gen. Stat. § 84-28(b)(3).
- (b) By failing to maintain a ledger for each person or entity for whom trust money was received, failing to reconcile his trust account quarterly and failing to maintain a ledger of attorney funds to service his trust account, Defendant violated Rule 1.15-1 of the Revised Rules of Professional Conduct.
- (c) By failing to provide clients with written accountings at completion of disbursement, Defendant violated Rule 1.15-2 of the Revised Rules of Professional Conduct.
- (d) By failing to perfect the criminal appeals on behalf of Mr. Moore after he was appointed to represent Mr. Moore, Defendant violated Rule 1.3 of the Revised Rules of Professional Conduct in that he failed to act with reasonable diligence and promptness in representing a client.
- (e) By failing to perfect the criminal appeals on behalf of Mr. Moore after he was appointed to represent Mr. Moore, Defendant violated Rule 1.3 of the Revised Rules of Professional Conduct in that he failed to act with reasonable diligence and promptness in representing a client.

Based upon the foregoing Findings of Fact and Conclusions of Law and upon the consent of the parties to the discipline to be imposed, the Hearing Committee hereby makes additional

FINDINGS OF FACT REGARDING DISCIPLINE

1. The Defendant's misconduct is aggravated by the following factors:
 - a) A pattern of misconduct.
 - b) Prior discipline for failing to timely respond to a grievance in 1996, although Defendant ultimately responded.
 - c) Multiple offenses; and
 - d) Vulnerability of the victim, Mr. Moore.
2. The Defendant's misconduct is mitigated by the following factors:
 - a) Personal or emotional problems involving depression and alcoholism.
 - b) Absence of a dishonest or selfish motive.

- c) Free and full disclosure to the DHC.
- d) Physical or mental disability or impairment, as verified by a medical assessment performed by qualified physicians.
- e) Demonstrated efforts toward interim rehabilitation.
- f) Remorse.

3. The aggravating factors do not outweigh the mitigating factors.

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

ORDER OF DISCIPLINE

1. The license of the Defendant Douglas B. Underwood is hereby suspended for two years. The suspension of Defendant's license is hereby stayed for two years so long as Defendant complies with the following terms and conditions during the period of the stay:

- (a) The Defendant shall not violate any state or federal laws.
- (b) The Defendant shall not violate any provisions of the North Carolina State Bar Discipline & Disability Rules or the Revised Rules of Professional Conduct.
- (c) Defendant shall timely comply with all lawful demands for information issued by or on behalf of the State Bar, the Grievance Committee or the Disciplinary Hearing Commission in any grievance or disciplinary matter.
- (d) Defendant shall comply with all terms and conditions of the Recovery Contract that he entered with the Lawyer Assistance Program ("LAP") on November 30, 2000. A copy of the Recovery Contract is attached hereto as Exhibit A.
- (e) If, at any time LAP deems it reasonably necessary to modify, revise or amend the terms and conditions of Defendant's Recovery Contract regarding a medical treatment and monitoring plan, then Defendant shall enter into a modified, revised or amended rehabilitation contract with the LAP upon such terms and conditions as LAP deems appropriate.
- (f) Defendant shall comply with all terms of the LAP rehabilitation contracts (whether presently executed or to be executed upon recommendation of LAP) throughout the period of the stayed suspension and shall cooperate fully with the LAP.

- (g) As part of any consent order and rehabilitation contract with the Lawyer Assistance Program, Defendant shall authorize the Lawyer Assistance Program and its representatives to release all records and information concerning his participation in the Program to the Office of Counsel and the Disciplinary Hearing Commission. Such information may include, but is not limited to, records and information concerning whether Defendant has complied with the consent order and rehabilitation contract and records or reports of medical treatments or evaluations that Defendant receives or undergoes in conjunction with his participation in the Program. Defendant shall also expressly waive any right which he may otherwise have to confidential communications with persons acting on behalf of the Lawyer Assistance Program to the extent it is necessary for such persons to communicate to the Office of Counsel and the Disciplinary Hearing Commission whether Defendant is cooperating and satisfactorily participating in the agreed upon rehabilitation program or has completed that program.
- (h) As part of any rehabilitation contract with the LAP, Defendant shall authorize the Office of Counsel and the Grievance Committee of the North Carolina State Bar to disclose to the Lawyers Assistance Program and its representatives information concerning any grievance filed against Defendant during the stayed suspension so that the Lawyer Assistance Program and its representative can assist Defendant in responding to said grievance and any lawful demands for information issued by the State Bar in a timely manner. By consenting to this Order of Discipline, Defendant is hereby expressly waiving any rights of confidentiality, pursuant to 27 N.C. Admin. Code Chapter 1, Subchapter B, §.0129 of the North Carolina State Bar Discipline & Disability Rules, that he may assert with respect to grievances filed against him during the period of the stayed suspension; Defendant's waiver of his rights of confidentiality shall not be deemed to be a waiver for any purpose other than for production of information concerning the existence, substance and procedural status of pending grievances to the Lawyer Assistance Program as required by this order.
- (i) At least once each quarter throughout the period of stayed suspension, Defendant shall submit written reports to the Office of Counsel of the North Carolina State Bar from a physician or counselor familiar with his treatment program and from the Lawyers Assistance Program confirming that Defendant has complied with all recommendations for treatment and recovery

made by his treating physicians or counselors and that Defendant has complied with the Recovery Contract. The first such written report shall be submitted to the Office of Counsel no later than March 1, 2001. The remaining quarterly reports shall be due in the Office of Counsel no later than July 1, October 1 and January 1 during each year of the stayed suspension.

- (j) Defendant has an interest in keeping confidential those records that are subject to the physician-patient privilege, which interest overrides any interest of the public in obtaining disclosure of those records. That overriding interest cannot be protected by any measure short of sealing the records so produced. Except pursuant to an order of the Disciplinary Hearing Commission, or other court of competent jurisdiction, the Office of Counsel of the North Carolina State Bar shall keep confidential all physician's reports or other medical records obtained pursuant to subparagraphs 2f above, and shall not disclose those records to any person other than officers, councilors and employees of the North Carolina State Bar and members of the Disciplinary Hearing Commission. Defendant's consent to an order and rehabilitation contract with the Lawyer Assistance Program shall not be deemed to be a waiver of the physician-patient privilege for any purpose other than for production of documents and information to the Lawyer Assistance Program and to the Office of Counsel as required by this order.
- (k) Within 90 days of entry of this order, Defendant shall bring his trust account records into compliance with Rules 1.15-1 and 1.15-2 of the Revised Rules of Professional Conduct.
- (l) Defendant shall maintain all trust account records required to be maintained by the Revised Rules of Professional Conduct.
- (m) Defendant shall hire at his own expense a Certified Professional Accountant who shall during the pendency of the stayed suspension audit Defendant's trust account annually in accordance with the standards for auditing in the accounting profession and the various section of the Revised Rules of Professional Conduct concerning Defendant's handling of client funds. Written reports of the results of each audit shall be furnished to the Office of Counsel on December 31st of each year during the stayed suspension. The CPA's audit report shall include the following:
 - (i) a list of all bank account into which client or fiduciary funds have been deposited

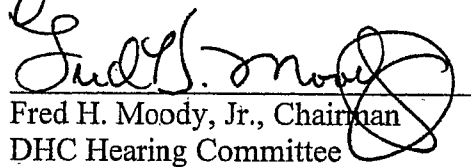
- (ii) a certification that Defendant is complying with the Revised Rules of Professional Conduct respecting each bank account into which fiduciary or client funds have been deposited and, in particular, a certification that:
- a) no personal funds have been commingled with client or fiduciary funds
 - b) Defendant maintains accurate, current ledgers on each person, firm or corporation for whom he holds funds in a fiduciary capacity
 - c) Defendant has reconciled each account into which client or fiduciary funds have been deposited at least once each quarter
 - d) Defendant maintains all bank receipts or deposit slips showing the source of the deposit, the deposit amount, client name and date of receipt of funds
 - e) No instruments are drawn on an account in which client or fiduciary funds are held that are made out to cash or bearer
 - f) No instruments are drawn on an account in which client or fiduciary funds are held that are made out to Defendant, any attorney or member of Defendant's staff, unless the name of the client is also indicated on the instrument
 - g) The requirements of paragraphs 1(m)(ii)(a) – (f) shall apply if Defendant handles client or fiduciary funds or delegates such tasks to a non-lawyer, such as an account, legal assistant or bookkeeper.
 - h) If Defendant is employed by a law firm which handles all client and fiduciary funds, then the CPA shall certify that the law firm is complying with paragraphs 1(m)(ii)(a) – (f)
- (n) Defendant shall be responsible for all costs associated with complying with this order and the above-mentioned conditions. Under no circumstances, shall the State Bar be responsible to Defendant or any third parties for the costs of Defendant's compliance with the conditions of this order.
- (o) Defendant shall pay all costs incurred in this proceeding and taxed against him by the Secretary of the North Carolina State Bar within 180 days of receiving notice of such costs, including the costs in the amount of \$76.00 incurred by the State Bar in

obtaining necessary bank records pursuant to the Financial Privacy Act Notice .

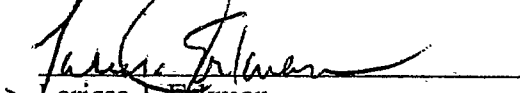
2. If during any period in which the two-year suspension is stayed the Defendant fails to comply with any one or more conditions stated in paragraph 1, then the stay of the suspension of his law license may be lifted as provided in §.0114(x) of the North Carolina State Bar Discipline & Disability Rules.
3. If the stay of the suspension of the Defendant's law license is lifted, the Disciplinary Hearing Commission may enter an order providing for such conditions as it deems necessary for reinstatement of the Defendant's license at the end of the two-year period where in Defendant's license is actively suspended.
4. The Disciplinary Hearing Commission will retain jurisdiction of this matter pursuant to 27 N.C. Admin. Code Chapter 1, Subchapter B, §.0114(x) of the North Carolina State Bar Discipline & Disability Rules throughout the period of the stayed suspension.

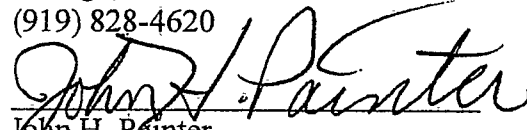
Signed by the undersigned Hearing Committee chair with the consent of the other Hearing Committee members.

This the 15 day of January, 2001.


Fred H. Moody, Jr., Chairman
DHC Hearing Committee

CONSENTED TO:


Larissa J. Erikman
Attorney for Plaintiff
The North Carolina State Bar
Post Office Box 25908
Raleigh, North Carolina 27611
(919) 828-4620


John H. Painter
Attorney for Defendant
P.O. Box 1788
Monroe, NC 28111-1788
(704)282-1167


Douglas B. Underwood
Defendant
P.O. Box 1127
Monroe, NC 28111