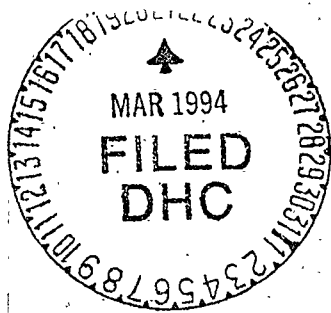


NORTH CAROLINA

WAKE COUNTY



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

9002

THE NORTH CAROLINA STATE BAR,)
)
 Plaintiff)
)
 v.)
)
 DAVID F. TAMER, Attorney)
)
 Defendant)

CONSENT ORDER OF
 DISCIPLINE

This matter came on before a hearing committee of the Disciplinary Hearing Commission pursuant to Section 14(H) of Article IX of the Discipline and Disbarment Procedures of the North Carolina State Bar. The North Carolina State Bar was represented by Fern E. Gunn. The defendant, David F. Tamer, was represented by David B. Freedman. Both parties stipulate and agree to the findings of fact and conclusions of law recited in this consent order and to the discipline imposed. The hearing committee therefore enters the following:

FINDINGS OF FACT

1. The 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. The defendant, David F. Tamer, was admitted to the North Carolina State Bar in 1979 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 all of the periods referred to herein, the defendant was actively engaged in the practice of law in the State of North Carolina and maintained a law office in Forsyth County, Winston-Salem, North Carolina.
4. In March of 1990, Wade A. McIntyre hired the defendant to appeal an order of equitable distribution entered by Judge William B. Reingold on February 19, 1990 in McIntyre v. McIntyre, 88 CVD 3871. Mr. McIntyre paid \$2500.00 to defendant as his attorney's fee.
5. The defendant gave notice of appeal to the North Carolina Court of Appeals on March 21, 1990 with respect to the February

19, 1990 equitable distribution order.

6. The defendant did not perfect the appeal.

7. Mrs. McIntyre's attorney filed a motion to dismiss Mr. McIntyre's appeal. A hearing was conducted regarding the motion to dismiss on October 22, 1991. Neither defendant nor Mr. McIntyre attended the hearing. Judge Margaret L. Sharpe dismissed Mr. McIntyre's appeal on October 22, 1991.

8. The defendant did not inform Mr. McIntyre of the October 22, 1991 hearing on the motion to dismiss and defendant did not inform him that the court dismissed the appeal.

9. On or about November 27, 1991, defendant filed notice of appeal from an order entered on October 30, 1991. The October 30, 1991 order denied Mr. McIntyre's motion for relief from trial.

10. The defendant filed a proposed record on appeal, but he failed to settle the record on appeal or take other steps to perfect the appeal.

11. Mrs. McIntyre moved to have Mr. McIntyre's appeal dismissed on March 31, 1992. A hearing was held on the motion to dismiss the appeal on April 16, 1992. Neither the defendant nor Mr. McIntyre appeared at the hearing. Judge Margaret L. Sharpe dismissed the appeal on April 16, 1992.

12. The defendant did not inform Mr. McIntyre of the April 16, 1992 hearing on the motion to dismiss and defendant did not inform him that the court dismissed the appeal.

13. The defendant failed to notify Mr. McIntyre that the court had issued a show cause order regarding Mr. McIntyre's failure to comply with the equitable distribution order and requiring him to appear in court on July 30, 1992. In addition, Mr. McIntyre was not notified that the show cause hearing was continued to August 13, 1992 and August 27, 1992.

14. On August 7, 1992, defendant filed a petition for writ of certiorari to the North Carolina Court of Appeals to review the October 30, 1991 order which denied Mr. McIntyre's motion for relief from trial. The petition for writ was signed and verified by defendant. The basis for the writ was that Mr. McIntyre had been denied a fair hearing at some point because he was a "lei [sic] person". The defendant filed the petition for writ almost four months after the dismissal of the appeal of the Rule 60 motion. The defendant knew at the time that he filed the petition for writ that there was considerable delay in filing it which was in violation of Rule 21(c) of the North Carolina Rules of Appellate Procedure.

15. The North Carolina Court of Appeals denied the petition for writ of certiorari on August 19, 1992.

16. The defendant knowingly filed a frivolous petition with the North Carolina Court of Appeals.

17. The defendant did not inform Mr. McIntyre that a writ would be filed with the North Carolina Court of Appeals. The defendant also did not inform Mr. McIntyre that the writ was denied by the court.

18. The defendant did not earn all of the attorney's fee that Mr. McIntyre paid him and defendant did not refund the unearned fee to his client.

19. The defendant agreed to represent Marnie Lowe in a speeding ticket case in March of 1992. Ms. Lowe paid \$250 to defendant.

20. In early April 1992, Ms. Lowe received notice from the Department of Motor Vehicles (DMV) that her driver's license had been revoked. The defendant's office was contacted about DMV's action and Ms. Lowe was assured that her case had been handled.

21. In February of 1993, Ms. Lowe learned that her driver's license was still revoked. She made numerous telephone calls to defendant's office to determine the status of her speeding ticket case. The defendant never returned her telephone calls or provided her with an update on her case.

22. Ms. Lowe obtained a court date for her case and decided to represent herself in the action on March 8, 1993. On March 8, 1993, Ms. Lowe learned that defendant had resolved her case on March 1, 1993. However, the defendant did not advise her of the disposition of the case.

23. The defendant did not earn all of the fee Ms. Lowe paid him and defendant did not refund the unearned fee to his client.

24. Prior to February 6, 1992, defendant agreed to represent Roby Clyde Tussey in his appeal of a medical malpractice action, Tussey v. Shaffer and Lexington Memorial Hospital Inc. Mr. Tussey paid the defendant approximately \$3000 in attorney's fees and \$815.00 for the costs of the appeal.

25. The defendant failed to timely file the settled record on appeal with the North Carolina Court of Appeals. The opposing counsel, Stephen Coles, filed a motion to dismiss Mr. Tussey's appeal due to defendant's untimely filing of the record. The court denied Mr. Coles' motion.

26. The defendant did not file a brief in Mr. Tussey's case with the North Carolina Court of Appeals, although defendant requested and received two extensions for filing the brief.

27. On July 22, 1992, Mr. Cole filed a motion to dismiss Mr. Tussey's appeal due to defendant's failure to file a brief with the court of appeals. The court of appeals allowed the motion, dismissed the appeal, and ordered Mr. Tussey to pay the costs in the action.

28. In a letter dated July 27, 1992, defendant told Mr. Tussey that "the North Carolina Court of Appeals has upheld the judgment of the trial court without comment."

29. The defendant spoke with Mr. Tussey by telephone on April 23, 1993. Mr. Tussey asked the defendant why the appeal was dismissed in July of 1992. The defendant told Mr. Tussey that the Court of Appeals found "no substantial basis" to the appeal.

30. The defendant lied to Mr. Tussey about the true reason for the dismissal of the appeal by the Court of Appeals.

31. The defendant did not earn all of the fee Mr. Tussey paid him and defendant did not refund the unearned fee to his client.

32. In April of 1992, Lisa and Harold Humphrey retained defendant to assist them in their financial difficulties and specifically to assist them in keeping their home and car. Mr. and Mrs. Humphrey paid \$350 to defendant as his attorney's fee.

33. The defendant advised Mr. and Mrs. Humphrey to file bankruptcy. The defendant further advised Mr. and Mrs. Humphrey that they could reaffirm the debts on their home and car. Mr. and Mrs. Humphrey signed a paper which they thought would achieve the reaffirmation of those debts.

34. The defendant did not reaffirm the debts of Mr. and Mrs. Humphrey.

35. General Motors Acceptance Corporation (GMAC) moved the bankruptcy court for relief from the stay concerning Mrs. Humphrey's 1988 Chevrolet Beretta in which GMAC had a security interest. A hearing was scheduled for June 23, 1992.

36. Mrs. Humphrey telephoned defendant's office and learned that he was on vacation and would not attend the June 23, 1992 hearing. In a letter dated June 22, 1992, defendant told Mr. and Mrs. Humphrey that the June 23, 1992 hearing would be continued because of his vacation. The defendant knew that the hearing would not be continued because he had been told by GMAC's attorney that the matter would not be continued.

37. The hearing was not continued. On June 23, 1992, an order was entered by U.S. Bankruptcy Court Judge James B. Wolfe Jr. granting GMAC's motion for relief. The order states that "the debtors and GMAC had agreed to the lifting of the stay as of July 2, 1992." The defendant did not discuss lifting the stay with Mr. or Mrs. Humphrey. The defendant did not obtain Mr. or Mrs. Humphrey's authorization to agree to lifting the stay. The defendant did not tell Mr. or Mrs. Humphrey about the bankruptcy court's order lifting the stay, but they learned of the court's action from other sources.

38. The defendant did not earn all of the fee Mr. and Mrs. Humphrey paid him and defendant did not refund the unearned fee to his clients.

39. Prior to December 16, 1987, defendant agreed to represent David Durand in a civil action, David Durand v. Arline Gray, filed in Forsyth County.

40. On December 16, 1987, Mr. Durand was sanctioned and ordered to pay attorney's fees for his failure to comply with discovery requests. The defendant filed written notice of appeal to the North Carolina Court of Appeals on December 23, 1987, but he failed to serve a copy of the notice of appeal on Richard D. Ramsey, the opposing counsel, in accordance with the rules of appellate procedure.

41. Mr. Ramsey filed a motion to dismiss the appeal. Judge Abner Alexander granted the motion on January 20, 1988 and the appeal was dismissed.

42. In June of 1991, Walter Eugene Moore retained defendant to represent him in a post-conviction relief action. The defendant was paid a total of \$1600 by Mr. Moore's family.

43. The defendant did not file any pleadings or take any substantive action in Mr. Moore's case.

44. The defendant did not keep Mr. Moore and his wife informed about the status of his case.

45. The defendant did not earn all of the fee Mr. Moore paid him and defendant did not refund the unearned fee to his client.

46. In February of 1992, Carlos Canadilla retained defendant for representation in a post-conviction relief action. defendant was paid \$2500.

47. The defendant did not file any pleadings or take any substantive action in Mr. Canadilla's case.

48. The defendant did not keep Mr. Canadilla informed about the status of his case.

49. The defendant did not earn all of the fee Mr. Canadilla paid him and defendant did not refund the unearned fee to his client.

50. In October 1992, J. Eric Brown retained defendant for representation in a divorce, child custody and child support action. Mr. Brown paid defendant \$300 of a total requested fee of \$650.

51. The defendant prepared a divorce complaint for Mr. Brown.

52. Mr. Brown telephoned defendant on many occasions in an attempt to determine the status of his case, but defendant never returned Mr. Brown's telephone calls.

53. Mr. Brown wanted to discharge defendant and he asked for the return of the attorney fee paid to the defendant.

54. The defendant did not earn all of the fee Mr. Brown paid him and defendant did not refund the unearned fee to his client.

55. Lisa Humphrey, Wade McIntyre, Carlos Canadilla, and David Durand filed grievances against the defendant with the N.C. State Bar. These grievances were referred to the 21st Judicial District Grievance Committee (hereinafter "local grievance committee") for investigation as provided by Article IX, Section 2(B) of the Discipline and Disbarment Procedures of the N.C. State Bar.

56. The defendant was contacted by a representative of the local grievance committee and asked to respond to the grievances referred to in the paragraph above. Respondent failed to respond to the grievances within the deadlines prescribed by the local grievance committee. The defendant also failed to respond promptly to the grievances filed by Ms. Humphrey, Mr. McIntyre, and Mr. Canadilla after he was given extensions to file responses.

57. Diana Melton, Marnie A. Lowe, and J. Eric Brown filed grievances against the defendant with the N.C. State Bar. The defendant failed to respond to the grievances within fifteen days of receipt of the grievances, per Article IX, Section 12(C) of the Discipline and Disbarment Procedures of the N.C. State Bar.

58. The N.C. State Bar gave the defendant an extension to file responses to the grievances filed by Ms. Melton, Ms. Lowe, and Mr. Brown. The defendant did not respond to the grievances within the extended deadline period, but he requested additional time to respond to the grievances filed by Ms. Lowe and Mr. Brown. The defendant filed responses to the grievances.

Based upon the consent of the parties and the foregoing findings of fact, the hearing committee makes the following:

CONCLUSIONS OF LAW

1. By failing to perfect the appeals in Mr. McIntyre's case, the defendant has failed to act with reasonable diligence and promptness in representing his client in violation of Rule 6(B)(3); failed to seek the lawful objectives of his client through reasonably available means permitted by law and the Rules of Professional Conduct in violation of Rule 7.1(A)(1); failed to carry out a contract of employment entered into with a client for professional services, in violation of Rule 7.1(A)(2); prejudiced or damaged his client during the course of the professional relationship in violation of Rule 7.1(A)(3); engaged in conduct prejudicial to the administration of justice in violation of Rule 1.2(D).

2. By not informing Mr. McIntyre of the hearings on the motions to dismiss the appeals, the dismissals of the appeals, the contempt hearings and other pertinent matters in McIntyre's case, the defendant has failed to keep the client reasonably informed about the status of a matter in violation of Rule 6(B)(1); failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation in violation of Rule 6(B)(2).

3. By not appearing in court for the two hearings to

dismiss the appeals in Mr. McIntyre's case, the defendant has failed to act with reasonable diligence and promptness in representing his client in violation of Rule 6(B)(3); failed to seek the lawful objectives of his client through reasonably available means permitted by law and the Rules of Professional Conduct in violation of Rule 7.1(A)(1); failed to carry out a contract of employment entered into with a client for professional services, in violation of Rule 7.1(A)(2); engaged in conduct prejudicial to the administration of justice in violation of Rule 1.2(D).

4. By filing a frivolous petition for writ of certiorari with the North Carolina Court of Appeals, the defendant has taken action on behalf of his client when he knows or when it is obvious that such action would be frivolous or would serve merely to harass or maliciously injure another in violation of Rule 7.2(A)(1).

5. By not refunding the unearned part of the fee Mr. McIntyre paid him, the defendant has failed to refund promptly any part of a fee paid in advance that has not been earned in violation of Rule 2.8(A)(3).

6. By not promptly handling Ms. Lowe's case, the defendant has failed to act with reasonable diligence and promptness in representing the client in violation of Rule 6(B)(3); and engaged in conduct prejudicial to the administration of justice in violation of Rule 1.2(D).

7. By not keeping Ms. Lowe informed about the status of her case, the defendant has failed to keep his client reasonably informed about the status of a matter in violation of Rule 6(B)(1).

8. By not refunding the unearned part of the fee Ms. Lowe paid him, the defendant has failed to refund promptly any part of a fee paid in advance that has not been earned in violation of Rule 2.8(A)(3).

9. By not promptly filing the record on appeal in Mr. Tussey's case with the North Carolina Court of Appeals, defendant has failed to act with reasonable diligence and promptness in representing his client in violation of Rule 6(B)(3) and engaged in conduct prejudicial to the administration of justice in violation of Rule 1.2(D).

10. By failing to file a brief in Mr. Tussey's case with the North Carolina Court of Appeals which resulted in dismissal of his appeal, defendant has failed to act with reasonable diligence and promptness in representing his client in violation of Rule 6(B)(3); failed to seek the lawful objectives of his client through reasonably available means permitted by law and the Rules of Professional Conduct in violation of Rule 7.1(A)(1); failed to carry out a contract of employment entered into with a client for professional services, in violation of Rule 7.1(A)(2); prejudiced or damaged his client during the course of the professional relationship in violation of Rule 7.1(A)(3); engaged in conduct prejudicial to the administration of justice in

violation of Rule 1.2(D).

11. By not informing Mr. Tussey of the outcome of his appeal, defendant has failed to keep the client reasonably informed about the status of a matter in violation of Rule 6(B)(1).

12. By lying to Mr. Tussey about the reason or basis for the Court of Appeals' action, defendant has engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation in violation of Rule 1.2(C).

13. By not refunding the unearned part of the fee Mr. Tussey paid him, defendant has failed to refund promptly any part of a fee paid in advance that has not been earned in violation of Rule 2.8(A)(3).

14. By not reaffirming the debts of Mr. and Mrs. Humphrey as defendant agreed to do, defendant has failed to act with reasonable diligence and promptness in representing his clients in violation of Rule 6(B)(3); failed to seek the lawful objectives of his clients through reasonably available means permitted by law and the Rules of Professional Conduct in violation of Rule 7.1(A)(1); failed to carry out a contract of employment entered into with his clients for professional services, in violation of Rule 7.1(A)(2); prejudiced or damaged his clients during the course of the professional relationship in violation of Rule 7.1(A)(3); engaged in conduct prejudicial to the administration of justice in violation of Rule 1.2(D).

15. By lying to Mr. and Mrs. Humphrey about the bankruptcy hearing being continued to another date, defendant has engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation in violation of Rule 1.2(C).

16. By not discussing the issue of lifting the stay or obtaining Mr. and Mrs. Humphrey's authorization to lift the stay, defendant has failed to explain a matter to the extent reasonably necessary to permit his clients to make informed decisions regarding the representation in violation of Rule 6(B)(2).

17. By misrepresenting to the court that his clients agreed to the lifting of the stay, defendant has engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation in violation of Rule 1.2(C); knowingly made a false statement of fact in violation of Rule 7.2(A)(4).

18. By not informing Mr. or Mrs. Humphrey of the bankruptcy court's action, defendant has failed to keep his clients reasonably informed about the status of a matter in violation of Rule 6(B)(1).

19. By not refunding the unearned part of the fee Mr. and Mrs. Humphrey paid him, defendant has failed to refund promptly any part of a fee paid in advance that has not been earned in violation of Rule 2.8(A)(3).

20. By failing to properly serve the opposing counsel with

notice of appeal which resulted in the dismissal of Durand's motion, defendant has failed to act with reasonable diligence and promptness in representing the client in violation of Rule 6(B)(3); failed to seek the lawful objectives of his client through reasonably available means permitted by law and the Rules of Professional Conduct in violation of Rule 7.1(A)(1), prejudiced or damaged his client during the course of the professional relationship in violation of Rule 7.1(A)(3); and engaged in conduct prejudicial to the administration of justice in violation of Rule 1.2(D).

21. By not handling Mr. Moore's post-conviction matter, defendant has failed to act with reasonable diligence and promptness in representing his client in violation of Rule 6(B)(3); failed to seek the lawful objectives of his client through reasonably available means permitted by law and the Rules of Professional Conduct in violation of Rule 7.1(A)(1); failed to carry out a contract of employment entered into with a client for professional services, in violation of Rule 7.1(A)(2); prejudiced or damaged his client during the course of the professional relationship in violation of Rule 7.1(A)(3); engaged in conduct prejudicial to the administration of justice in violation of Rule 1.2(D).

22. By not keeping Mr. Moore informed about the status of his case, defendant has failed to keep the client reasonably informed about the status of a matter in violation of Rule 6(B)(1).

23. By not refunding the unearned part of the fee Mr. Moore paid him, the defendant has failed to refund promptly any part of a fee paid in advance that has not been earned in violation of Rule 2.8(A)(3).

24. By not handling Mr. Canadilla's post-conviction matter, defendant has failed to act with reasonable diligence and promptness in representing his client in violation of Rule 6(B)(3); failed to seek the lawful objectives of his client through reasonably available means permitted by law and the Rules of Professional Conduct in violation of Rule 7.1(A)(1); failed to carry out a contract of employment entered into with a client for professional services, in violation of Rule 7.1(A)(2); prejudiced or damaged his client during the course of the professional relationship in violation of Rule 7.1(A)(3); engaged in conduct prejudicial to the administration of justice in violation of Rule 1.2(D).

25. By not keeping Mr. Canadilla informed about the status of his case, defendant has failed to keep the client reasonably informed about the status of a matter in violation of Rule 6(B)(1).

26. By not refunding the unearned part of the fee Mr. Canadilla paid him, the defendant has failed to refund promptly any part of a fee paid in advance that has not been earned in violation of Rule 2.8(A)(3).

27. By not promptly handling Mr. Brown's divorce, child

custody and child support case, defendant has failed to act with reasonable diligence and promptness in representing his client in violation of Rule 6(B)(3); failed to seek the lawful objectives of his client through reasonably available means permitted by law and the Rules of Professional Conduct in violation of Rule 7.1(A)(1); failed to carry out a contract of employment entered into with a client for professional services, in violation of Rule 7.1(A)(2); engaged in conduct prejudicial to the administration of justice in violation of Rule 1.2(D).

28. By not keeping Mr. Brown informed about the status of his case, defendant has failed to keep the client reasonably informed about the status of a matter in violation of Rule 6(B)(1).

29. By not refunding the unearned part of the fee Mr. Brown paid him, the defendant has failed to refund promptly any part of a fee paid in advance that has not been earned in violation of Rule 2.8(A)(3).

30. By failing to respond promptly to the N.C. State Bar regarding the grievances, defendant has knowingly failed to respond to a lawful demand for information from a disciplinary authority in violation of Rule 1.1(B).

FINDINGS IN AGGRAVATION

As aggravating factors, the hearing committee approves and enters the following:

1. The defendant has a prior disciplinary record of a reprimand and admonition from the Grievance Committee of the North Carolina State Bar in 1992;
2. The defendant had a dishonest motive with respect to lying to his clients, Roby Clyde Tussey and Mr. and Mrs. Harold Humphrey;
3. The defendant engaged in a pattern of misconduct;
4. The defendant committed multiple offenses;
5. The defendant refused to acknowledge the wrongful nature of his conduct until late in the disciplinary proceeding;
6. The defendant has substantial experience in the practice of law;
7. The defendant has shown indifference to making restitution to some of his former clients; and
8. The defendant did not fully cooperate with counsel for the State Bar regarding the scheduling of his deposition until late in the disciplinary proceeding.

FINDINGS IN MITIGATION

As mitigating factors, the hearing committee approves and enters the following:

1. The defendant suffered from a medical problem during some portion of the time of his misconduct;
2. The defendant was diagnosed with acute and chronic depression during some portion of the time of his misconduct; and
3. The defendant admitted his wrongdoing, although his admissions came late in the disciplinary proceeding.

Based upon the stipulated findings of fact and conclusions of law entered in this matter, and further based upon the stipulated aggravated and mitigating factors contained herein, and the consent of the parties to the discipline imposed, the hearing committee approves and enters the following:

ORDER OF DISCIPLINE

1. The defendant is suspended from the practice of law for a period of three years. The effective date of this order is April 18, 1994.
2. The defendant shall immediately submit his law license and membership card to the Secretary of the North Carolina State Bar.
3. As a condition precedent to reinstatement, the following conditions must be met by the defendant:

(a) The defendant shall receive psychiatric treatment from a board certified licensed psychiatrist (hereinafter "psychiatrist") during the 3-year suspension. The psychiatrist shall report to the Office of Counsel of the North Carolina State Bar each quarter, beginning March 31, 1994, about the defendant's treatment and progress during the course of treatment. Subsequent reports are due on the last day of the last month in each quarter.

(b) The defendant shall continue the psychiatrist's prescribed course of treatment for as long as the psychiatrist deems necessary. Prior to the defendant resuming the practice of law, his psychiatrist shall submit a written report attesting that the defendant is able to mentally cope with the responsibilities of a practicing lawyer and that defendant does not have any disabling mental conditions that would render him unfit to practice law. Sixty days before the defendant petitions the North Carolina State Bar for reinstatement of his license, the defendant shall submit a final report from his psychiatrist regarding his fitness to resume the practice of law. At its expense, the North Carolina State Bar may require the defendant to receive a psychiatric evaluation conducted by a psychiatrist of the North Carolina State Bar's choice. The North Carolina State Bar shall give notice to the defendant of its intent to require this independent psychiatric evaluation within 30 days

after the report is received in the North Carolina State Bar office. The defendant shall submit to the independent psychiatric evaluation within 30 days of receiving this written notice or as soon as such evaluation can be scheduled. The North Carolina State Bar shall have 45 days from receipt of the report of the independent psychiatric evaluation within which to file a response objecting to the petition for reinstatement.

(c) The defendant shall pay the following amounts as restitution to his clients: \$2500.00 to Wade McIntyre, \$250.00 to Marnie Ann Lowe, \$3815.00 to Roby Clyde Tussey, \$350.00 to Mr. and Mrs. Harold Humphrey, \$1600.00 to Walter Eugene Moore, \$2000.00 to Carlos Canadilla, and \$150.00 to J. Eric Brown. These amounts shall be paid within one year of the date of this order of discipline.

(d) The defendant shall pay the North Carolina State Bar \$287.00 for the costs incurred in obtaining an expedited transcript of his deposition.

(e) The defendant shall violate no provisions of the Rules of Professional Conduct of the North Carolina State Bar during his suspension.

(f) The defendant shall violate no state or federal laws during his suspension.

(g) The defendant shall fully comply with the provisions of Rule 24 of Article IX of the Discipline and Disbarment Procedures of the North Carolina State Bar regarding the wind down of his practice.

(h) The defendant shall pay the costs of this proceeding.

Signed by the undersigned Chair with the full knowledge and consent of the other members of the hearing committee, this the 2^{1st} day of March, 1994.

Maureen Demarest Murray
Maureen Demarest Murray, Chair
Disciplinary Hearing Commission

Seen and consented to:

Fern E. Gunn
Fern E. Gunn
Attorney for the North Carolina State Bar

David B. Freedman
David B. Freedman
Attorney for the Defendant

David F. Tamer
David F. Tamer
Defendant

[154]