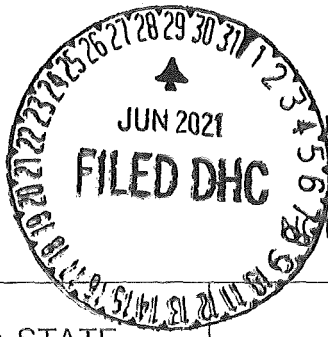


NORTH CAROLINA
WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING
COMMISSION
OF THE
NORTH CAROLINA STATE BAR
19 DHC 18-R

THE NORTH CAROLINA STATE
BAR,

Plaintiff

v.

CHARLES L. MORGAN, JR.,
Defendant

ORDER STAYING
SUSPENSION

THIS MATTER is before a Hearing Panel of the Disciplinary Hearing Commission composed of Stephanie N. Davis, Chair, Margit Monaco Hicks, and Tyler B. Morris pursuant to Defendant's Motion for Stay of Suspension filed 21 May 2021.

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

FINDINGS OF FACT

1. Pursuant to an Order of Discipline filed in this matter on 1 October 2020, Morgan was suspended from the practice of law for three years.
2. The effective date of the Order of Discipline was 6 December 2020.
3. The Order of Discipline provided that Morgan would be eligible to seek a stay of the remaining period of suspension after serving six months of active suspension and upon compliance with conditions stated in the Order of Discipline.
4. As of 6 June 2021, Morgan had served six months of active suspension.
5. Morgan filed a verified petition on 21 May 2021 requesting a stay of the remaining period of his suspension and seeking reinstatement to active status subject to conditions and requirements set forth in the Order of Discipline.
6. The Order of Discipline required Morgan to comply with conditions set out therein to qualify for a stay of the remaining period of suspension.

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

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

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

CONCLUSIONS OF LAW

1. All parties are properly before the Disciplinary Hearing Commission and the Disciplinary Hearing Commission has jurisdiction over Petitioner, Charles L. Morgan, Jr., and the subject matter of this proceeding.

2. Morgan has satisfied the requirements set forth in Rule .0129(b) and the conditions in the Order of Discipline for a stay of his suspension and reinstatement to active status, subject to Morgan's continued compliance with the conditions set forth in paragraphs 4(a) through (i) on pages 10-11 of the 1 October 2020 Order of Discipline.

THEREFORE, it is hereby ORDERED:

1. Morgan's 21 May 2021 Petition for Stay is ALLOWED, the balance of the suspension of his law license is stayed, and he shall be permitted to resume practicing law subject to the conditions set forth in paragraph 2, below.

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

(a) Morgan 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, and including with each such report, for the account and period covered by the report, the following documents: (1) list of clients whose funds are held in the trust account that includes the amount of each client's funds; (2) subsidiary ledger for any personal funds of Morgan in the account; (3) general ledger; (4) bank statement; (5) canceled checks; (6) deposit slips; (7) deposited items; and (8) bank statement for any account into which funds are directly transferred from the trust account. This documentation is due 15 days after the end of each month (e.g. documentation for January due February 15th, etc.);

- (b) If the monthly three-way reconciliation report reveals any deviation from Morgan's obligations under Rules 1.15-2 or 1.15-3, Morgan shall take remedial action within 10 days of the date of the three-way reconciliation report and shall provide documentation showing the remedial action to the State Bar within 2 days of the date of such action;
- (c) By the deadline stated in the request, Morgan shall comply with any requests from the Office of Counsel to provide any information, documentation, or records regarding his trust account(s) or to sign and provide any release or authorization to allow the Office of Counsel to obtain information directly from any bank in which Morgan maintains a trust account;
- (d) Morgan shall provide to the Office of Counsel the quarterly review report and supporting documents required under Rule 1.15-3(i), using the Quarterly Review Report form from the State Bar's website, no later than 15 days after the end of the quarter, on the following dates as they occur during the stayed suspension: January 15, for the fourth quarter of the prior year; April 15, for the first quarter of the calendar year; July 15 for the second quarter of the calendar year; and October 15, for the third quarter of the calendar year;
- (e) If during any portion of the stayed suspension Morgan does not maintain a trust account or does not have any entrusted funds in his trust account, in lieu of complying with paragraphs (a) through (d) above, Morgan shall provide a monthly affidavit to the Office of Counsel certifying that he does not maintain a trust account and/or that the balance in his trust account is zero.
- (f) Morgan shall comply with Rule 1.15-2(r) and Chapter 116B of the General Statutes regarding any and all abandoned or unidentified funds in any trust account of Morgan's within 30 days of being statutorily permitted to escheat funds to the State;
- (g) Morgan 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, and shall notify the State Bar of any change of address within 10 days of such change;
- (h) Morgan shall 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;
- (i) Morgan 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

- (j) Morgan shall not violate the Rules of Professional Conduct or the laws of the United States or any state or local government, other than minor traffic violations.

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

4. If the stay granted herein is lifted or the suspension of Morgan's license is activated for any reason, before seeking reinstatement or a subsequent stay Morgan must show by clear, cogent, and convincing evidence that he is in compliance with 27 N.C. Admin. Code 1B.0129 and has complied with the following conditions during the active suspension:

- a) Morgan properly wound down his law practice and complied with the terms of 27 N.A. Admin. Code 1B.0138;
- b) Morgan submitted his law license and membership card to the Secretary of the State Bar no later than 30 days following the effective date of the order lifting the stay;
- c) Morgan promptly returned client files in his possession, custody, or control to clients upon request, within 5 days of receipt of such request. Morgan will be deemed to have received any such request 3 days after the date such request is sent to Morgan if the request is sent to the most recent address Morgan provided to the State Bar;
- d) Morgan disbursed to the proper recipients all client funds in any trust account he maintained at the time the suspension was activated;
- e) Morgan complied with Rule 1.15-2(r) and Chapter 116B of the General Statutes regarding any and all abandoned or unidentified funds in any trust account of Morgan's within 30 days of being statutorily permitted to escheat funds to the State;
- f) Morgan 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;
- g) Morgan 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;
- h) Morgan responded to all letters of notice and requests for information from the North Carolina State Bar by the deadline stated therein with full and

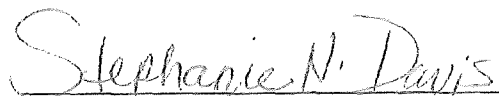
complete responses and all requested documentation throughout the period of his suspension;

- i) Morgan came into compliance with any outstanding continuing education or membership obligations prior to filing his petition for reinstatement;
- j) Morgan did not violate any of the Rules of Professional Conduct in effect during the period of the suspension;
- k) Morgan did not violate any laws of the State of North Carolina or of the United States, other than minor traffic violations, during the period of the suspension;
- l) Morgan paid all DHC costs and fees assessed by the Secretary prior to filing his petition for reinstatement; and
- m) If Morgan failed to fully comply with 27 N.C. Admin. Code 1B.0128, Morgan reimbursed the State Bar for any and all expenses incurred by the State Bar in winding down Morgan'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 Morgan at Morgan's last known address of record with the State Bar. Morgan 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.

5. The Disciplinary Hearing Commission will retain jurisdiction of this matter pursuant to § .0114(x) of the North Carolina State Bar Discipline and Disability Rules throughout the period of stayed suspension.

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

Signed by the undersigned Chair with the knowledge and consent of the other members of the Hearing Panel, the 28th of June, 2021.


Stephanie N. Davis, Chair
Disciplinary Hearing Panel