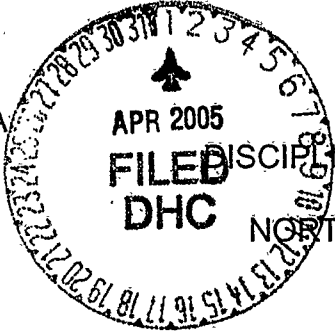


25265

NORTH CAROLINA
WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
05 DHC 9

THE NORTH CAROLINA STATE BAR,)
Plaintiff)
v.)
LAURIE A. BAKER, Attorney,)
Defendant)

CONSENT ORDER OF
DISCIPLINE

This matter was heard by a Hearing Committee of the Disciplinary Hearing Commission composed of Stephen E. Culbreth, Chair, Karen Eady-Williams, and Marguerite P. Watts. Margaret Cloutier represented plaintiff. Defendant was represented by Douglas E. Kingsbery. Defendant has agreed to waive a formal hearing in the above referenced matter. The parties stipulate and agree to the findings of fact and conclusions of law recited in this consent order and to the discipline imposed. Defendant also stipulates that she waives her right to appeal this consent order or challenge in any way the sufficiency of the findings by consenting to the entry of this order.

Based on the consent of the parties, the Hearing Committee hereby enters the following

FINDINGS OF FACT

1. Plaintiff, the North Carolina State Bar (hereinafter "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, Laurie A. Baker (hereinafter "Defendant or Baker"), was admitted to the North Carolina State Bar on August 29, 1998 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 Revised Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.

3. Defendant was admitted to the South Carolina State Bar in August 1998.

4. During the times relevant herein, Defendant actively engaged in the practice of law in the State of South Carolina and was employed in a law office in Rock Hill, South Carolina.

5. When Defendant was admitted to the North Carolina Bar in August 1998, Defendant was employed as an associate by the firm of Forquer & Green in Charlotte, North Carolina. Shortly thereafter Defendant was admitted to the South Carolina Bar and began working in that firm's Rock Hill, South Carolina office.

6. On September 1, 1999 Forquer & Green merged with the firm of Brock & Scott. In South Carolina, the new firm operated as Green, Brock, Forquer & Scott. At the time of the merger, Defendant became an employee of the new firm and continued to work in the Rock Hill office as the sole licensed attorney in that office.

7. With the merger, three non-lawyer employees moved into the Rock Hill office. The three employees included an unlicensed law school graduate named Bryant Brown (hereinafter referred to as "Brown") and two legal assistants. Defendant supervised all three of these employees.

8. While employed at Green, Brock, Forquer & Scott and under the supervision of Defendant, Brown conducted real estate closings, both inside and outside of the office, without Defendant or another attorney being present. Brown signed Defendant's name on real estate closing documents without indicating he was signing for Defendant. This was done with Defendant's knowledge and, in some instances, in her presence.

9. After conducting real estate closings, it was Brown's practice to have other firm employees sign as witness and/or notary on the documents even though they were not present at the closings. Brown also routinely signed as witness and notary to documents related to closings at which he was not present. Defendant was not specifically aware of these practices; however, Defendant was responsible for Brown's supervision.

10. From September 1999 until January 2000 Defendant and Brown handled approximately sixty to eighty real estate closings per month. During that time, although Defendant conveyed concerns to the owners of the firm, Defendant made no meaningful inquiry into the propriety of non-lawyers conducting real estate closings. Defendant did not conduct any legal research, consult with an attorney outside her firm, or seek guidance from the South Carolina Bar concerning the propriety of a non-lawyer conducting real estate

closings. At the time, it was not permissible in South Carolina for non-lawyers to conduct real estate closings.

11. On January 17, 2000 Defendant left the employ of Green, Brock, Forquer & Scott. On February 25, 2000, as a favor to that firm, Defendant conducted a real estate closing in Greenville, South Carolina. Following the closing, Defendant left the closing documents at the Rock Hill office of Green, Brock, Forquer & Scott and took no further action in regard to the closing. Defendant did not explain to the clients for whom the closing was held her limited role in connection with the closing.

12. Defendant failed to sign her name on some of the closing documents for the closing referred to in the preceding paragraph. Brown signed Defendant's name where she failed to, including on an affidavit and a certification. On one document, Brown notarized Defendant's signature when Brown had signed Defendant's name himself. Brown signed his own name as witness on the documents even though he was not present when the documents were executed. Brown notarized the clients' signatures in two places. Some of the documents were incomplete or left blank at the time of the closing, and Brown completed the documents and filled in the blanks. The mortgage and deed were not recorded.

Based on the foregoing Findings of Fact, the Committee enters the following

CONCLUSIONS OF LAW

1. All parties are properly before the Hearing Committee, and the Committee has jurisdiction over Defendant and the subject matter of this proceeding.
2. Defendant's foregoing actions constitute grounds for discipline pursuant to N.C.G.S. §84-28(b)(2) in that she violated one or more of the Revised Rules of Professional Conduct in effect at the time of the actions as follows:
 - a. by allowing Brown to conduct real estate closings, sign Defendant's name on documents, and witness and notarize documents improperly, Defendant failed to make all reasonable efforts to ensure a non-lawyer's conduct was compatible with the professional obligation of Defendant in violation of Rule 5.3(b);
 - b. by allowing Brown to conduct real estate closings and failing to make meaningful inquiry into the propriety of such conduct under South Carolina law or rules, Defendant assisted another person engaged in the unauthorized practice of law in violation of Rule 5.5(b); and

c. by failing to take further steps to complete the loan closing documents following the February 25, 2000 real estate transaction without telling the clients of her limited role in the transaction, Defendant failed to keep the clients reasonably informed about the status of their matter in violation of Rule 1.4.

Based upon the foregoing Findings of Fact and Conclusions of Law, the Hearing Committee also enters the following

FINDINGS REGARDING DISCIPLINE

1. No factors exist that tend to aggravate Defendant's misconduct.
2. Defendant's misconduct is mitigated by the following factors:
 - (a) the absence of a disciplinary record prior to the acts of misconduct set forth herein;
 - (b) the issuance of discipline by the South Carolina State Bar based on the same conduct;
 - (c) the absence of a dishonest or selfish motive;
 - (d) cooperative attitude toward these proceedings;
 - (e) delay in disciplinary proceedings in this state through no fault of Defendant; and
 - (f) inexperience in the practice of law at the time of the misconduct.
3. The mitigating factors outweigh the aggravating factors.
4. Defendant's conduct caused potential harm to clients of the firm and actual harm to the clients for whom the February 2000 closing was held, and Defendant violated one or more rule of professional conduct.
5. Based on the mitigating factors, Defendant's recognition of the ethical prohibitions to her conduct, and Defendant's commitment to refrain from such future conduct, entry of an order imposing a censure is unnecessary to protect the public from potential future transgressions by Defendant. However, entry of an order of less than a reprimand would fail to acknowledge the seriousness of the offenses committed by Defendant and would send the wrong message to attorneys regarding the conduct expected of members of the Bar in this State. The Hearing Committee finds and concludes that under the circumstances of this case the public will be adequately protected by issuing a reprimand to Defendant.

Based upon the foregoing Findings of Fact, Conclusions of Law, and Findings Regarding Discipline, and upon consent of the parties, the Hearing Committee enters the following

ORDER OF DISCIPLINE


1. The discipline to be imposed in this matter is a Reprimand. The Reprimand, of even date herewith, accompanies this Order.
2. Defendant is taxed with the costs of this action as assessed by the Secretary and shall be paid within thirty days of service of the notice of costs upon the Defendant.

Signed by the undersigned Chair with the full knowledge and consent of the other members of the Hearing Committee, this 31st day of March, 2005.

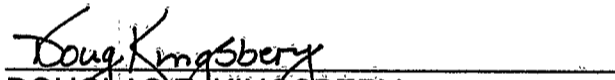


STEPHEN E. CULBRETH, CHAIR
HEARING COMMITTEE

CONSENTED TO:



MARGARET CLOUTIER, Deputy Counsel
Attorney for Plaintiff

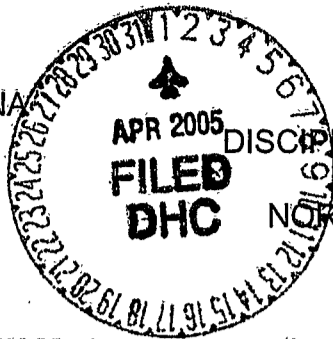


DOUGLAS E. KINGSBERY
Attorney for Defendant



LAURIE A. BAKER, Defendant

NORTH CAROLINA
WAKE COUNTY



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Defendant)

REPRIMAND

Pursuant to §§.0109, .0114, and .0123 of the Discipline and Disability Rules of the North Carolina State Bar, the Hearing Committee of the Disciplinary Hearing Commission entered a Consent Order of Discipline of even date herewith. After considering the information available to it contained in the pleadings and within the findings of facts, conclusions of law and findings regarding discipline of the Order of Discipline, the Hearing Committee has determined that a reprimand is an appropriate discipline given the circumstances of this action.

The rules provide that after a finding of misconduct, the Hearing Committee may issue various levels of discipline depending upon the misconduct, the actual or potential injury caused, and any aggravating or mitigating factors. The Hearing Committee may issue an admonition, reprimand, censure, suspension or disbarment.


A reprimand is a written form of discipline more serious than an admonition issued in cases in which an attorney has violated one or more provisions of the Rules of Professional Conduct and has caused harm or potential harm to a client, the administration of justice, the profession, or a member of the public, but the misconduct does not require a censure.

While employed as an associate at Green, Brock, Forquer & Scott at its Rock Hill, South Carolina office between September 1999 and January 2000, you allowed a non-lawyer under your supervision to conduct real estate closings, sign your name on documents, and witness and notarize documents improperly. You made no meaningful inquiry into the propriety of the non-lawyer's conduct, thereby failing to make all reasonable efforts to ensure the non-lawyer's conduct was compatible with your professional obligations. These acts were in violation of Rules 5.3(b) and 5.5(b) of the Revised Rules of Professional Conduct.

Further, shortly after you left the employ of that firm, you conducted a real estate closing in Greenville, South Carolina on behalf of the firm. After the closing, you left incomplete closing documents at the firm, creating a situation that allowed the same non-lawyer staff person to sign your name on affidavits and certifications and notarize those documents. You did not explain to the clients for whom the closing was held your limited role in conducting the closing, and the clients were therefore unaware that no one at the firm thereafter completed the processing of the transaction. These acts were in violation of Rule 1.4 of the Revised Rules of Professional Conduct.

You are hereby reprimanded by the North Carolina State Bar for your professional misconduct. The Hearing Committee trusts that you will heed this reprimand, that it will be remembered by you, that it will be beneficial to you, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession.

Signed by the undersigned Chair with the full knowledge and consent of the other members of the Hearing Committee, this 31st day of March, 2005.


STEPHEN E. CULBRETH, CHAIR
HEARING COMMITTEE