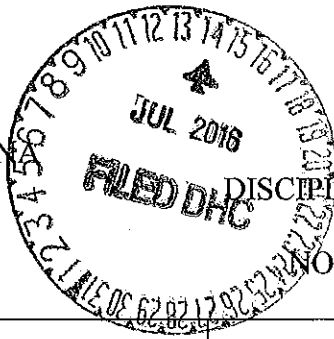


STATE OF NORTH CAROLINA  
WAKE COUNTY



BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
15 DHC 15

THE NORTH CAROLINA STATE BAR,  
Plaintiff

v.

CHRISTOPHER W. LIVINGSTON,  
Attorney,  
Defendant

ORDER OF DISCIPLINE

This matter was heard on 17 May – 20 May 2016 by a hearing panel of the Disciplinary Hearing Commission composed of Beverly T. Beal, Chair, William O. King, and Christopher R. Bruffey. Leonor Bailey Hodge represented Plaintiff, the North Carolina State Bar. Defendant, Christopher W. Livingston, appeared *pro se*.

Based on the credible evidence presented at the hearing, including the testimony of witnesses and the documents received into evidence, the Hearing Panel, by clear, cogent, and convincing evidence, makes the following:

#### FINDINGS OF FACT

1. Plaintiff, the North Carolina State Bar (“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 North Carolina General Statutes, and the Rules and Regulations of the North Carolina State Bar (Chapter 1 of Title 27 of the North Carolina Administrative Code).

2. Defendant, Christopher W. Livingston (“Livingston” or “Defendant”), was admitted to the North Carolina State Bar in 2000, and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the laws of the State of North Carolina, the Rules and Regulations of the North Carolina State Bar and the Rules of Professional Conduct.

3. During the relevant periods referred to herein, Livingston was engaged in the practice of law in the State of North Carolina and resided in White Oak, Bladen County, North Carolina.

4. In March 2008, Livingston entered into a contractual agreement with Credit Collections Defense Network, LLC (“CCDN”), whereby CCDN would refer debtors seeking debt-relief assistance to Livingston for legal representation (this contract hereinafter referred to as “the Associate Attorney Agreement”).

5. CCDN was not a law firm, and was not authorized to engage in the practice of law in North Carolina.

6. The Associate Attorney Agreement provided that CCDN would collect fees from customers and then remit a portion of those fees to Livingston for legal services Livingston rendered to those customers.

7. The Associate Attorney Agreement provided that CCDN would “prepare drafts of all [court] filings for review and approval” by Livingston.

8. The Associate Attorney Agreement prohibited Livingston from “directly or indirectly attempting in any manner to persuade any client of CCDN to cease to do business with or to reduce the amount of business which any such client has customarily done or actively contemplates doing with CCDN.”

9. On or about 20 April 2008, Livingston determined that CCDN and/or its marketing partners had prepared legal documents for CCDN customers to file *pro se* or to be used to otherwise guide *pro se* litigation and thus had engaged in the unauthorized practice of law.

10. On or about 20 April 2008, Livingston advised a CCDN representative, Colleen Lock, that, in preparing pleadings to be filed *pro se*, CCDN was engaged in the unauthorized practice of law.

11. Despite becoming aware, at least as early as April 2008, that CCDN was engaged in the unauthorized practice of law, Livingston accepted additional clients from CCDN rather than immediately terminate his contractual relationship with CCDN.

12. Livingston aided CCDN’s unauthorized practice of law in North Carolina by maintaining his affiliation with CCDN. This allowed CCDN to continue to represent to North Carolina residents that it was affiliated with licensed lawyers in the state.

13. Later in 2008, after undertaking representation of several clients that CCDN referred to Livingston, Livingston concluded that CCDN practices were frivolous and fraudulent and began representing CCDN customers against CCDN.

14. In September 2008, Livingston filed three complaints against CCDN on behalf of clients CCDN had referred to Livingston.

15. Livingston filed these three complaints in Bladen County District Court (hereinafter collectively referred to as “the Bladen County actions”).

16. The Bladen County actions were captioned as follows: (i) Hunt v. R.K. Lock & Associates, an Illinois general partnership d/b/a Credit Collections Defense Network or CCDN; Robert K. Lock Esq.; Colleen Lock; Philip M. Manger Esq.; Tracy Webster; and Lawgistix, LLC, a Florida limited liability company, Defendants, Bladen County District Court file no. 08 CVD 883; (ii) Lucas v. R.K. Lock & Associates, an Illinois general partnership d/b/a Credit Collections Defense Network or CCDN; Robert K. Lock Esq.; Colleen Lock; Philip M. Manger Esq.; and Mark A. Cella, Bladen County District Court file no. 08 CVD 884, (iii) Harrison v.

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**BTB**

Aegis Corporation, Missouri corporation; Debt Jurisprudence, Inc., a Missouri corporation; R.K. Lock & Associates, an Illinois general partnership d/b/a Credit Collections Defense Network or CCDN; Robert K. Lock Esq.; Colleen Lock; Philip M. Manger Esq.; David Kramer; Marcia M. Murphy; and Tracy Webster, Defendants, Bladen County District Court file no. 08 CVD 885.

17. Livingston alleged on behalf of his clients in the Bladen County actions that the defendants' actions constituted unfair and deceptive trade practices, fraud, breach of contract, gross and willful legal malpractice, violations of the "North Carolina Racketeer and Corrupt Organizations Act", violations of the "Credit Repair Organizations Act", and violations of the Racketeer Influenced and Corrupt Organizations Act."

18. Livingston further alleged that "CCDN sometimes refers to itself as 'CCDN LLC' but no limited liability company by that name can be found meaning that CCDN is a general partnership."

19. None of the other defendants Livingston named in the Bladen County actions had personal minimum contacts with the State of North Carolina.

20. These defendants only had contact with North Carolina by and through their employment by or management of CCDN, LLC.

21. The North Carolina General Court of Justice of Bladen County, District Court Division, did not have jurisdiction over the defendants in the Bladen County actions.

22. CCDN, LLC was a necessary party to each of the Bladen County actions.

23. In December 2008, after Livingston filed the complaints in the Bladen County actions, Livingston was informed by counsel for CCDN that CCDN was a limited liability company existing under the laws of the State of Nevada.

24. After being so informed, Livingston confirmed that CCDN was a limited liability company existing under the laws of the State of Nevada.

25. Livingston did not amend the pleadings he filed in the Bladen County actions to name CCDN, LLC as a defendant in such actions.

26. At the time that he filed the complaints in the Bladen County actions, Livingston knew or should have known that Bladen County District Court did not have jurisdiction over the named defendants.

27. In May 2009, the Bladen County District Court concluded that CCDN, LLC was a necessary party to the Bladen County actions.

28. The Bladen County District Court further concluded that the defendants in the Bladen County actions did not have minimum contacts with North Carolina.

29. The Bladen County District Court dismissed the Bladen County actions without prejudice based in part on the aforementioned conclusions.

30. On 7 January 2009, Livingston filed a verified complaint in Bladen County Superior Court against CCDN and others on behalf of Sharon Southwood, an individual client referred to him by CCDN, and a class of similarly situated plaintiffs (hereinafter referred to as “the Southwood action”).

31. The Southwood action was captioned: Sharon Southwood, for herself and all others similarly situated, Plaintiffs, v. The Credit Card Solution, a Texas general partnership or sole proprietorship; CCDN LLC, a Nevada limited liability company; R.K. Lock & Associates, an Illinois general partnership dba Credit Collections Defense Network or CCDN; Robert K. Lock, Jr., Esq.; Colleen Lock; Philip M. Manger, Esq.; and Robert M. “Bob” Lindsey, Defendants, Bladen County Superior Court file no. 09 CVS 19.

32. Livingston filed a Motion for Class Certification in the Southwood action.

33. In order to certify a class in the Southwood action, Livingston was required to provide adequate notice to the class members.

34. In the Motion for Class Certification, Livingston stated that he did not intend to satisfy the adequate notice requirement, asserting that the notice requirement “will be Defendants’ job, because they are the ones who have records of all participants in their programs.”

35. No class was ever certified in the Southwood action.

36. Lee Bettis (hereafter “Bettis”) and Stephen Dunn (hereafter “S. Dunn”) represented CCDN in the Southwood action.

37. By letters dated 14 April 2009, Livingston informed Bettis and S. Dunn that he intended to sue them and their firm of Emanuel & Dunn, PLLC (hereafter “Emanuel & Dunn”) “for tortious interference with contracts and prospective advantage.”

38. One of the 14 April 2009 letters that Livingston sent was addressed to S. Dunn, Robert Emmanuel (hereafter “Emmanuel”) and Raymond Dunn, Jr. (hereafter “R. Dunn”). This letter included as an enclosure the other 14 April 2009 letter, which Livingston sent to Bettis.

39. All of Livingston’s interactions with Bettis and S. Dunn arose from their representation of CCDN in defense of litigation Livingston had filed.

40. Emmanuel and R. Dunn did not participate in the representation of CCDN.

41. Livingston cited Emanuel & Dunn’s representation of CCDN as the basis for the litigation he threatened against them.

42. At the time Livingston wrote the letter to Bettis and S. Dunn, Livingston had no reasonable basis for asserting that he had a valid cause of action against Bettis and S. Dunn or their firm.

43. On or about 11 November 2009, Livingston filed a "RICO Class Complaint" (hereafter "the federal action") against CCDN and other defendants in the U.S. District Court for the Eastern District of North Carolina, case no. 7:09-cv-00183.

44. On or about 17 November 2009, Livingston telephoned and left two voicemail messages for Andrew Arnold (hereafter "Arnold"), an attorney representing CCDN in South Carolina litigation.

45. Livingston stated in the voicemail messages that he represented "a national class" in a federal action against CCDN, asserted that Arnold had participated in money laundering by accepting legal fees from CCDN, and demanded that Arnold forfeit to Livingston all the attorney fees he had received from CCDN.

46. Livingston further stated that, if Arnold failed to turn over funds to Livingston as demanded, Livingston would join Arnold as a defendant in the federal action.

47. The fact that Livingston represented a "national class" was material to Livingston's goal of getting Arnold to believe that the litigation at issue was substantial. By establishing that the litigation at issue was substantial, Livingston could further his ultimate goal of obtaining money from Arnold.

48. At the time Livingston telephoned Arnold, Livingston did not represent a national class in the federal action against CCDN.

49. Livingston knew that his statements to Arnold about representing a national class were false.

50. At the time Livingston telephoned Arnold, Livingston had no reasonable basis for asserting that he had a valid cause of action against Arnold.

51. On or about 23 November 2009, Livingston filed an amended complaint in the federal action.

52. Livingston included the following persons as named defendants in the amended complaint for the federal action: Bettis, S. Dunn, R. Dunn and Arnold (hereinafter "defendant lawyers").

53. Livingston named the defendant lawyers in their individual capacities.

54. Livingston also named the law firm of Emanuel & Dunn, its four managing partners, and Arnold's firm, The Law Offices of W. Andrew Arnold, P.C., as defendants in the federal action.

55. In the amended complaint Livingston filed in the federal action, Livingston alleged that CCDN and other defendants obtained the plaintiffs' property by wire, mail, and bank fraud and engaged in money laundering and racketeering, causing \$1,044,000,000.00 in damages.

56. Livingston also alleged that the defendant lawyers and their law firms had knowledge of the other defendants' fraudulent conduct and participated in fraud by accepting legal fees from the other defendants and representing the other defendants in litigation.

57. Livingston did not have a valid basis in law or fact to join the defendant lawyers and their law firms in the federal action.

58. Livingston's act of naming the defendant lawyers and law firms in the amended federal complaint had no substantial purpose other than to embarrass or burden those defendants.

59. The federal court dismissed the defendant lawyers and their law firms from the federal action.

60. On or about 7 January 2011, Livingston filed a complaint on behalf of former CCDN clients Kimberley Cullen ("Cullen") and William Harrison, Sr. ("Harrison") in Columbus County Superior Court, case no. 11 CVS 20 (hereafter "Cullen complaint").

61. Livingston named Emanuel & Dunn, Bettis, S. Dunn, Emanuel, and R. Dunn as defendants in the case.

62. Cullen was not a resident of North Carolina and had not had any contact with the defendants named in the Cullen complaint.

63. Harrison had not had any contact with Emmanuel and Dunn, S. Dunn, Emanuel or R. Dunn.

64. Harrison's only contact with Bettis was in Bettis's capacity as attorney for CCDN.

65. In a 7 January 2011 email to opposing counsel, Philip Collins, in reference to the Cullen complaint, Livingston made the following statements: (i) "As promised, our state level campaign kicked off yesterday with the first of many Superior Court actions seeking justice for CCDN victims, carefully constructed so as not to be removable to federal court."; (ii) [regarding service] "I don't think sending swarms of deputies or piles of certified mail will do anybody any good."; and (iii) "For the rest of 2011, you can expect a new Cullen-type Superior Court case every month, each an improvement over its predecessors. Each will also carry its own set of written discovery, followed by depositions of all [Emanuel &Dunn] personnel with relevant knowledge."

66. The federal action was pending when Livingston filed the Cullen complaint.

67. The underlying facts in the Cullen complaint were substantially the same as the underlying facts set forth in the federal action.

68. Harrison was a named plaintiff in the federal action and was the only named plaintiff in the Cullen complaint with any ties to North Carolina.

69. The Cullen complaint failed to establish (i) any tie between plaintiff Kimberley Cullen and North Carolina, and (ii) harm to Cullen caused by actions of the lawyer-defendants.

70. Livingston alleged in the Cullen complaint that Bettis engaged in illegal conduct during his representation of a client in Bladen County District Court. These allegations that Livingston made against Bettis were without basis in law or fact.

71. On 22 February 2011, the court dismissed the plaintiff's claims with prejudice.

72. The North Carolina Court of Appeals affirmed the lower court's dismissal of the Cullen complaint.

Based on the foregoing Findings of Fact, the Hearing Panel hereby enters the following:

#### CONCLUSIONS OF LAW

1. All parties are properly before the Hearing Panel and the Panel has jurisdiction of Defendant, Christopher W. Livingston.

2. Defendant's conduct, as set forth in the Findings of Fact above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84.28(b)(2) in that Defendant violated the Rules of Professional Conduct as follows:

- (a) By entering into a contractual agreement with CCDN which contemplated the sharing of legal fees with a nonlawyer in violation of Rule 5.4(a), Livingston attempted to violate the Rules of Professional Conduct in violation of Rule 8.4(a);
- (b) By affiliating with CCDN and providing legal services to customers of CCDN, which was engaged in the unauthorized practice of law in North Carolina, Livingston assisted another in the unauthorized practice of law in violation of Rule 5.5(d);
- (c) By filing civil actions against defendants in a court that he knew lacked the ability to obtain jurisdiction over the defendants and by failing to join necessary defendants in those actions, Livingston engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d);
- (d) By filing a motion for class certification without providing adequate notice for and to the class members, Livingston engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d);
- (e) By falsely asserting to Arnold that he represented a national class of plaintiffs in a federal lawsuit, Livingston knowingly made a false statement of material fact to a third person in violation of Rule 4.1;
- (f) By threatening to join and joining the defendant lawyers in the federal action when there was no basis in law or fact to do so, Livingston used means that had no substantial purpose other than to embarrass or burden a third person in violation of Rule 4.4(a), brought claims for which there was no basis in law or

fact in violation of Rule 3.1 and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d);

- (g) By filing the Cullen complaint, Livingston brought claims for which there was no basis in law or fact in violation of Rule 3.1, engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d) and used means that had no substantial purpose other than to embarrass a third person in violation of Rule 4.4(a); and
- (h) By threatening to file monthly additional lawsuits based on similar allegations against Bettis and Emmanuel & Dunn and threatening to engage in separate discovery for each lawsuit, Livingston used means that had no substantial purpose other than to embarrass or burden a third person in violation of Rule 4.4(a).

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

#### ADDITIONAL FINDINGS OF FACT REGARDING DISCIPLINE

1. R. Dunn did not participate in his firm's representation of CCDN in defense of the claims Defendant brought against CCDN on behalf of his clients.
2. Pat Leigh Pittman was a transactional lawyer who did not participate in her firm's representation of CCDN in defense of the claims Defendant brought against CCDN on behalf of his clients.
3. Joanne K. Partin was a transactional lawyer who did not participate in her firm's representation of CCDN in defense of the claims Defendant brought against CCDN on behalf of his clients.
4. Robert L. Emmanuel was an eighty year old, semi-retired lawyer who did not participate in his firm's representation of CCDN in defense of the claims Defendant brought against CCDN on behalf of his clients.
5. When R. Dunn was served with the complaint in the federal action, media was present and media reported about the lawsuit Defendant filed.
6. A long-time client of Emmanuel & Dunn questioned the ability of Emmanuel & Dunn to continue in its representation of this client because the client had become aware of the allegations Defendant made against Emmanuel and Dunn in the federal action.
7. Emmanuel & Dunn had to obtain legal representation to defend against the lawsuits Defendant filed against Emmanuel & Dunn and its lawyers.
8. Arnold had to obtain legal representation to defend him against the allegations Defendant made against him and his firm in the federal action.

9. It was costly to defend against the frivolous actions Defendant brought against the defendant lawyers and their law firms.

10. On 9 August 2011, Defendant was sanctioned by the United States District Court for the Eastern District of North Carolina, Southern Division for making baseless allegations that lawyer defendants in Caraballo v. Bagbeh had engaged in racketeering, wire fraud, money laundering and receipt of illegally obtained funds.

11. Defendant has expressed some remorse as to particular aspects of his conduct and the effect that it had on others.

#### CONCLUSIONS OF LAW REGARDING DISCIPLINE

1. The Hearing Panel has considered all of the factors contained in 27 N.C. Admin. Code 1B § .0114(w)(1) and concludes that the following factors that warrant suspension or disbarment are present:

- (a) Intent of the defendant to commit acts where the harm or potential harm is foreseeable;
- (b) Negative impact of defendant's actions on client's or public's perception of the profession;
- (c) Negative impact of the defendant's actions on the administration of justice; and
- (d) Detrimental effect of defendant's conduct on third parties.

2. The Hearing Panel has considered all of the factors contained in 27 N.C. Admin. Code 1B § .0114(w)(2) and concludes that no factors that warrant disbarment are present.

3. The Hearing Panel has considered all of the factors contained in 27 N.C. Admin. Code 1B § .0114(w)(3) and concludes that the following are applicable in this matter:

- (a) Prior disciplinary offense: 3 January 2008 Admonition;
- (b) Delay in the disciplinary proceeding through no fault of the defendant attorney;
- (c) Other factor found to be pertinent to the consideration of the discipline to be imposed: Defendant expresses some degree of remorse as to particular aspects of his conduct and the effect that it had on others. The remorse expressed by Livingston is not the unconditional remorse that is contemplated by the general factor finding for remorse.

4. Defendant caused harm to his clients by initiating frivolous claims on their behalf against the lawyer defendants and law firms thereby needlessly increasing the time and resources required for prosecution of the federal action.

5. Defendant caused harm to the administration of justice by filing frivolous claims against the lawyer defendants and law firms thereby wasting court time and resources.

6. Defendant caused harm to the administration of justice and the lawyers who defended the federal action and Cullen complaint by filing frivolous actions against the lawyer defendants and their law firms.

7. Defendant caused harm to the lawyer defendants in that they had to devote time and resources to defend against the frivolous lawsuits Defendant filed against them.

8. Defendant caused harm and potential significant harm to the administration of justice by filing frivolous lawsuits against other lawyers because they provided a defense for their clients. This conduct has the potential to create a chilling effect on a lawyer's representation of his or her client(s).

9. Defendant's conduct caused significant harm to the legal profession in that his actions bring the legal profession into disrepute.

10. The Hearing Panel has considered all lesser sanctions including: censure, reprimand, and admonition, and finds that discipline less than suspension would not adequately protect the public from Defendant's future misconduct because (i) of the gravity of potential significant harm to the administration of justice and to the legal profession, and (ii) any sanction less than suspension would fail to acknowledge the seriousness of the misconduct and would send the wrong message to attorneys and the public regarding the conduct expected of members of the bar of this state.

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

#### ORDER OF DISCIPLINE

1. Defendant, Christopher W. Livingston, is hereby suspended from the practice of law for five years, effective 30 days from service of this order upon Defendant.

2. Defendant shall submit his law license and membership card to the Secretary of the North Carolina State Bar no later than 30 days following service of this order upon Defendant.

3. Defendant shall comply with the wind down provisions contained in 27 N.C. Admin. Code 1B § .0124. As provided in § .0124(d), Defendant shall file an affidavit with the Secretary of the North Carolina State Bar within 10 days of the effective date of this order,

certifying that he has complied with the wind down of his practice in accordance with the applicable rule.

4. Defendant shall pay, within 30 days of service of the statement of fees and costs upon him by the Secretary of the State Bar, the administrative fees and costs of this proceeding.

5. After two years of active suspension of his license, Defendant may apply for a stay of the remaining period of suspension upon filing a motion in the cause and demonstrating by clear, cogent and convincing evidence that, in addition to complying with the general provisions for reinstatement listed in 27 N.C. Admin. Code 1B §.0125(b) Defendant has complied with the following conditions:

- a. Defendant has kept the North Carolina State Bar Membership Department advised of his current business and home addresses and notified the Bar of any change in address within ten days of such change;
- b. Defendant has responded to all communications from the State Bar, including communications from the Attorney Client Assistance Program, within thirty days of receipt or by the deadline stated in the communication, whichever is sooner, and has participated 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;
- c. That at the time of his petition for stay, Defendant is current in payment of all Membership dues, fees, and costs, including all Client Security Fund assessments and other charges or surcharges the State Bar is authorized to collect from him, and including all judicial district dues, fees and assessments;
- d. That at the time of his petition for stay, there is no deficit in Defendant's completion of mandatory Continuing Legal Education (CLE) hours, in reporting such hours or in payment of any fees associated with attendance at CLE programs;
- e. That for each year of active suspension that preceded the petition for stay, Defendant has completed six hours of additional CLE beyond the minimum CLE requirement for lawyers for each such year; three hours of the additional six hours shall be regarding professionalism, and the remaining three additional hours shall be regarding the North Carolina Rules of Civil Procedure or the North Carolina Rules of Evidence;
- f. Defendant has not violated the Rules of Professional Conduct or the laws of the United States or any state or local government during his suspension;
- g. Defendant properly wound down his law practice and complied with the requirements of 27 N.C. Admin. Code 1B§.0124; and

- h. Defendant has paid the costs and fees of this proceeding as reflected on the statement of costs served upon him by the Secretary of the State Bar.

6. If Defendant obtains a stay, the suspension of Defendant's law license shall be stayed as long as Defendant complies and continues to comply with the following conditions:

- a. Defendant is current in payment of all Membership dues, fees and costs, including all Client Security Fund assessments and other charges or surcharges that the State Bar is authorized to collect from him, to include all judicial district dues, fees and assessments;
- b. That there is no deficit in Defendant's completion of mandatory CLE hours, in reporting of such hours, or in payment of any fees associated with attendance at CLE programs;
- c. The for each year of the stay, Defendant has completed six hours of additional CLE beyond the minimum CLE requirement for each such year; three hours of the additional six hours shall be regarding professionalism, and the remaining three additional hours shall be regarding the North Carolina Rules of Civil Procedure or the North Carolina Rules of Evidence;
- d. Defendant shall arrange for an active member of the North Carolina State Bar who practices law in Bladen or Columbus County and who has been approved by the Office of Counsel to serve as his law practice monitor. Defendant shall submit the name of the proposed practice monitor to the Office of Counsel within 15 days of the Hearing Panel's order staying his suspension. Defendant's failure to provide the name of a proposed practice monitor to the Office of Counsel will not excuse any failure to meet monthly with a practice monitor as required by this order. Nor will Defendant's failure to provide the name of a proposed practice monitor excuse a practice monitor's failure to provide written quarterly reports to the Office of Counsel. The selected practice monitor must indicate in writing his or her agreement to serve. The selected practice monitor must meet with Defendant monthly to review Defendant's cases. The first such meeting between Defendant and the practice monitor must be held within 30 days of the Hearing Panel's order staying Defendant's suspension. The practice monitor must review all pleadings before they are filed by Defendant to ensure that they comply with the Rules of Professional Conduct, the North Carolina Rules of Civil Procedure and the North Carolina General Rules of Practice. The practice monitor will submit to the Office of Counsel written quarterly reports summarizing his or her supervision of Defendant. These reports shall be provided to the Office of Counsel on January 15, April 15, July 15 and October 15. Monitoring of Defendant's law practice as provided herein shall continue for the duration of any stay of Defendant's suspension. Defendant shall be solely responsible for any cost assessed by the practice monitor for his or her monitoring of Defendant's law practice. Defendant must supply the

Office of Counsel with a letter from the practice monitor confirming his or her willingness to serve as practice monitor and to perform the duties outlined in this order. Defendant must provide this confirmation within 30 days of the Hearing Panel's order staying the remainder of Defendant's suspension;

- e. Defendant shall meet at least once monthly with his practice monitor, to whom he shall report the status of all current client matters and provide copies of any pleadings filed on behalf of current clients. Defendant shall provide any information the practice monitor deems reasonably necessary to ensure that Defendant is handling all client matters in accord with the requirements of the Rules of Professional Conduct, the North Carolina Rules of Civil Procedure and the North Carolina General Rules of Practice;
- f. Defendant shall ensure that the practice monitor sends to the Office of Counsel a written report each quarter as described above;
- g. Should the need arise to find a replacement practice monitor during the stay of Defendant's suspension, Defendant shall promptly provide to the Office of Counsel the name of a proposed alternative practice monitor. Defendant's failure to promptly provide the Office of Counsel the name of an alternative practice monitor will not excuse any failure to meet monthly with an approved practice monitor and will not excuse failure of an approved practice monitor to provide quarterly reports to the Office of Counsel;
- h. Defendant shall not violate the Rules of Professional Conduct or the laws of the United States or of any state or local government during his suspension;
- i. Defendant shall keep the State Bar Membership Department advised of his current business address. Defendant shall notify the State Bar of any change of address within 10 days of such change. His current business address must be a street address, not a post office box or drawer;
- j. Defendant 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;
- k. Defendant 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.

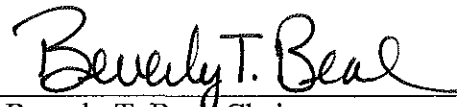
7. If Defendant fails to comply with any one or more of the conditions of the stay of suspension provided in paragraphs 6.a – k above, the stay of suspension may be lifted in accordance with 27 N.C. Admin. Code 1B § .0114(x).

8. If Defendant does not seek a stay of the suspension of his law license or if some part of the suspension is stayed and thereafter revoked, Defendant must comply with the conditions set out in paragraphs 5.a – h above and the provisions of 27 N.C. Admin. Code 1B § .0125 before seeking reinstatement of his license to practice law, and must provide in his petition for reinstatement clear, cogent and convincing evidence showing his compliance therewith.

9. The Disciplinary Hearing Commission will retain jurisdiction of this matter pursuant to 27 N.C. Admin. Code 1B § .0114(x) throughout the period of the suspension, any stay thereof, and until all conditions set forth in paragraph 5 above are satisfied.

This Order is the unanimous decision of the Hearing Panel.

Signed by the Chair with the consent of the other Hearing Panel members this the 8<sup>th</sup> day of July, 2016.



Beverly T. Beal, Chair  
Disciplinary Hearing Panel