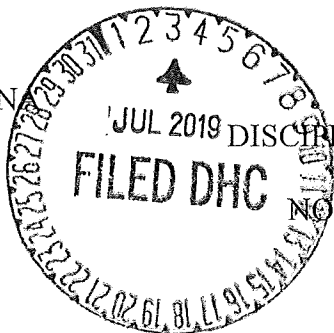


STATE OF NORTH CAROLINA
WAKE COUNTY



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

THE NORTH CAROLINA STATE BAR,
Plaintiff
v.
BERNELL DANIEL-WEEKS, Attorney,
Defendant

ORDER
OF DISCIPLINE

This matter was heard by a Hearing Panel of the Disciplinary Hearing Commission composed of Fred W. DeVore, III, Chair, Shannon R. Joseph and Michael S. Edwards pursuant to North Carolina Administrative Code, Title 27, Chapter 1, Subchapter B, § .0108(a)(2). Plaintiff was represented by Deputy Counsel Margaret T. Cloutier. Defendant made no appearance, but was properly served with process and was duly notified of the hearing in this matter.

On June 20, 2019 the Hearing Panel entered a Default Order against Defendant in which the allegations in the Plaintiff's complaint were deemed admitted and concluding as a matter of law that Defendant violated the Rules of Professional Conduct set forth in the complaint.

Based upon the pleadings in this matter and the Default Order entered by the Hearing Panel, the Hearing Panel finds by clear, cogent and convincing evidence 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 General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar (Chapter 1 of Title 27 of the North Carolina Administrative Code).
2. Defendant, Bernell Daniel-Weeks (hereafter "Defendant"), was admitted to the State Bar on 29 August 1998 and is an attorney at law 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 or part of the relevant periods referred to herein, Defendant was engaged in the practice of law in the State of North Carolina and maintained a law office in Durham, Durham County, North Carolina.
4. In or around July 2016, T. Fairley (hereafter "Fairley") retained Defendant for representation in a child custody matter.

5. Between July and September, 2016, Defendant collected \$3,500 from Fairley to apply to legal fees.

6. Fairley expressed to Defendant that she desired to regain primary custody of her son from his father and that a 3 November 2016 hearing date in the custody case had been set.

7. Defendant represented to Fairley that she would seek both an immediate ex parte custody Order and an Order for modification of custody.

8. Defendant advised Fairley to maintain physical custody of her minor child after her court ordered summer visitation period ended.

9. Fairley followed Defendant's advice and did not return the child to his father, and enrolled the child in a local school.

10. Defendant failed to file any pleadings on Fairley's behalf prior to the 3 November 2016 hearing in the custody case.

11. Defendant was unprepared for the 3 November 2016 hearing in the custody case.

12. The Court continued the custody case until 11 May 2017.

13. In Defendant's presence, the judge ordered Fairley on 3 November 2017 to return the child to the custodial parent or face the possibility of going to jail.

14. Nevertheless, Defendant advised Fairley to maintain physical custody of the child in violation of the Court's Order so as to allow the Defendant time to seek the ex parte custody Order on 7 November 2016.

15. Defendant did not file any pleadings on Fairley's behalf on or before 7 November 2016 as she advised her she would.

16. Fairley's child was picked up and withdrawn from the local school by the child's father on 7 November 2016.

17. During the period from 4 November 2016 until 12 January 2017, Defendant did not respond to telephone calls or texts from Fairley.

18. During the period from 4 November 2016 until 12 January 2017, Defendant did not communicate with Fairley.

19. On 12 January 2017, Defendant sent Fairley a text message.

20. Defendant did not accept receipt of a certified letter mailed to her by Fairley in January 2017.

21. On or about 31 January 2017, Defendant met with Fairley for her to review and verify a "Motion to Modify Custody and Amended Motion to Show Cause; Motion for Ex Parte Order."

22. Fairley verified the Motion to Modify Custody and Amended Motion to Show Cause; Motion for Ex Parte Order.

23. Defendant filed the Motion to Modify Custody and Amended Motion to Show Cause; Motion for Ex Parte Order with the court on 3 February 2017.

24. Defendant met with Fairley on 9 February 2017 and told her that the Motion for Ex Parte Order had been denied.

25. Defendant thereafter did not respond to telephone calls or emails from Fairley and did not otherwise communicate with Fairley until Defendant appeared on 28 April 2017 for the pretrial hearing in the custody case that had been continued from 3 November 2016 to 11 May 2017.

26. On 28 April 2017, Fairley informed Defendant that she had hired another attorney.

27. On 28 April 2017, Defendant withdrew from representation of Fairley.

28. In or around February 2014, J. Jones and his wife, C. Jones, (“the Joneses”) retained Defendant for representation in a civil action involving property damage.

29. The Joneses paid Defendant \$6,500 for her representation.

30. Defendant filed a complaint on behalf of the Joneses on 13 June 2016 in Superior Court in Durham County, North Carolina.

31. Defendant failed to keep the Joneses informed of the status of their case.

32. J. Jones discovered the case was calendared for an administrative hearing on 14 February 2017 before Judge Carl R. Fox.

33. Defendant did not provide the Joneses with notice of the 14 February 2017 hearing.

34. J. Jones personally appeared for the 14 February 2017 hearing, but Defendant was not present.

35. In a letter dated 17 February 2017 to the Joneses, 14th Judicial District Trial Court Coordinator E.D. Barrier stated that court personnel called Defendant both prior to the February 14th session and on the day of the session, that Defendant had not since contacted the court’s office, and that the matter was reset for the 14 March 2017 administrative calendar.

36. Defendant was copied on Barrier’s 17 February 2017 letter.

37. On 13 March 2017, Defendant filed a Notice of Voluntary Dismissal Without Prejudice of the Joneses’ case.

38. The Joneses had no knowledge of and did not authorize Defendant to take a voluntary dismissal of their case.

39. When C. Jones appeared in court on 14 March 2017, she was notified by the court that the case had been dismissed.

40. Defendant mailed a letter dated 14 March 2017 to the Joneses notifying them that she had dismissed their case.

41. Defendant did not communicate with the Joneses after sending the 14 March 2017 letter.

42. The Joneses made numerous unsuccessful attempts to contact Defendant by telephone, certified mail, facsimile and email.

43. Defendant did not respond to the Joneses' attempts to communicate with her.

44. On 5 February 2018, the Joneses sent a letter to Defendant discharging her as their attorney.

45. The Joneses also requested the return of their client file and original documents.

46. Defendant did not return the client file and original documents to the Joneses.

47. On or about 24 April 2017, Defendant was appointed in a criminal matter pending in Vance County to represent M. Schmalzried (hereafter "Schmalzried) on four charges arising from an incident that occurred on 31 March 2017.

48. In July 2017, Defendant obtained Schmalzried's release on bond.

49. Defendant did not communicate with Schmalzried after his release on bond in July 2017.

50. Schmalzried, several family members and a friend on his behalf made numerous attempts to contact Defendant after the July 2017 bond reduction.

51. Defendant did not respond to these requests for information.

52. In August 2017, Schmalzried was arrested after a charge of second-degree murder was added to the original charges.

53. Defendant was not eligible for court appointment to defend higher level felony charges, such as Schmalzried's second-degree murder charge.

54. Defendant knew or should have known she would be unable to continue her appointed representation of Schmalzried due to the addition of second degree murder to the lesser charges against him.

55. Defendant did not inform her client or the court that she could not represent Schmalzried on a second-degree murder charge and did not seek to withdraw from representing Schmalzried with respect to the lesser charges against him or to have other counsel appointed for Schmalzried.

56. Defendant did not communicate with Schmalzried from the time he was arrested on the charge of second degree murder to the time of his November 2017 hearing date.

57. Defendant appeared at the November 2017 hearing on Schmalzried's behalf but did not discuss the charges with Schmalzried or otherwise confer with her client.

58. In or about March 2018, Defendant was removed as counsel of record for Schmalzried.

59. In or around May 2016, M. Corbitt (hereafter "Corbitt") retained Defendant for representation in a child support matter.

60. Defendant was unprepared to represent Corbitt's interests in court.

61. Defendant did not respond to calls and text messages from Corbitt.

62. Defendant failed to keep Corbitt informed about the status of his matter.

63. On or about 27 January 2017, the State Bar opened a grievance file against Defendant concerning her conduct in the Corbitt matter, assigned file number 17G0077.

64. Defendant was personally served on 7 April 2017 with the Letter of Notice in 17G0077.

65. Defendant had a duty to respond in writing to the grievance within 15 days of receipt of the Letter of Notice.

66. On or about 21 April 2017, Defendant submitted a written request for an extension of time to respond to the Letter of Notice.

67. The State Bar granted the request and extended the response deadline to 8 May 2017.

68. Defendant did not submit a written response to the grievance.

69. In or around August 2015, Defendant established an attorney-client relationship with H. Claiborne (hereafter "Claiborne") and undertook to represent Claiborne concerning the transfer of property in an estate matter.

70. At that time, Defendant collected an \$800 payment from Claiborne to apply to legal fees.

71. Claiborne entrusted Defendant with original documents.

72. In November 2015, Defendant prepared a deed and provided Claiborne with several copies thereof to be signed by the various heirs of the estate.

73. Claiborne informed Defendant that some of the heirs were concerned about the format of the deed.

74. Defendant agreed to send a detailed letter of explanation of the deed's provisions to Claiborne.

75. Claiborne never received a letter of explanation of the deed from Defendant.

76. Thereafter, Claiborne made numerous attempts to contact Defendant by telephone, certified mail, facsimile, text and going to her office.

77. Defendant did not respond to Claiborne's attempts to contact her.
78. Defendant failed to keep Claiborne informed about the status of his matter.
79. Defendant did not finalize the deed that was part of the work she was retained to provide, thus she did not complete her representation of Claiborne.
80. Defendant did not return Claiborne's original documents to him.
81. On or about 16 August 2016, the State Bar opened a grievance file against Defendant concerning her conduct in the Claiborne matter, assigned file number 16G896.
82. Defendant was personally served on 7 April 2017 with the Letter of Notice in 16G0896.
83. Defendant had a duty to respond in writing to the grievance within 15 days of receipt of the Letter of Notice.
84. On or about 21 April 2017, Defendant submitted a written request for an extension of time to respond to the Letter of Notice.
85. The State Bar granted Defendant's request and extended the response deadline to 8 May 2017.
86. Defendant did not submit a written response to the grievance.

Based on the pleadings, the Default Order, and the foregoing Findings of Fact, the Hearing Panel enters the following:

CONCLUSIONS OF LAW

1. All parties are properly before the Hearing Panel and the Panel has jurisdiction over Defendant, Bernell Daniel-Weeks, and the subject matter of this proceeding.
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 failing to file any motions before the 3 November 2016 hearing after advising Fairley to retain custody, by failing to prepare for Fairley's 3 November 2016 hearing, and by failing to appear in court on behalf of the Joneses on 14 February 2017 and taking a dismissal of the Joneses' case without their knowledge and authorization, Defendant failed to abide by her clients' decision concerning the objectives of representation in violation of Rule 1.2(a), failed to act with reasonable diligence and promptness in violation of Rule 1.3, failed to make a reasonable effort to expedite litigation consistent with the interests of her client in violation of Rule 3.2 and engaged in conduct that is prejudicial to the administration of justice in violation of Rule 8.4(d);
 - (b) By failing to communicate with Fairley, by failing to communicate with the Joneses, including but not limited to with respect to court dates and the taking of a dismissal of

- the Jones' case without their knowledge and consent, and by failing to communicate with Schmalzried and Claiborne, Defendant failed to reasonably consult with her client about the means to accomplish the objective of the representation in violation of Rule 1.4(a)(2), failed to keep the client reasonably informed about the status of the matter in violation of Rule 1.4(a)(3) and failed to promptly comply with reasonable requests for information in violation of Rule 1.4(a)(4);
- (c) By advising Fairley to maintain physical custody of the minor child beyond her allowed summer visitation in violation of the custody order, and by advising Fairley to maintain physical custody of the minor child after the 3 November 2016 hearing in violation of the court order to return the minor child to his father, Defendant advised her client to disobey an obligation under the rules of a tribunal in violation of Rule 3.4(c) and engaged in conduct that is prejudicial to the administration of justice in violation of Rule 8.4(d);
 - (d) By failing to return the Joneses' case file and original documents, and by failing to return Claiborne's original documents, Defendant failed to surrender paper and property to which the clients are entitled and failed to take steps to protect her client's interests in violation of Rule 1.16(d);
 - (e) By failing to inform Schmalzried that she could not represent him on the second degree-murder charge, Defendant failed to keep the client reasonably informed about the status of the matter in violation of Rule 1.4(a)(3) and failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding representation in violation of Rule 1.4(b);
 - (f) By failing to promptly inform Vance County court administrators that she could no longer be assigned to represent Schmalzried due to the addition of the second-degree murder charge and failing to withdraw from the representation and/or ensure other counsel was appointed, Defendant failed to withdraw from a representation that was in violation of law or the Rules of Professional Conduct in violation of Rule 1.16(a) and engaged in conduct that is prejudicial to the administration of justice in violation of Rule 8.4(d);
 - (g) By failing to communicate with Corbitt, Defendant failed to promptly comply with reasonable requests for information in violation of Rule 1.4(a)(4);
 - (h) By failing to submit a written response to the Letter of Notice relating to the Corbitt and Claiborne matters, Defendant failed to respond to a lawful demand for information from a disciplinary authority in violation of Rule 8.1(b);
 - (i) By failing to complete work on Claiborne's behalf, Defendant failed to act with reasonable diligence and promptness in representing Claiborne in violation of Rule 1.3; and
 - (j) Pursuant to N.C. Gen Stat. §84-28(b)(3) in that Defendant failed to answer a formal inquiry of the North Carolina State Bar in the disciplinary matters relating to Corbitt and Claiborne.

Based upon the foregoing Findings of Fact and Conclusions of Law, and the additional evidence presented at the hearing, the Hearing Panel finds by clear, cogent, and convincing evidence the following:

FINDINGS REGARDING DISCIPLINE

1. Defendant has not refunded any unearned fees to Ms. Fairley, Mr. Jones, Mr. Corbitt and Mr. Claiborne despite the fact that she did not complete the services which she undertook on their behalf.

2. Defendant's failure to communicate with and diligently represent Ms. Fairley, Mr. Jones and Mr. Corbitt, necessitated them hiring other attorneys to handle their matters and paying those attorneys for services for which they had already paid Defendant.

3. Mr. Jones's subsequent attorney refiled his civil action, but according to Mr. Jones the court concluded that because Defendant failed to take any action to notify the defendants of the civil action, the statute of limitations barred Mr. Jones's legal claim.

4. Mr. Claiborne has not been able to complete his real property transaction.

5. Defendant's clients relied on her to attend to their legal matters and her failure to do so left them vulnerable.

6. Clients Fairley and Corbitt have less trust in lawyers after their experience with Defendant.

7. Defendant's conduct in the client matters before the DHC in the instant action demonstrates a pattern of inattention to her clients' cases.

8. By engaging in various instances of client neglect, failing to communicate with her client, and failing to respond to the Bar, Defendant committed multiple offenses and displayed a pattern of misconduct. At the time of her conduct, Defendant knew or should have known that her actions could harm her clients and the administration of justice.

9. Clients are entitled to representation by attorneys they can trust to accomplish their goals. A cornerstone of client trust in an attorney is that the attorney will properly protect and maintain the client's interests. Failure to do so erodes the confidence clients place in attorneys who handle their affairs and harms the public and the profession as a whole.

10. By failing to respond to State Bar inquiries and otherwise failing to participate in the grievance process, Defendant caused significant harm or potential significant harm to the profession. Such conduct interferes with the State Bar's ability to regulate its members and undermines the profession's privilege to remain self-regulating.

11. Defendant had been practicing law for nearly twenty years at the time she represented the clients involved in this action.

12. Defendant has prior professional discipline as follows:

(a) May 2008 – Admonition for collecting an excessive fee;

- (b) November 2008 – Admonition for failing to deposit funds in a trust account and failing to respond to a notice of a fee dispute; and
- (c) February 2017 – Reprimand for neglect of client’s case, failing to respond to client inquiries, and failing to respond to the Attorney Client Assistance Program and the Letter of Notice in the grievance.

13. In this DHC action, the Hearing Chair sanctioned Defendant for her failure to respond to discovery requests by striking her responsive pleading and entering default against her.

14. Defendant’s conduct for which she was previously disciplined along with the conduct established in the instant action demonstrates a pattern of unresponsiveness to and failure to participate in the State Bar’s self-regulation process.

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

CONCLUSIONS REGARDING DISCIPLINE

1. The Hearing Panel has carefully considered all of the different forms of discipline available to it, including admonition, reprimand, censure, suspension and disbarment.

2. The Hearing Panel concludes that Defendant’s clients suffered significant harm as a direct result of Defendant’s conduct in that they were unaware of the status of their matters, they received no refund of unearned fees from Defendant, they had to pay additional money to new attorneys hired to complete their legal matters, Mr. Jones’s case was dismissed due to Defendant’s inaction, and Mr. Claiborne was unable to conclude his property transaction.

3. The Hearing Panel concludes that Defendant’s conduct caused significant harm or potential significant harm to the administration of justice in that Defendant advised Ms. Fairley to disobey a court order, Ms. Fairley was unable to timely pursue her custody action, and Mr. Jones was unable to pursue his legal claim.

4. The Hearing Panel concludes that Defendant’s conduct caused significant harm or potential significant harm to the profession in that their experience with Defendant’s representation altered Ms. Fairley’s and Mr. Corbitt’s perception of all lawyers.

5. In addition to the actual harm caused by Defendant’s conduct, Defendant’s failure to heed the lessons of her prior discipline shows the need for a higher level of discipline to protect the public, the profession, and the administration of justice from potential significant harm.

6. The Hearing Panel has considered all of the factors enumerated in 27 N.C.A.C. 1B § .0116(f)(1) and determined the following factors are applicable:

- (a) Intent of Defendant to commit acts where the potential harm was foreseeable;
- (b) Negative impact of Defendant’s actions on clients’ or public’s perception of the profession;
- (c) Negative impact of Defendant’s actions on the administration of justice;

- (d) Impairment of the clients' ability to achieve the goals of the representation; and
- (e) Multiple instances of failure to participate in the legal profession's self-regulation process.

7. The Hearing Panel has considered the factors enumerated in 27 N.C.A.C. 1B §.0116(f)(2) of the Rules and Regulations of the North Carolina State Bar and determines no factors are present that warrant disbarment in order to protect the public.

8. The Hearing Panel has considered all of the factors enumerated in 27 N.C.A.C. 1B §.0116(f)(3) of the Rules and Regulations of the North Carolina State Bar and determines that the following factors are applicable in this matter:

- (a) Prior disciplinary offenses;
- (b) Indifference to making restitution;
- (c) A pattern of misconduct;
- (d) Multiple offenses;
- (e) Vulnerability of victims; and
- (f) Degree of experience in the practice of law.

9. The Hearing Panel has considered lesser alternatives and finds that a censure, reprimand, or admonition, would not be sufficient discipline because of the gravity of the significant harm to Defendant's clients and to the administration of justice, and the significant harm or potential significant harm Defendant's conduct caused to the public and to the legal profession.

10. The Hearing Panel finds that suspension would adequately protect the public, the profession and the administration of justice in this instance.

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

ORDER OF DISCIPLINE

1. The law license of Defendant, Bernell Daniel-Weeks, is hereby suspended for five years, effective thirty days after service of this Order upon Defendant.

2. Defendant is taxed with the administrative fees and costs of this action as assessed by the Secretary, which Defendant shall pay within thirty days of service of the notice of costs upon Defendant at her address of record.

3. Defendant shall surrender her law license and membership card to the Secretary of the North Carolina State Bar no later than thirty days following service of this Order upon Defendant.

4. Defendant shall comply with the wind down provisions contained in 27 N.C. Admin. Code 1B § .0128, including filing an affidavit with the Secretary of the North Carolina State Bar within ten days of the effective date of this order.

5. Within thirty days after service of this Order, Defendant shall provide the State Bar's Office of Counsel with an address and telephone number at which clients seeking their files can communicate with Defendant. Defendant shall promptly return all files to her clients upon request. Defendant shall promptly refund any unearned or excessive fees due clients in accordance with Rule 1.5 of the Rules of Professional Conduct.

6. After the completion of two years of active suspension of her law license, Defendant may apply for a stay of the remainder of the suspension upon filing of a motion with the Clerk of the DHC as provided in 27 N.C. Admin. Code 1B § .0118(c) at least thirty days before any proposed effective date of the stay. Defendant shall demonstrate by clear, cogent and convincing evidence the following:

- (a) That Defendant properly surrendered her law license and membership card as provided in paragraph 3 of this Order;
- (b) That Defendant timely complied with all applicable orders of the Disciplinary Hearing Commission;
- (c) That Defendant abstained during the period of suspension from the unauthorized practice of law;
- (d) That Defendant abstained during the period of suspension from conduct constituting grounds for discipline under G.S. 84-28(b);
- (e) That Defendant reimbursed the Client Security Fund of the North Carolina State Bar for all sums, including costs other than overhead expenses, disbursed by the Client Security Fund as a result of Defendant's misconduct;
- (f) That Defendant paid all membership fees, Client Security Fund assessments, and late fees due and owing to the North Carolina State Bar, including any reinstatement fee due under Rule .0904 or Rule .1524 of Subchapter 1D of the rules of the North Carolina State Bar, as well as all attendee fees and late penalties due and owing to the Board of Continuing Legal Education at the time of suspension;
- (g) That Defendant has paid the fees and costs of this proceeding as assessed by the Secretary of the North Carolina State Bar within thirty days of notice of the costs being served on Defendant at her address of record;
- (h) That, not more than sixty days before she files a motion for stay, Defendant has been evaluated by a licensed psychiatrist or psychologist approved in advance by the North Carolina State Bar Office of Counsel. Defendant shall attach to her motion the affidavit of the evaluating psychiatrist/ psychologist certifying whether, based on his or her independent and comprehensive evaluation of Defendant and in his or her professional opinion, Defendant currently has any physical, mental, psychological, behavioral, cognitive, or emotional illness, disorder, or other condition that impairs Defendant's ability to practice law, that impacts Defendant's ability or willingness to comply with the Rules of Professional Conduct, and/or that Defendant poses a risk of harm to the public if she engages in the practice of law. Defendant bears the burden of proving that she does not suffer from any such impairing condition at the time of her motion for stay. Defendant shall sign an authorization form consenting to the release of all medical records and information related to Defendant's evaluation to the Office of Counsel, and Defendant shall not revoke that release. Defendant shall include with her motion for

stay the signed authorization form and a written report of such evaluation and recommended treatment, if any, prepared by the psychiatrist/psychologist described herein. All expenses of such evaluation, reports, and production of records shall be borne by Defendant;

- (i) That Defendant has arranged for an active member of the North Carolina State Bar to serve as her law practice monitor. Defendant's practice monitor shall be an attorney in good standing who practices law in Defendant's judicial district and who has been approved by the Office of Counsel. The monitor shall agree to supervise all client matters and to ensure that Defendant handles all client matters in a timely fashion, including promptly responding to her clients, promptly responding to notices from the clerk of court, properly handling entrusted funds, and diligently pursuing her clients' matters. The monitor must agree to meet monthly with Defendant and to submit written monthly reports of this supervision to the Office of Counsel, such reports due on the tenth day following each such meeting during the stay of this suspension. Defendant must make the arrangements for this monitoring attorney and supply the Office of Counsel, with her motion for stay, a letter from the monitoring attorney confirming his or her agreement to perform the duties listed above;
- (j) That Defendant has kept the North Carolina State Bar Membership Department advised of her current home and mailing addresses (not P.O. box) and notified the Bar of any change in address within ten days of such change;
- (k) That Defendant has responded to all communications from the State Bar within thirty days of receipt or by the deadline stated in the communication, whichever is sooner;
- (l) That 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 her, and including all judicial district dues, fees and assessments;
- (m) That there is no deficit in Defendant's completion of CLE hours, in reporting such hours or in payment of any fees associated with attendance at CLE programs;
- (n) That Defendant has not violated the Rules of Professional Conduct or the laws of the United States or any state or local government during her suspension; and
- (o) That Defendant properly wound down her law practice and complied with the requirements of 27 N.C.A.C. 1B§.0128, the North Carolina State Bar Discipline and Disability Rules.

7. If Defendant successfully seeks a stay of the suspension of her law license, such stay will continue in force only as long as Defendant complies with the following conditions:

- (a) Defendant continues to comply with any treatment or other follow-up recommended by the evaluating psychologist/psychiatrist or any then-current treatment provider. Defendant shall provide a written release to the North Carolina State Bar Office of Counsel, authorizing all providers from whom she is receiving any ongoing treatment to communicate with the Office of Counsel and to release to the Office of Counsel records relating to her compliance with treatment recommendations. Defendant shall not revoke these releases during the period of the stay;

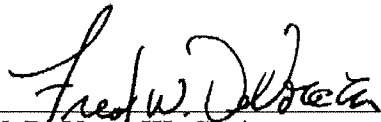
- (b) Defendant shall ensure that all providers from whom she is receiving any ongoing treatment send a quarterly written report to the Office of Counsel confirming that she is complying with treatment recommendations. The reports shall be due each January 30, April 30, July 30, and October 30 during the stayed suspension;
- (c) Defendant shall meet once a month with her monitoring attorney, report the status of all current client matters to the monitoring attorney, cooperate with the monitoring attorney, and provide any information the monitoring attorney deems reasonably necessary to ensure that Defendant is properly and timely handling all client matters. The monitoring attorney must submit written monthly reports of this supervision to the Office of Counsel, such reports due on the tenth day following each such meeting during the stay of this suspension. Defendant bears the responsibility of ensuring the monitoring attorney sends a written report each month to the Office of Counsel as described above. This monitoring will occur for the duration of the stay of this suspension. Defendant will pay the cost, if any, charged by the monitoring attorney for this supervision;
- (d) Defendant shall cooperate with the Office of Counsel and make appropriate arrangements for an alternate monitoring attorney if needed during the stay of this suspension;
- (e) Defendant shall remain 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 her, to include all judicial district dues, fees and assessments;
- (f) Defendant shall timely comply with her State Bar continuing legal education requirements and pay all fees and costs assessed by the applicable deadline;
- (g) Defendant shall respond to all communications from the North Carolina 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 shall participate in good faith in the State Bar's fee dispute resolution process for any petition of which she receives notice;
- (h) Defendant shall promptly accept service of all certified mail that is sent to her from the State Bar;
- (i) Defendant shall not violate the Rules of Professional Conduct or the laws of the United States or of any state or local government during the stayed suspension; and
- (j) Defendant shall keep the State Bar Membership Department advised of her current business and home addresses. Defendant shall notify the State Bar of any change in address within ten days of such change. Her current business address must be a street address, not a P.O. Box or drawer.

8. If Defendant fails to comply with any of the conditions of the stayed suspension provided in paragraph 7(a) through (j) above, the stay of the suspension may be lifted as provided in § .0118(a) of the North Carolina State Bar Discipline and Disability Rules.

9. If Defendant does not seek or fails to obtain a stay of the active portion of her suspension, or if some part of the suspension is stayed and thereafter the stay is lifted/revoked,

Defendant must comply with the requirements of paragraphs 6(a) through (o) above and with all requirements of 27 N.C. Admin. Code 1B §.0129(b) before being reinstated to the practice of law.

Signed by the Chair with the consent of the other Hearing Panel members, this the 1st day of
July 2019.

A handwritten signature in cursive script, appearing to read "Fred W. DeVore, III", written over a horizontal line.

Fred W. DeVore, III, Chair
Disciplinary Hearing Panel