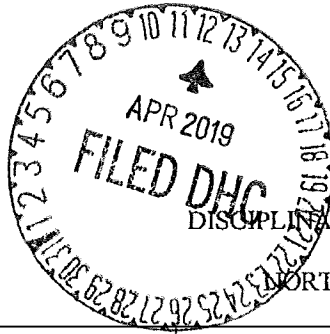


STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
18 DHC 11

THE NORTH CAROLINA STATE BAR,
Plaintiff

v.

JAMES M. GOARD, Attorney,
Defendant

**CONSENT ORDER
OF DISCIPLINE**

This matter was considered by a hearing panel of the Disciplinary Hearing Commission composed of Richard V. Bennett, Chair, David W. Long, and Michael S. Edwards. G. Patrick Murphy represented Plaintiff, the North Carolina State Bar. Alan M. Schneider represented Defendant, James M. Goard. Defendant waives a formal hearing, the parties stipulate and agree to the findings of fact and conclusions, and the parties consent to the discipline imposed by this order. By consenting to this order, Defendant knowingly, freely, and voluntarily waives his right to appeal this consent order or to challenge in any way the sufficiency of the findings.

Based on the foregoing and with the consent of the parties, the Hearing Panel hereby makes 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, James M. Goard ("Defendant" or "Goard"), was admitted to the North Carolina State Bar on August 21, 1999 and is, and was at all times referred to herein, an attorney at law 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 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 practiced from law offices in Mecklenburg County and Gaston County, North Carolina.

KUDLATE'S AFFIDAVIT

4. Defendant's license to practice law in North Carolina was suspended on September 15, 2008 and remained suspended until it was reinstated on January 25, 2013.

5. In November 2009, Defendant was a friend of Robert Newton ("Newton").

6. On or about November 10, 2009, Newton met with Christine Kudlate ("Kudlate"), Executive Director of Patton Counseling Services, Inc. ("PCS"), an entity operating in Asheville, North Carolina. PCS operated from an office building.

7. As Newton was leaving the meeting with Kudlate on November 10, 2009, Newton was injured in a slip and fall incident while still on the premises of PCS's office building.

8. In April 2010, Defendant moved in with Newton.

9. In discussing Newton's injury, Defendant told Newton that Newton possibly had a lawsuit. Defendant suggested to Newton he should get an affidavit from Kudlate.

10. Between April 2010 and October 21, 2010 while Defendant's license to practice law was suspended, Defendant assisted Newton with the preparation of an affidavit for Kudlate to sign pertaining to Newton's presence at PCS on November 10, 2009 and the conditions that existed at the office building at the time Newton was injured.

11. The affidavit Defendant helped Newton draft was a legal document.

12. Between April 2010 and October 21, 2010 while Defendant's license to practice law was suspended, Defendant both communicated and met with Kudlate to discuss the affidavit and revisions that she wanted made to the affidavit. Kudlate signed the affidavit on October 21, 2010.

13. Defendant helped Newton obtain Kudate's affidavit to help Newton obtain compensation for his injuries.

14. Newton retained The Olive Law Firm on December 10, 2010 to represent him in recovering damages for his injuries sustained in the slip and fall incident.

15. Defendant had worked for The Olive Law Firm from 1999 to 2004.

16. Defendant was rehired by The Olive Law Firm in September 2012 and worked with the firm until Defendant's license to practice law was reinstated on January 25, 2013. Defendant continued to work with the firm after his license was reinstated.

17. On or about October 3, 2012, Newton filed a lawsuit against Kudlate and other defendants based on the November 10, 2009 incident, *Robert C. Newton and Joy Newton v. Personnel Properties, LLC., Patton Counseling Services, Inc., Patton Counseling Charities, Inc., and Christine Kudlate*, 12 CVS 4717 (Buncombe County) ("lawsuit").

18. The lawsuit was signed by Lee Olive ("Olive") for The Olive Law Firm, P.A.

19. Newton was deposed on February 27, 2013 for his lawsuit. Defendant appeared with Newton at Newton's deposition.

DONALD THOMPSON CASE

20. Defendant signed a contingent fee contract on or about February 2, 2014 to represent D.S. Thompson ("Thompson") concerning Thompson's potential claim arising from an incident on January 15, 2014 that took place at Friends Sports Bar and Grill ("the bar") in Belmont, North Carolina.

21. Thompson told Defendant that the bar had a security video and that there was a police report about the incident.

22. Defendant told Thompson that Defendant would get a copy of the video and police report.

23. Months passed and Thompson tried to contact Defendant about the progress of Thompson's case but Thompson did not get a response from Defendant.

24. After approximately a year passed, Thompson was able to speak with Defendant who told Thompson that the bar did not have any insurance. Defendant told Thompson that the most Thompson could get was a judgment.

25. Thompson told Defendant he wanted to get a judgment but Defendant told Thompson that Defendant was going to withdraw from Thompson's case.

26. On or about March 18, 2015, Defendant distributed letters notifying medical providers that he no longer represented Thompson.

27. On or about March 20, 2015, Thompson went to Defendant's office to get Thompson's file. Defendant would not deliver Thompson's file to Thompson without Thompson signing a statement acknowledging receipt of the file. Thompson refused to sign this acknowledgement and left Defendant's office.

28. After he contacted the State Bar's Attorney Client Assistance Program, Thompson on March 31, 2015 received a copy of his file in the mail.

29. Thompson filed a *pro se* action on April 6, 2015 against the bar in small claims court, *Thompson v. Friends Bar and Grill*, 15 CVM 1376 (Gaston County).

30. On or about May 12, 2015, Thompson settled his *pro se* action with the bar's insurance company for \$4,830.00.

31. Thompson filed a grievance with the North Carolina State Bar regarding Defendant's conduct while handling Thompson's case. The grievance was assigned number 15G0319.

32. In Defendant's response to the State Bar in 15G0319, Defendant stated that "the bar went out of business and would not respond to our requests for insurance information."

33. The bar did not go out of business and as of the filing of the Complaint in this matter the bar had an active web page and was in business.

34. Defendant produced the file in Thompson's case with his response in 15G0319. The file shows no substantial activity aimed at pursuing Thompson's claim after June 20, 2014.

DWI CASES

35. On June 3, 2009, Defendant entered a plea of guilty to the offense of driving while impaired ("DWI"), a violation of N.C. Gen. Stat. §138.1, in *State v. James M. Goard*, 09CRS2915 (Gaston County). The offense took place on February 13, 2009.

38. On July 2, 2015, Defendant was charged with DWI in Rowan County, North Carolina. On December 16, 2015, Defendant entered a plea of guilty to the offense of DWI – Level 2, a violation of N.C. Gen. Stat. §138.1, in *State v. James M. Goard*, 15CR53743 (Rowan County) and, among other sanctions, Defendant was placed on probation for 36 months.

39. On February 6, 2016 at approximately 10:22 pm, Defendant was operating his motor vehicle on Interstate 85 near Charlotte. At or about that time, Defendant passed another vehicle driven by RY.

40. As Defendant moved his vehicle back into RY's lane of travel, his vehicle collided with RY's causing Defendant's vehicle to roll several times.

41. The collision caused RY's vehicle to spin out.

42. RY saw only one person in the vehicle Defendant was operating. According to RY, Defendant got out of his vehicle and ran from the scene of the collision.

43. As a result of the February 6, 2016 collision, Defendant was charged with DWI reckless driving to endanger, driving while his license was revoked, and hit and run with property damage by Trooper D. Bowen of the North Carolina Highway Patrol. The DWI case was *State v. James M. Goard*, 16CR4452 (Mecklenburg County).

44. Trooper Bowen saw Defendant at a hospital at or about 12:30 am on February 7, 2016 and observed that Defendant was unable to stand, had cuts and scrapes, and had slurred/mumbled speech. Keys in Defendant's possession operated the ignition of Defendant's vehicle left at the scene of the collision.

45. Defendant admitted to Trooper Bowen that he was driving the vehicle and said he didn't want to hurt anyone.

46. A blood sample was obtained from Defendant following the collision.

47. The State Crime Lab did an immunoassay drug screen of Defendant's blood. The screen gave positive indications for benzodiazepines, opiates, cocaine metabolites, methadone and oxycodone/oxymorphone.

48. The State Crime Lab's analysis of Defendant's blood confirmed the presence of the following substances: Benzoylcegonine (a metabolite of cocaine), alprazolam, oxycodone, diazepam, nordiazepam, methadone and morphine.

49. In the opinion of Trooper Bowen, Defendant was extremely impaired on the night of the collision with RY's vehicle.

50. On or about March 9, 2016, Defendant was served with a letter of notice in grievance 15G0340. While that grievance addressed other conduct of Defendant, in Defendant's April 20, 2016 response to grievance 15G0340 he added a section captioned "ADDITIONAL DISCLOSURES" in which he discussed, in part, the February 6, 2016 DWI charge.

51. In Defendant's response to grievance 15G0340, Defendant stated that before the February 6, 2016 collision he went to a methadone clinic and was prescribed 70 mg of methadone. Defendant was on the medication at the time of the collision.

52. In Defendant's response to grievance 15G0340, Defendant further stated that during the February 6, 2016 collision he lost control of his vehicle and flipped six or seven times.

53. Defendant's response to grievance 15G0340 further states that he was charged with DWI, DWLR, careless and reckless driving, and leaving the scene of an accident arising from the incident described in the "additional disclosure."

54. On or about August 28, 2017, Defendant was served with a letter of notice in grievance 16G0232 inquiring about the February 6, 2016 DWI charge.

55. In his response to grievance 16G0232, Defendant stated that at the time of the collision he was riding in the passenger seat of his vehicle that was being driven by a friend when his vehicle was struck by another vehicle.

56. Defendant said his vehicle "flipped multiple times down interstate 85." The driver ran from the scene of the collision and Defendant followed the driver down an embankment.

57. Defendant committed the crime of DWI on February 6, 2016, a violation of N.C. Gen. Stat. §138.1.

58. All criminal charges resulting from the February 6, 2016 collision were dismissed because the lab report was not available and the State's motion to continue was denied .

Based upon the consent of the parties 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, James M. Goard, and over the subject matter.

2. Goard'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 assisting Newton with the drafting of an affidavit for Kudlate to be used by Newton in his efforts to recover damages for his injuries, and by communicating with Kudlate about an affidavit including discussing revisions she asked to be made, all while his license to practice law in North Carolina was suspended, Defendant engaged in the unauthorized practice of law in violation of Rule 5.5(a);
- (b) By failing to timely respond to Thompson's requests for a progress report about Thompson's case, Defendant failed to keep Thompson reasonably informed about the status of the matter, and failed to promptly comply with reasonable requests for information in violation of Rule 1.4(a)(3) and (4);
- (c) By failing to timely communicate with Thompson or to take any action in pursuit of Thompson's claim between July 2014 and March 2015, Defendant failed to act with reasonable diligence in violation of Rule 1.3;
- (d) By telling Thompson the bar did not have any insurance, Defendant made a misrepresentation in violation of Rule 8.4(c);
- (e) By stating in his response to the grievance inquiry that the bar went out of business, Defendant made a misrepresentation in violation of Rule 8.4(c);
- (f) By his conviction of DWI in *State v. James M. Goard*, 09CRS2915 (Gaston County), and his conviction of DWI in *State v. James M. Goard*, 15CR53743 (Rowan County), and his commission of DWI at the time of the February 6, 2016 collision, Defendant committed criminal acts that reflect adversely on Defendant's fitness as a lawyer in violation of Rule 8.4(b).

3. Goard's conduct, as set forth in the Findings of Fact above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(3) in that:

- (a) By stating in his response to 15G0319 that the bar went out of business, Defendant made a knowing misrepresentation of facts surrounding a charge of misconduct that was material to a disciplinary inquiry; and
- (b) By stating in his response to 16G0232 that he was a passenger in his vehicle and a friend was driving at the time of the February 6, 2016 collision, Defendant made a knowing misrepresentation of facts surrounding a charge of misconduct that was material to a disciplinary inquiry.

Additional Findings of Fact Regarding Discipline

1. The findings of fact in paragraphs 1 – 58 above are reincorporated as if set forth herein.

2. Defendant's conduct caused significant harm to the profession and the public's perception of the profession as Defendant's repeated acts of driving while impaired over an extended period are documented in court files of his criminal cases and some were the subject of media reports. The public expects that attorneys will abide by the law and Defendant's conduct shows his disregard for his obligation to obey the laws of this State.

3. Defendant's I-85 DWI, taking place after he had been convicted of DWI in two prior cases, involved a collision with another vehicle and Defendant fleeing from the scene to avoid detection for his unlawful conduct.

4. Defendant was on probation for a prior DWI conviction at the time he committed the I-85 DWI.

5. Defendant's past chronic substance abuse problem resulted in neglect of Thompson's legal matter and denied Thompson the level of professional services he reasonably expected when he agreed to hire Defendant as his attorney.

6. Defendant's misrepresentations the State Bar during the grievance process demonstrates Defendant's failure to participate in the self-regulation process which causes significant harm to the profession and the public's perception of the profession.

Based upon the Findings of Fact, Conclusions of Law, and Additional Findings Regarding Discipline, the hearing panel also enters the following:

Conclusions With Respect To Discipline

1. The Hearing Panel has carefully considered all of the different forms of discipline available to it. In doing so, the Hearing Panel has considered all of the factors enumerated in 27 N.C. Admin. Code 1B .0116(f)(1) and concludes that the following factors are present:

(a) Intent of the defendant to commit acts where the harm or potential harm is foreseeable;

(b) circumstances reflecting the defendant's lack of honesty, trustworthiness, or integrity;

(c) negative impact of the defendant's actions on client's or public' perception of the profession;

(d) effect of Defendant's conduct on third parties; and

(e) acts of dishonesty, misrepresentation, deceit, or fabrication.

2. The Hearing Panel has considered all of the factors enumerated in 27 N.C. Admin. Code 1B .0116(f)(2) and concludes that the following factor is present but does not warrant disbarment in this case given the totality of the circumstances:

- (a) Acts of dishonesty, misrepresentation, deceit, or fabrication.

3. The Hearing Panel has considered all of the factors enumerated in 27 N.C. Admin. Code 1B .0116(f)(3) and concludes the following factors are applicable in this matter:

- (a) Dishonest or selfish motive;
- (b) prior discipline for criminal contempt in 01CVD8298 (Mecklenburg County);
- (c) a pattern of misconduct;
- (d) multiple offenses;
- (e) effect of any personal or emotional problems on the conduct in questions;
- (f) effect of any personal or emotional disability or impairment on the conduct in question;
- (g) submission of false evidence, false statements, or other deceptive practices during the disciplinary process;
- (h) degree of experience in the practice of law; and
- (i) interim rehabilitation: since February 9, 2016, Defendant has been attending AA/NA/CA meetings on a daily basis; all drug testing of Defendant by the N.C. Department of Public Safety since that date has been negative.

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

5. The Hearing Panel has considered lesser alternatives and finds that a censure, reprimand or admonition would be insufficient discipline because of the harm and potential significant harm to Defendant's clients and the significant harm to the legal profession caused by Defendant's conduct.

6. The Hearing Panel finds that discipline short of suspension would not adequately protect the public, would fail to acknowledge the seriousness of the misconduct and would send the wrong message to attorneys and the public about the conduct expected of members of the Bar of this State.

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. Defendant, James M. Goard, is hereby SUSPENDED from the practice of law for five (5) years, effective sixty (60) days after this Order of discipline is served upon Defendant.

2. Defendant shall submit his license and membership card to the Secretary of the North Carolina State Bar no later than (30) days of the effective date of this Order.

3. Defendant shall comply with the wind down provisions contained in 27 N.C. Admin. Code 1B § .0128 of the Rules and Regulations of the North Carolina State Bar. Defendant shall file an affidavit with the Secretary of the North Carolina State Bar within thirty (30) days of the effective date of this Order, certifying he has complied with the wind down provisions.

4. Defendant shall obtain a mental health evaluation within thirty (30) days of the effective date of this order by a licensed and qualified psychiatrist or psychologist ("mental health professional") engaged by Defendant. The mental health professional Defendant engages to perform this evaluation shall be approved in advance by the North Carolina State Bar Office of Counsel. Prior to the evaluation, Defendant shall sign an authorization 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 simultaneously provide a copy of such signed authorization to the Office of Counsel and the mental health professional. Defendant shall direct the evaluating mental health professional to provide a written report of such evaluation and recommended treatment, if any, to the Office of Counsel within fifteen (15) days of the completion of the evaluation and in no event more than forty-five (45) days of the effective date of this Order of Discipline. Such evaluation shall contain an opinion as to whether Defendant is suffering from any addiction, substance abuse, or mental, psychological, or emotional condition. All expenses of such evaluation and report shall be borne by Defendant.

5. Defendant shall comply with all treatment recommendations of the evaluation described in paragraph 4 above. Defendant shall sign an authorization consenting to the release of any medical records and information related to Defendant's treatment to the Office of Counsel, and Defendant shall not revoke that release. Defendant shall simultaneously provide a copy of such signed authorization to the Office of Counsel and his treatment provider. Defendant shall direct his treatment provider to provide the Office of Counsel with a written report detailing Defendant's treatment plan. Defendant shall also direct his treatment provider to provide the Office of Counsel with quarterly written reports concerning Defendant's condition and compliance with the treatment plan. Such reports shall be received by the Office of Counsel each January 1, April 1, July 1 and October 1 for the time covered by this Order of Discipline. Defendant shall also comply with any and all requests from the Office of Counsel seeking updates on the status of his ongoing treatment within fifteen (15) days of receipt of such requests. All expenses of such treatment and reports shall be borne by Defendant.

6. Defendant shall not possess, use or consume any alcohol or controlled substances or any prescription drugs other than as authorized by his treating physician and obtained with a lawful prescription from a licensed pharmacy during the entire period of this suspension.

7. Defendant shall enroll in FSSolutions professional monitoring program or other service (hereinafter "monitoring program") agreed to in advance by the Office of Counsel of the North Carolina State Bar within thirty (30) days of the effective date of this Order of Discipline. Such monitoring shall be at Defendant's expense. Such monitoring will include random testing for alcohol and substances identified by the North Carolina State Bar. Such monitoring will include at least thirteen (13) random drug screens per year for the period of this suspension. Compliance shall include having no failures to test and having no positive test results that are not consistent with proper authorized use of a prescribed medication. The monitoring agreement with the monitoring program will require the monitoring program to report to the North Carolina State Bar the following: any failure of Defendant to submit a required testing sample at a location approved by the monitoring program when directed to do so by the monitoring program; any failure of Defendant to pay for a test; any attempt by Defendant to alter the required testing sample or impair the ability of the testing to detect alcohol, controlled substances and/or prescription medicines in his testing sample; and any positive test result. Defendant will sign all necessary releases or documents to allow such reporting and shall not revoke the release during the period of monitoring.

8. Defendant has chosen AA and/or NA as his treatment program(s). Defendant shall attend at least five AA or NA meetings per week beginning ten (10) days from the effective date of this order and work with a sponsor willing to make reports of Defendant's attendance to the North Carolina State Bar. Within fifteen (15) days of the effective date of this order, Defendant will notify the North Carolina State Bar of the identity and contact information for the sponsor with whom he will be working in the AA or NA program. Defendant will document his AA or NA meeting attendance to his sponsor in any manner required by the sponsor. Defendant will authorize and instruct his sponsor to provide monthly written reports to the North Carolina State Bar of the dates on which the sponsor verified that Defendant attended AA or NA meetings. The first such report shall be submitted to the North Carolina State Bar thirty (30) days from the effective date of this order and subsequent reports submitted on the tenth (10th) day of each month thereafter. Any cost associated with the attendance or report shall be borne by Defendant.

9. Defendant shall comply with all the terms and conditions of any probationary sentence he is serving and any court order modifying those terms or conditions.

10. Defendant shall not violate the laws of the United States, any state, or the provisions of the Rules of Professional Conduct during the period of his suspension.

11. Defendant shall keep the North Carolina State Bar membership department advised of his current home and business street (not P.O. Box) addresses and telephone numbers.

12. Defendant shall respond to all State Bar requests for information as required by Rule 8.1(b) of the Rules of Professional Conduct by the deadline stated in the communication.

13. Defendant shall pay the administrative fees and costs of this disciplinary proceeding within six (6) months of service of the statement of fees and costs upon him by the Secretary of the North Carolina State Bar.

14. After serving an active suspension of two (2) years from the effective date of this Order of Discipline, the remainder of the suspension may be stayed upon the filing of a motion pursuant to 27 N.C.A.C. 1B§ .0118(c) of the North Carolina State Bar Discipline and Disability Rules demonstrating compliance with the requirements therein and with paragraphs 2-13 above. Defendant may file a motion for a stay up to sixty (60) days prior to the end of the two-year period but no stay of the suspension shall be entered prior to the expiration of at least two (2) years of this suspension. If Defendant is granted a stay, the suspension of his law license shall be stayed only so long as he complies and continues to comply during the period of the stay with paragraphs 5-12 above.

15. If Defendant fails to comply with any of the conditions of the stayed suspension provided in paragraph 5-12 above, the stay of the suspension may be lifted as provided in 27 N.C.A.C. 1B §.0118(a) of the North Carolina State Bar Discipline and Disability Rules.

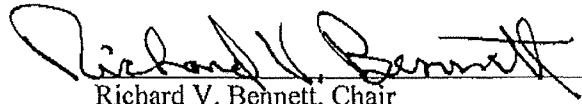
16. If the stay of the suspension is lifted and the suspension is activated for any reason, Defendant may apply for reinstatement after serving the activated suspension by filing a petition pursuant to 27 N.C.A.C. 1B § .0129(b) of the North Carolina State Bar Discipline and Disability Rules demonstrating compliance with the requirements therein as well as any requirements in the order activating the suspension and the following requirements by clear, cogent, and convincing evidence establishing that:

- (a) Defendant submitted his license and membership card to the Secretary of the North Carolina State Bar within thirty (30) days after the date of the order lifting the stay and/or activating the suspension of his law license;
- (b) Defendant complied with all provisions of 27 N.C.A.C. 1B § .0128 of the State Bar Discipline and Disability Rules following the order lifting the stay and/or activating the suspension of his law license;
- (c) Defendant timely paid all administrative fees and costs assessed against him;
- (d) Defendant kept the North Carolina State Bar Membership Department advised of his current address and notified the State Bar of any change in address within ten (10) days of such change;
- (e) Defendant responded to all communications from the North Carolina State Bar within fifteen (15) days of receipt of the communication or by the deadline stated in the communication;
- (f) Defendant timely complied with all State Bar membership and CLE requirements, and timely paid all dues, costs, fees or assessments related thereto; and

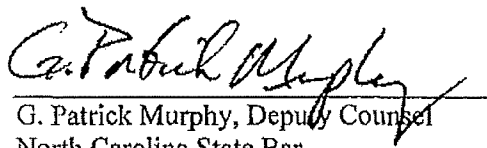
- (g) Defendant has not violated the Rules of Professional Conduct or the laws of the United States or of any state or local government during his suspension.

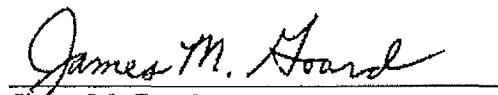
17. If Defendant fails to fully comply with 27 N.C.A.C. 1B § .0128 at any point when he is obligated to do so as a result of the discipline imposed in this case, Defendant shall reimburse the State Bar for all expenses incurred by the State Bar in winding down his practice. Such expenses may include, 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 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 Defendant's last known address of record with the North Carolina State Bar. Defendant shall not be eligible for reinstatement until he has reimbursed the State Bar for all wind-down expenses incurred.

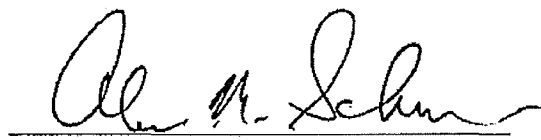
12th Signed by the Chair with the consent of the other Hearing Panel members, this the
day of April, 2019.


Richard V. Bennett, Chair
Disciplinary Hearing Panel

WE CONSENT:


G. Patrick Murphy, Deputy Counsel
North Carolina State Bar
Attorney for Plaintiff


James M. Goard, Attorney
Defendant


Alan M. Schneider
Attorney for Defendant