

NORTH CAROLINA  
WAKE COUNTY



BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
15 DHC 51 & 17 BSR 4

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

MICHELLE A HICKERSON,  
Defendant/Petitioner

ORDER STAYING SUSPENSION

THIS MATTER is before a Hearing Panel of the Disciplinary Hearing Commission composed of Fred M. Morelock, Chair, Shirley L. Fulton, and Bradley Lail pursuant to a Petition for Stay filed by Petitioner Michelle A. Hickerson<sup>1</sup> on 22 February 2017.

Based upon a review of the records of the Disciplinary Hearing Commission, the Hearing Panel makes the following:

#### FINDINGS OF FACT

1. Pursuant to a consent Order of Discipline filed in this matter on 12 February 2016, Hickerson was suspended from the practice of law for five years.
2. The effective date of the Order of Discipline was 19 March 2016.
3. The Order of Discipline provided that Hickerson would be eligible to seek a stay of any remaining period of suspension after serving one year of active suspension and upon compliance with conditions stated in the Order of Discipline.
4. As of 19 March 2017, Hickerson had served one year of active suspension.
5. Hickerson filed a verified petition on 22 February 2017 requesting a stay of the remaining period of her suspension and seeking reinstatement to active status subject to conditions and requirements set forth in the Order of Discipline.
6. The Order of Discipline requires that Hickerson be in compliance with conditions set out therein to qualify for a stay of the remaining period of suspension.

<sup>1</sup> AKA Michelle Caron Gay. For consistency with the original caption of this case, Ms. Gay will be referred to herein as "Hickerson."

7. In her verified petition, Hickerson certified that she has satisfied all of the conditions in the Order of Discipline for a stay of the remaining period of her suspension.

8. After conducting an investigation of Hickerson's compliance with the requirements set forth in 27 N.C.A.C. 1B § .0125(b) and the conditions in the Order of Discipline, counsel for the North Carolina State Bar did not file an objection to Hickerson's petition for stay of the suspension.

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

#### CONCLUSIONS OF LAW

1. All parties are properly before the Disciplinary Hearing Commission and the Disciplinary Hearing Commission has jurisdiction over Petitioner, Michelle A. Hickerson, and the subject matter of this proceeding.

2. Hickerson has satisfied the requirements set forth in Rule .0125(b) and the conditions in the Order of Discipline for a stay of her suspension and reinstatement to active status, subject to Hickerson's continued compliance with the conditions set forth in paragraphs 7(d) through 7(h)<sup>2</sup> on pages 8-9 of the 12 February 2016 Order of Discipline.

THEREFORE, it is hereby ORDERED:

1. Hickerson's 22 February 2017 Petition for Stay is ALLOWED, the balance of the suspension of her law license is stayed, and she shall be permitted to resume practicing law subject to the conditions set forth in paragraph 2, below.

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

- a. Hickerson shall keep her address of record current with the State Bar and respond to all letters of notice and requests for information from the State Bar by the deadline stated in the communication;
- b. Hickerson shall timely comply with her State Bar membership and continuing legal education requirements and pay all fees and costs assessed by the applicable deadline;
- c. Hickerson shall participate fully and timely in the fee dispute resolution process when notified of any petitions for resolution of disputed fees;
- d. Hickerson shall not violate the laws of the United States or any state or local government, other than minor traffic violations; and

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<sup>2</sup> The conditions in paragraphs 7(a), (b), and (c) are no longer applicable, in that they related to compliance with, and monitoring of, recommended mental health treatment: Hickerson participated in the evaluation described in paragraph 5(b) on page 7 of the Order of Discipline, and the evaluator did not recommend ongoing treatment.

e. Hickerson shall not violate any provision of the Rules of Professional Conduct.

3. If Hickerson fails to comply with any one or more of the conditions stated in Paragraph 2 above, then the stay of the suspension of her law license may be lifted as provided in § .0114(x) of the North Carolina State Bar Discipline and Disability Rules. If the stay granted herein is lifted or the suspension of Hickerson's license is activated for any reason, before seeking reinstatement or a subsequent stay Hickerson must show by clear, cogent, and convincing evidence that she is in compliance with 27 N.C.A.C. 1B § .0125 and has complied with the following conditions during the active suspension:

- a. That she has kept the North Carolina State Bar Membership Department advised of his current business and home addresses and notified the State Bar of any change in address within ten days of such change;
- b. That she has accepted all certified mail from the North Carolina State Bar, responded to all communications from the State Bar by the deadline stated in the communication, and participated in good faith in the State Bar's fee dispute resolution process for any petition received after the effective date of this Order;
- c. That she has not violated the Rules of Professional Conduct or the laws of the United States or any state or local government during his suspension, other than minor traffic violations;
- d. That she properly wound down his law practice and complied with the requirements of §.0124 of the North Carolina State Bar Discipline and Disability Rules.

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

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

Signed by the undersigned Chair with the knowledge and consent of the other members of the Hearing Panel, the 20<sup>th</sup> of March, 2017.

  
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Fred M. Morelock, Chair  
Disciplinary Hearing Panel