

FILED

STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE
COUNTY OF STANLY 99 MAY 18 AM 11 DISTRICT COURT DIVISION

STANLY COUNTY, C.S.C. 99-CVD-441

BY _____)

IN RE:)

ORDER OF SUSPENSION)

CATRINA MERCER)

This matter coming before the Honorable Ronald W. Burris, Chief District Court Judge, on the 18th day of May 1999 on the Court's own Motion and Order to Appear and Show Cause filed on May 6, 1999. Clayton W. Davidson, III appeared to prosecute this matter pursuant the Court's previous order. Catrina Mercer consented to the entry of this order. Based on the pleadings filed in this matter and the evidence presented at the hearing, the Court makes the following:

FINDINGS OF FACT

1. Scott Wayne Dabbs ("Dabbs") was charged in Stanly County with Assault on a Female, to wit: Melanie Efird, aka Meldody Efird, file number 99-CR-1934.
2. After being found not indigent on April 17, 1999, Dabbs was granted a continuance to obtain counsel until May 5, 1999.
3. On May 5, 1999, Catrina Mercer called Carolyn Parker, District Courtroom Criminal Clerk of Stanly County, and stated that she represented Dabbs. Ms. Mercer stated that she was going to be late for court and requested that the case be held open until she arrived.
4. The Respondent and prosecuting witnesses, plus additional witnesses, appeared at calendar call on May 5, 1999.
5. Ms. Mercer never appeared in Stanly County District Court on May 5, 1999.
6. The Respondent, Scott Wayne Dabbs, announced in open court that Catrina Mercer was his attorney, that he had met with her on the previous Friday, and that she had stated to him that she would appear in court on May 5, 1999.
7. The Court directed Carolyn Parker to attempt to contact Ms. Mercer.

8. Ms. Parker attempted to contact Ms. Mercer numerous times at her office telephone, but no one answered the phone, and Ms. Parker was unable to leave a message because the answering machine indicated that the machine was full and was unable to accept additional messages.
9. The criminal matter was held open until the end of the session. Both the Respondent and the prosecuting witness protested continuing the matter and having to miss another day of work; however, the Court continued the matter until May 26, 1999, due solely to the absence of Catrina Mercer because all other parties were present.
10. On prior occasions, Catrina Mercer has failed to appear in Court on behalf of her clients when matters were scheduled for hearing, and has failed to keep the Court informed of her whereabouts after having been directed to do so by the Court, which actions have resulted in interference with the business of the Court.
11. Mercer has engaged in a pattern and practice of refusing to respond to clients' telephone calls, has failed to keep appointments with clients, and has otherwise engaged in a pattern and practice of failing to maintain communications with clients concerning the client matters.
12. Mercer's right to practice before the Bankruptcy Court of the Western District of North Carolina has been revoked by order dated April 15, 1999.
13. An order suspending Mercer's right to practice is necessary to protect the clients of Mercer from further neglect.
14. On prior occasions the Judges of the District Court of the Twentieth Judicial District have counseled with and admonished the Respondent regarding her chronic deficiency in maintaining communications with the Court and her clients regarding her appearance and representations of said clients in Court and a pattern of disregarding her obligations therein to the Court and clients; and that such chronic conduct directly impairs the respect and authority of the Court, results in substantial interference with the business of the Court and is prejudicial to the administration of justice.

Now, therefore, based on the foregoing findings of fact, the court makes the following:

CONCLUSIONS OF LAW

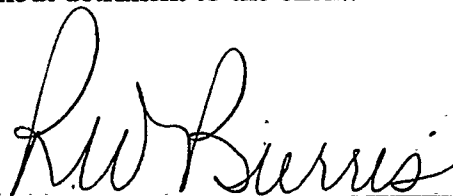
1. The Respondent's conduct as stated above directly impairs the respect and authority of this Court and is prejudicial to the administration of justice, in violation of Rule 8.4(d) and constitutes failure to act with reasonable diligence and promptness in violation of Rule 1.3.

2. This Court has the authority to issue orders disciplining or disbarring attorneys pursuant to its inherent authority to regulate the conduct of attorneys.
3. A temporary interim suspension of Catrina Mercer's license to practice law in the State of North Carolina is necessary to protect the public from the risk of harm inherent in Ms. Mercer's inability to perform her functions as an attorney.

WHEREBY IT IS HEREBY ORDERED AS FOLLOWS:

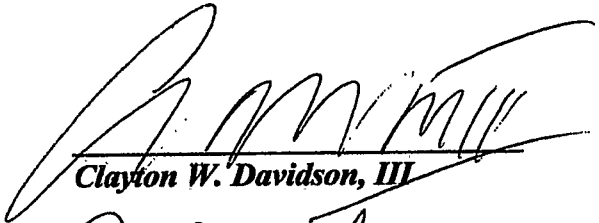
1. Catrina Mercer's right to practice in the District Courts of the Twentieth Judicial District is hereby suspended until further orders of this Court.
2. Catrina Mercer's license to practice law in the state of North Carolina is hereby temporarily suspended until such time as a hearing before the Disciplinary Hearing Commission of the North Carolina State Bar can be held on the matters complained of in this order, and any other matters which are appropriate for hearing. The North Carolina State Bar is hereby directed to file a complaint with the Disciplinary Hearing Commission within thirty days of the date of this order as to the matters at issue in this proceeding, and shall report back to this Court as to the status of any such action within ninety (90) days of the date of this order, and upon such other occasions as the Court may direct. The court retains jurisdiction and may on its own motion enter an order modifying this interim suspension as the interests of justice may require.
3. This is an interim suspension pending a determination of the appropriate discipline by the Disciplinary Hearing Commission. Nothing in this order shall act as *res judicata*, *collateral estoppel*, or otherwise prohibit the Disciplinary Hearing Commission from entering further discipline based on the conduct at issue in these proceedings.
4. No service of this order on the Respondent shall be required, and the suspension will become effective thirty days after the filing of this order. The Respondent shall comply with the Obligations of Disbarred or Suspended Attorneys as provided in the Discipline and Disability Rules of the North Carolina State Bar, 27 NC Admin. Code Chapter 1 Subchapter B § .0124; provided however, that the Office of Counsel may grant the Respondent an extension of up to ninety days to complete any client matter which the client has asked the Respondent to complete, and which is likely to be concluded within the additional ninety day period without detriment to the client.

This 18 day of May 1999.



Ronald W. Burris
Chief District Court Judge
20th Judicial District

CONSENTED TO:


Clayton W. Davidson, III


Carina H. Merces