

STATE OF NORTH CAROLINA
WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
18 DHC 28R

THE NORTH CAROLINA STATE BAR,
Plaintiff

v.

CHRISTOPHER ALBERT STELLA,
Attorney,
Defendant

ORDER STAYING REMAINDER
OF SUSPENSION

THIS MATTER was considered by a hearing panel of the Disciplinary Hearing Commission (“DHC”) composed of Stephanie N. Davis, Chair, and members Margit Monaco Hicks and Holly Audette, pursuant to 27 N.C. Admin. Code 1B § .0118(c)(1) of the Rules and Regulations of the North Carolina State Bar. Plaintiff was represented by Barry S. McNeill, Deputy Counsel. Defendant, Christopher Albert Stella (“Defendant” or “Stella”), was represented by Robert O. Crawford, III, Raleigh, North Carolina. On January 27, 2021, Defendant filed a verified Motion for Stay of the remaining period of his active suspension (“Motion”). The Plaintiff, the North Carolina State Bar (“State Bar”), pursuant to 27 N.C. Admin. Code 1B §§ .0118(c)(3), responded on February 15, 2021 that Defendant had complied with the conditions of reinstatement and the conditions specified in the Consent Order of Discipline (“Consent Order”) filed on January 29, 2019.

Based upon Defendant’s pleading and attachments and the matters of record, the hearing panel hereby makes, by clear, cogent and convincing evidence, the following

FINDINGS OF FACT

1. Defendant/Movant, Christopher Albert Stella (“Stella” or “Defendant”), was admitted to the State Bar on October 10, 2017, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina until his active suspension as noted below.

2. On January 29, 2019, a DHC panel filed a Consent Order of Discipline (“Consent Order”) suspending Defendant for a period of three years, effective 30 days from service of the Consent Order upon Defendant.

3. The Consent Order provided that after 18 months, Defendant could apply for a stay of the remaining period of suspension by filing a motion demonstrating by clear, cogent and convincing evidence that Defendant has met all requirements for a stay and

reinstatement set out in 27 N.C. Admin. Code 1B § .0128 and in 27 N.C. Admin. Code 1B § .0129, as well as certain specified conditions.

4. Defendant accepted service of the Consent Order, via his legal counsel, on January 29, 2019, and therefore Defendant's three-year DHC suspension became effective on February 28, 2019.

5. Defendant became eligible to seek a stay of the remaining period of suspension on September 1, 2020, 18 months from the effective date of his suspension.

6. Under 27 N.C. Admin. Code 1B § .0118(c)(1), Defendant's Motion is not premature.

7. Pursuant to 27 N.C. Admin. Code 1B § .0118(c)(2), as well as the express language in the Consent Order, Defendant has the burden of proving compliance with each condition by clear, cogent, and convincing evidence. Defendant's Motion also must identify each condition for stay and state how the Defendant has met each condition. Defendant must attach supporting documentation establishing compliance with each condition.

8. A review of Defendant's Motion and supporting documentation, as well as Plaintiff's independent review of its records shows that Defendant has complied with all of the conditions for obtaining a stay of the remaining portion of his suspension.

9. Given Defendant's compliance, the parties have submitted for the panel's consideration a proposed Consent Order granting Defendant's Motion.

10. Pursuant to its authority under 27 N.C. Admin. Code 1B § .0118(e), the panel could impose modified and/or additional conditions for Defendant's eligibility for a stay during his period of suspension but deems such modified and/or additional conditions unnecessary (except as set forth below).

Based upon 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/Movant, Christopher Albert Stella, and the subject matter of this proceeding.

2. Defendant has shown by clear, cogent and convincing evidence his compliance and/or substantial compliance with the conditions for staying the remainder of his three-year suspension.

3. The panel accepts the parties' proposed Consent Order granting the Defendant's Motion.

Based upon the foregoing Findings of Fact and Conclusions of Law, the hearing panel enters the following

ORDER

1. A stay of the remaining portion of Defendant's three-year suspension is hereby ordered, and Defendant is hereby reinstated to practice law in North Carolina effective February 24, 2021 upon the filing of this Order.

2. The conditions of the original Consent Order are modified as follows: the stay of his suspension will remain in effect only if Defendant complies, and continues to comply, during the remainder of the stay of his suspension with the following conditions:

- a. Defendant keeps the Membership Department of the State Bar informed of his current information for his physical address (not a Post Office box), telephone number, and e-mail address throughout the period of his stayed suspension;
- b. Defendant accepts all certified mail from the State Bar sent to the address on record with the Membership Department of the State Bar throughout the period of his stayed suspension;
- c. Defendant responds to all letters of notice and requests for information, if any, from the State Bar by the deadline stated therein with full and complete responses and all requested documentation throughout the period of his stayed suspension;
- d. Defendant complies with CLE or membership obligations throughout the period of his stayed suspension;
- e. Defendant does not violate any of the Rules of Professional Conduct in effect during the period of his stayed suspension; and,
- f. Defendant does not violate any laws of the State of North Carolina or of the United States during the period of his stayed suspension.

3. Unless Defendant's obligations under the original Consent Order are modified by further order of the DHC, Defendant's obligations under the original Consent Order and this Consent Order end three years from the effective date of the original Consent Order (on February 28, 2022) provided there are no motions or show cause proceedings pending alleging lack of compliance with the conditions of the stay of the suspension. Pursuant to 27 N.C. Admin. Code 1B § .0118(b) of the Rules and Regulations of the North Carolina State Bar, the DHC retains jurisdiction until all conditions of the stay of the suspension have been met. If a motion or show cause proceeding alleging lack of compliance with the conditions for the stay of the suspension is pending when the period of the stay of the suspension would otherwise have terminated, the DHC retains the jurisdiction and ability to lift the stay of the suspension and activate the remaining

suspension time in whole or in part if it finds that any of the conditions of the stay have not been met. The stay of the suspension and Defendant's obligation to comply with the conditions for the stay will continue until resolution of any pending motion or show cause proceeding.

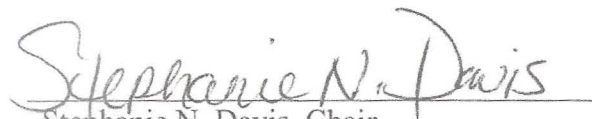
4. If an order staying any period of this suspension is entered and the Defendant fails to comply with any one or more of the conditions stated in Paragraph 2 above, then the stay of the suspension of his law license may be lifted as provided in 27 N.C. Admin. Code 1B § .0114(x) of the Rules and Regulations of the North Carolina State Bar.

5. 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 an application for reinstatement demonstrating by clear, cogent, and convincing evidence the following:

- a. Compliance with the general provisions for reinstatement listed in 27 N.C. Admin. Code 1B § .0129(b) of the Rules and Regulations of the North Carolina State Bar; and
- b. Compliance with the conditions set out in Paragraph 2 (a) – (f) above.

6. Pursuant to 27 N.C. Admin. Code 1B § .0118(e), Defendant is taxed with the costs and administrative fees for this proceeding.

24th Signed by the Chair with the consent of the other hearing panel members, this the day of February, 2021.


Stephanie N. Davis, Chair
Disciplinary Hearing Panel