

STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
14 DHC 10

THE NORTH CAROLINA STATE BAR,
Plaintiff,

v.

RONNA DAWN GIBBS, Attorney
Defendant.

CONSENT ORDER OF DISCIPLINE

This matter came before a hearing panel of the Disciplinary Hearing Commission composed of Sharon B. Alexander, Chair, Renny W. Deese, and Randy A. Moreau. Margaret T. Cloutier represented Plaintiff, the North Carolina State Bar. Defendant, Ronna Dawn Gibbs, was represented by Dudley A. Witt. Defendant waives a formal hearing in this matter. The parties stipulate and agree to the findings of fact and conclusions of law recited in this consent order. The parties consent to the discipline imposed by this order. By consenting to the entry of this order, Defendant knowingly, freely and voluntarily waives her right to appeal this consent order or to challenge in any way the sufficiency of the findings. Based on the foregoing and on 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, 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 promulgated thereunder.

2. Defendant, Ronna Dawn Gibbs ("Gibbs" or "Defendant"), was admitted to the North Carolina State Bar in August 1989 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, Gibbs was engaged in the practice of law in the State of North Carolina and maintained a law office in Havelock, Craven County, North Carolina.

4. On December 1, 2005 Gibbs was transferred to disability inactive status by consent (05D0002). Gibbs has remained on disability inactive status since that time and has not engaged in the practice of law. By order entered contemporaneously herewith, Gibbs is transferred to active status.

5. In mid-August 2004 Nathan L. Williams retained Gibbs to defend him against a domestic action his wife initiated. Gibbs did not file responsive pleadings on Williams' behalf.

6. Gibbs was generally uncommunicative with Williams concerning the status of his case, and did not return any phone calls after September 17, 2004.

7. On October 5, 2004 a hearing was held to address temporary custody, child support and other matters. Gibbs informed Williams that it was not necessary for him to attend the hearing.

8. Gibbs was present at calendar call but did not return to the courtroom for the hearing. The hearing was held without Williams' or Gibbs' participation and resulted in a ruling adverse to Williams.

9. In 2004 Cynthia Fountain hired Gibbs to represent her on a DWI.

10. During the representation, Gibbs continued Fountain's case several times without informing Fountain of the new court dates. Gibbs failed to respond to Fountain's phone calls, letters or attempts to schedule office appointments to discuss her case.

11. On July 14, 2005 Fountain terminated Respondent's representation and subsequently filed a petition for fee dispute resolution with the State Bar.

12. Gibbs failed to properly respond to the fee dispute filed by Fountain.

13. In June 2004 Danny Becton hired Gibbs for representation on a speeding ticket.

14. Becton subsequently filed a petition for fee dispute resolution with the State Bar.

15. Gibbs failed to properly respond to the fee dispute filed by Becton.

16. In January 2004 Wendy M. Hench retained Gibbs for representation in a domestic matter.

17. After obtaining an unfavorable result in her domestic case, Hench asked Gibbs to file an appeal. Hench paid Gibbs a portion of the fee quoted by Gibbs to handle the appeal.

18. Thereafter Hench requested that Gibbs withdraw from her appeal and refund the money Hench had already paid. Gibbs failed to refund any money to Hench.

19. On June 10, 2005 Hench filed a petition for fee dispute resolution with the State Bar.

20. Gibbs failed to properly respond to the fee dispute filed by Hench.

21. On May 2, 2005 Patricia A. Stiltner hired Gibbs for representation on several traffic charges.

22. Gibbs continued Stiltner's cases on two occasions without notifying Stiltner.

23. Gibbs failed to attend appointments Stiltner scheduled at Gibb's office and did not respond to Stiltner's various attempts to communicate with Gibbs concerning the status of her case.
24. On July 8, 2005 Stiltner filed a petition for fee dispute resolution with the State Bar.
25. Gibbs failed to properly respond to the fee dispute filed by Stiltner.
26. In October 2004 Shelly Spaulding hired Gibbs for representation in a domestic matter.
27. Gibbs was unresponsive to Spaulding's attempts to communication about her case.
28. On several occasions Gibbs did not attend scheduled appointments with Spaulding.
29. Gibbs did not complete the work required to be performed in Spaulding's case.
30. Spaulding then discovered that Gibbs had closed her office and disconnected her phone.
31. In June 2005 Gibbs filed bankruptcy petitions on behalf of her clients L. W. D. and D. & M. V. The Bankruptcy judge questioned the amount of fees Gibbs charged those clients.
32. Gibbs failed to refund a portion of her fees to those clients and failed to communicate with the court. The Bankruptcy judge subsequently ordered Gibbs to appear and show cause why a portion of her attorney's fees should not be disgorged.
33. Gibbs failed to appear at the August 31, 2005 show cause hearing. On September 1, 2005 the court ordered Gibbs to disgorge the fees she received in those cases. Gibbs did not comply with the court order on a timely basis.
34. On April 20, 2005 Gibbs filed a petition for bankruptcy on behalf of her client P. J. M.
35. Gibbs did not respond to a motion objecting to the discharge of P. J. M.'s bankruptcy filed by his ex-wife and failed to attend the hearing on the motion. As a result, P. J. M.'s bankruptcy discharge was denied.
36. Gibbs filed petitions for bankruptcy on behalf of her clients D. H., W. R., F. M., R. H., J. & J. R., and C. L.-F.

37. The bankruptcy trustee notified Gibbs that the petitions were inaccurate but Gibbs failed to file the required amendments.
38. On November 1, 2005 D. H. filed a petition for fee dispute resolution with the State Bar.
39. Gibbs failed to properly respond to the fee dispute filed by D. H.
40. On May 27, 2004 JoAnna M. Wishon hired Gibbs for representation in a custody matter.
41. Wishon's case was delayed for a year while her ex-husband attended to military obligations. In March 2005 when Wishon made efforts to contact Gibbs, Gibbs did not respond to her phone calls and canceled three appointments Wishon had scheduled.
42. On September 28, 2005 Wishon filed a petition for fee dispute resolution with the State Bar.
43. Gibbs failed to properly respond to the fee dispute filed by Wishon.
44. On June 22, 2004 Kim Nguyen hired Gibbs to sue a contractor.
45. Six months passed with no communication from Gibbs.
46. In July 2005 Gibbs told Nguyen that Gibbs had filed suit and the court date was scheduled for August 26, 2005. Nguyen appeared in court on August 26 and learned Gibbs had not filed suit on her behalf.
47. Nguyen attempted numerous times to contact Gibbs but Gibbs did not respond.
48. On October 10, 2005 Nguyen filed a petition for fee dispute resolution with the State Bar.
49. Gibbs failed to properly respond to the fee dispute filed by Nguyen.
50. On or about April 5, 2005 Carol Ann Bialkowski hired Gibbs for representation on a DUI charge.
51. Bialkowski called Gibbs' office numerous times to discuss her case and was eventually advised Gibbs was closing her office. Bialkowski left Gibbs several voicemails requesting a refund of attorney's fees and for her to withdraw from her case.
52. On October 6, 2005 Bialkowski appeared in court and once again informed Gibbs she wished to terminate her services and wanted a refund. Gibbs did not refund Bialkowski's money.
53. On October 14, 2005 Bialkowski filed a petition for fee dispute resolution with the State Bar.

54. Gibbs failed to properly respond to the fee dispute filed by Bialkowski.
55. In September 2004 Jeffrey S. Melton hired Gibbs to pursue bankruptcy on his behalf.
56. Melton was deployed overseas with the Marine Corps and unable to attend the Debtor's § 341 meeting. Gibbs failed to attend Melton's Debtor's § 341 meeting or request a continuance and, as a result, Melton's bankruptcy was dismissed.
57. Melton attempted to contact Gibbs about reopening his case but Gibbs did not reopen Melton's case.
58. After several months with no action, Melton requested that Gibbs refund his attorney's fees. Gibbs did not refund Melton's money.
59. On October 20, 2005 Melton filed a petition for fee dispute resolution with the State Bar.
60. Gibbs failed to properly respond to the fee dispute filed by Melton.
61. In February 2005 Tommy Joyce hired Gibbs for representation on traffic charges.
62. Joyce attempted to contact Gibbs numerous times regarding the status of his case. Gibbs did not return Joyce's calls.
63. Joyce requested that Gibbs withdraw from his case and refund the fees paid to Gibbs. Gibbs did not return Joyce's money.
64. On October 27, 2005 Joyce filed a petition for fee dispute resolution with the State Bar.
65. Gibbs failed to properly respond to the fee dispute filed by Joyce.
66. In 2005 Gibbs filed bankruptcy petitions on behalf of D. & A. H., S. & A. G. and J. & C. N. Gibbs failed to pay the bankruptcy filing fees for those petitions on a timely basis.
67. Bryana Locklear hired Gibbs for representation on a personal injury matter arising out of a 1998 auto accident.
68. Gibbs failed to take appropriate action to protect Locklear's claim before the statute of limitations expired in Locklear's case.
69. In 2004 Gibbs would not return Locklear's phone calls. In the summer of 2005 Locklear discovered Gibbs' office and home phone had been disconnected.

Based on the foregoing Findings of Fact and with the consent of the parties, the Hearing Panel makes the following:

CONCLUSIONS OF LAW

1. All parties are properly before the Hearing Panel and the Panel has jurisdiction over Defendant, Ronna Dawn Gibbs, 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 properly file legal documents or otherwise perform legal services she was hired to perform by Williams, Spaulding, P. J. M., D. H., W. R., F. M., R. H., J. & J. R., C. L.-F., Nguyen, Bialkowski, Melton, and Locklear, and by failing to attend scheduled hearings for Williams, P. J. M., and Melton, Gibbs failed to act with reasonable diligence and promptness in violation of Rule 1.3;
 - (b) By failing to respond to phone calls, inquiries, and communications of Williams, Fountain, Stiltner, Spaulding, Wishon, Nguyen, Bialkowski, Melton, Joyce, and Locklear, Gibbs failed to keep her clients reasonably informed about the status of their matters 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 failing to inform Fountain and Stiltner of their new court dates and to keep scheduled appointments with Spaulding and Wishon, Gibbs failed to keep her 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);
 - (d) By failing to respond to the notices of mandatory fee dispute resolution sent to Gibbs by the State Bar in the disputes filed by Fountain, Becton, Hench, Stiltner, D. H., Wishon, Nguyen, Bialkowski, Melton, and Joyce, Gibbs failed to participate in good faith in the fee dispute resolution process in violation of Rule 1.5(f)(2);
 - (e) By failing to appear at the show cause hearing in L. W. D.'s and D. & M. V.'s bankruptcy cases and failing to comply with the court order on a timely basis, Gibbs engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d);
 - (f) By telling Nguyen that she had filed a lawsuit on her behalf when she had not, Gibbs engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c); and
 - (g) By failing to timely submit the filing fees to the bankruptcy court in the cases of D. & A. H., S. & A. G. and J. & C. N., Gibbs failed to act with reasonable diligence and promptness in representing a client in violation of Rule 1.3.

Based on the foregoing Findings of Fact and Conclusions of Law and the consent of the parties, the Hearing Panel makes the following:

FINDINGS REGARDING DISCIPLINE

1. During the time of these violations, Gibbs was dealing with serious personal problems, including the illness and hospitalization of her young daughter.
2. The personal problems experienced by Gibbs contributed to the deterioration of Gibbs' mental health. Gibbs suffered from a major depressive disorder and from symptoms of post traumatic stress. Gibbs' mental health issues were a major contributing factor to her neglect of client cases.
3. Gibbs consented to an order transferring her law license to disability inactive status in November 2005.
4. During the time Gibbs was on disability inactive status, she sought appropriate mental health treatment. She was gainfully employed as a paralegal and taught paralegal studies classes at a community college.
5. Gibbs depression is currently in remission and she no longer suffers the symptoms of post traumatic stress. Gibbs' law license has been returned to active status by order entered contemporaneously herewith.
6. Gibbs has been cooperative with the State Bar's investigation, acknowledged wrongdoing, and expressed remorse.
7. Gibbs was admonished by the Grievance Committee of the North Carolina State Bar in 1998 for violations regarding advertising.
8. Because of Gibbs' neglect of her clients' matters, those clients had to hire other attorneys to handle their matters and pay those attorneys for services for which they had already paid Gibbs.
9. Gibbs' clients relied on her to attend to their legal matters and her failure to do so left them vulnerable.
10. Gibbs's neglect caused the bankruptcy court to expend its resources to issue show cause orders and to hold hearings pursuant to those orders.

Based on the foregoing Findings of Fact, Conclusions of Law, Findings of Fact Regarding Discipline, and the consent of the parties, 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 has considered all of the factors enumerated in 27 N.C.A.C. 1B § .0114(w)(1) and determined the following factors are applicable:

- (a) Intent of the defendant to commit acts where the potential harm was foreseeable;
- (b) Circumstances reflecting defendant's lack of honesty, trustworthiness or integrity;
- (c) Negative impact of defendant's actions on client's or public's perception of the profession;
- (d) Negative impact of the defendant's actions on the administration of justice;
- (e) Impairment of the client's ability to achieve the goals of the representation; and
- (f) Effect of defendant's conduct on third parties.

3. The Hearing Panel has considered the factors enumerated in 27 N.C.A.C. 1B §.0114(w)(2) of the Rules and Regulations of the North Carolina State Bar and determines that although some factors are present the circumstances of this case do not warrant disbarment in order to protect the public.

4. The Hearing Panel has considered all of the factors enumerated in 27 N.C.A.C. 1B §.0114(w)(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) Absence of dishonest or selfish motive;
- (c) A pattern of misconduct;
- (d) Multiple offenses;
- (e) Effect of any personal or emotional problems on the conduct in question;
- (f) Effect of mental disability or impairment on the conduct in question;
- (g) Interim rehabilitation;
- (h) Full and free disclosure to the hearing panel or cooperative attitude toward the proceedings;
- (i) Remorse;
- (j) Vulnerability of victims; and
- (k) Degree of experience in the practice of law.

5. A censure, reprimand, or admonition would be insufficient discipline because of the significant harm and/or potential harm to clients and the profession caused by Defendant's conduct.

6. The public will be adequately protected by suspension of Defendant's license, part of which may be stayed upon Defendant's compliance with conditions designed to ensure protection of the public and continued compliance with the Rules of Professional Conduct. Among other things, Defendant must demonstrate that her professional judgment or competence is no longer impaired.

7. The Hearing Panel determines that discipline short of suspension would not adequately protect the public, the legal profession or the administration of justice for the following reasons:

- (a) The factors under Rule .0114(w)(1) that are established by the evidence in this case are of a nature that support imposition of a suspension as the appropriate discipline; and
- (b) Entry of an order imposing less serious discipline would fail to acknowledge the seriousness of the offenses Defendant committed and would send the wrong message to attorneys and to the public regarding 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, Conclusions of Law Regarding Discipline, and the consent of the parties, the Hearing Panel hereby enters the following:

ORDER OF DISCIPLINE

1. The law license of Defendant, Ronna Dawn Gibbs, is hereby suspended for three years.
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.
3. The three-year suspension of Defendant's law license shall be stayed for three years as long as Defendant complies and continues to comply with the following conditions:
 - (a) Defendant shall pay the costs of this proceeding as assessed by the Secretary of the North Carolina State Bar within 30 days of notice of the costs being served on Defendant at her address of record;
 - (b) Defendant shall arrange 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 will supervise all client matters and will 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, and diligent pursuit of her clients' matters. Defendant shall meet once a month with her monitoring attorney, report the status of all current client matters to the monitor, 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 monitor will submit written quarterly reports of this supervision to the Office of Counsel, such reports due on the following dates as they occur during the stay of this suspension: January 15, April 15, July 15, and October 15.

Defendant bears the responsibility of ensuring the monitoring attorney sends a written report each quarter 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 monitor for this supervision. Defendant must make the arrangements for this monitoring attorney and supply the Office of Counsel with a letter from the monitoring attorney confirming his or her agreement to perform the duties listed above at the time the arrangement is entered into;

- (c) 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;
- (d) Defendant shall comply with all treatment prescribed by her current treating psychiatrist or psychologist. Defendant shall ensure that the psychiatrist/psychologist provides written reports to the State Bar Office of Counsel concerning Defendant's need for ongoing treatment and compliance with the treatment plan, if any, due each January 1 and July 1 throughout the stayed suspension. All expenses of such treatment and reports shall be borne by Defendant. If Defendant seeks the services of a different mental health professional, such professional shall be approved in advance by the Office of Counsel;
- (e) Defendant shall execute written waivers and releases authorizing the Office of Counsel to confer with Defendant's psychiatrist/psychologist for the purpose of determining if Defendant has cooperated and complied with recommended treatment and shall not revoke such releases during the period of stayed suspension;
- (f) Defendant shall be subject to random audits of her trust account during the period of stay as determined by the Office of Counsel. In the alternative, at the discretion of the Office of Counsel, Defendant shall provide, within three days of the request of the Office of Counsel, her trust account three-way reconciliation report for the last preceding quarter along with all documentation supporting same, including copies of clients' ledgers, bank statements, checks, and deposits;
- (g) Defendant shall not violate the Rules of Professional Conduct or the laws of the United States or of any state or local government during her suspension;
- (h) Defendant shall keep the North Carolina State Bar Membership Department advised of her current business and home addresses (not P.O. boxes) and shall notify the Bar of any change in address within ten days of such change;
- (i) 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 after the effective date of this Order;

- (j) Defendant shall promptly accept service of all certified mail from the State Bar that is sent to her; and
- (k) Defendant shall timely comply with all State Bar Membership and Continuing Legal Education requirements.

4. If Defendant fails to comply with any of the conditions of the stayed suspension provided in paragraph 3(a) – (k) above, the stay of the suspension may be lifted as provided in § .0114(x) of the North Carolina State Bar Discipline and Disability Rules.

5. If the stay granted herein is lifted or the suspension of Defendant's license is activated for any reason, before seeking reinstatement of her license to practice law, Defendant must show by clear, cogent and convincing evidence that she has complied with each of the following conditions:

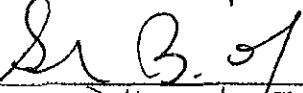
- (a) Defendant arranged for a practice monitor as set forth in paragraphs 3(b) and (c), above.
- (b) Defendant demonstrated that she does not suffer from any disability, addiction or condition that would impair her ability to competently engage in the practice of law;
- (c) Defendant provided the Office of Counsel with releases to obtain and review her medical records, including psychological and mental health evaluations, and to interview her medical care providers;
- (d) Defendant submitted her license and membership card to the Secretary of the North Carolina State Bar within thirty days after the date of the order lifting the stay and/or activating the suspension of her law license;
- (e) Defendant complied with all provisions of 27 N.C.A.C. 1B § .0124 following the order lifting the stay and/or activating the suspension of her law license;
- (f) Defendant kept the North Carolina State Bar Membership Department advised of her current business and home addresses and notified the Bar of any change in address within ten days of such change;
- (g) Defendant responded 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 participated in good faith in the State Bar's fee dispute resolution process for any petition of which she received notice after the effective date of this Order;
- (h) Defendant promptly accepted all certified mail sent to her by the State Bar;
- (i) That at the time of her petition for stay, 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, as well as all judicial district dues, fees and assessments;

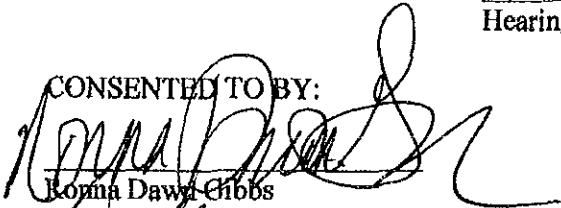

- (j) That at the time of her petition for stay, there is no deficit in Defendant's completion of mandatory CLE hours, in reporting of such hours, or in payment of any fees associated with attendance at CLE programs;
- (k) Defendant has not violated the Rules of Professional Conduct or the laws of the United States or of any state or local government during her suspension;
- (l) Defendant has paid the administrative fees and costs of this proceeding as reflected on the statement of costs served upon her by the Secretary of the State Bar; and
- (m) Defendant has complied with any other conditions deemed necessary for reinstatement imposed by the Hearing Panel pursuant to the order lifting the stay of the suspension of Defendant's law license.

6. Unless Defendant's obligations under this Order are modified by further order of the DHC, Defendant's obligations under this Order end three years from the effective date of the Order 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 § .0114(x) of the North Carolina Discipline and Disability Rules, 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 three year suspension 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 such pending motion or show cause proceeding.

7. This Order shall be effective on the date it is served upon Defendant.

Signed by the undersigned Chair with the knowledge and consent of the other members of the Hearing Panel, this is the 30 day of April, 2014.


 Sharon B. Alexander, Chair
 Hearing Panel

CONSENTED TO BY:

 Roma Dawn Gibbs
 Defendant

 Dudley A. Witt
 Attorney for Defendant


 Margaret T. Cloutier
 Attorney for Plaintiff