STATE OF NORTH CAROLINA WAKE COUNTY	BEFORE THE DISCIPLINARY HEARING COMMISSION OF THE NORTH CAROLINA STATE BAR 15 DHC 46
THE NORTH CAROLINA STATE BAR, Plaintiff v. SIR ASHLEY J. HARRISON, Attorney, Defendant	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND CONSENT ORDER OF DISCIPLINE

THIS MATTER was considered by a hearing panel of the Disciplinary Hearing Commission composed of Joshua W. Willey, Jr., Chair, Donald C. Prentiss, and Christopher Bruffey pursuant to 27 N.C. Admin. Code 1B § .0114 of the Rules and Regulations of the North Carolina State Bar. Plaintiff, the North Carolina State Bar, was represented by Brian P.D. Oten and Maria J. Brown. Defendant, Sir Ashley J. Harrison, represented himself. Defendant waives a formal hearing in this matter and both parties stipulate and consent to the entry of this order and to the discipline imposed. Defendant waives any right to appeal this consent order or to challenge in any way the sufficiency of the findings.

Based upon 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, Sir Ashley J. Harrison ("Defendant" or "Harrison"), was admitted to the North Carolina State Bar in 2011 and is, and was at all times referred to herein, an attorney at law licensed to practice 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 part of the relevant periods referred to herein, Harrison was engaged in the practice of law in the State of North Carolina and maintained a law office in Charlotte, Mecklenburg County, North Carolina.

4. During part of the relevant periods referred to herein, Harrison was transferred to inactive status with the North Carolina State Bar by order of the Mecklenburg County Superior Court dated 27 May 2014. Harrison was reinstated to active practice by order of the Mecklenburg County Superior Court dated 23 September 2015.

5. Harrison was properly served with process and received due notice of the hearing in this matter.

6. In January 2012, R.H. retained Harrison to represent her on a charge of driving while intoxicated in Cabarrus County, file no. 11 CR 56169.

7. R.H. paid Harrison $450.00 for the representation.

8. Harrison failed to inform R.H. that a hearing had been scheduled in her case on 9 May 2012 and that she was required to appear at this hearing.

9. As a result of Harrison's failure to inform R.H. of the 9 May 2012 hearing, R.H. failed to appear at the hearing and the judge issued an order for R.H.'s arrest.

10. Harrison notified R.H. on 10 May 2012 that, because of her failure to appear, the judge had issued an order for her arrest.

11. R.H.'s next court appearance was scheduled for 6 June 2012.

12. On 23 May 2012, R.H. – who lived in Florida – emailed Harrison and asked that he continue the 6 June 2012 hearing because she was going to be unable to travel to North Carolina on that date.

13. On 25 May 2012, Harrison filed a motion to have the hearing rescheduled for 20 June 2012.

14. On or about 1 June 2012, the Cabarrus County Clerk of Court's office notified Harrison by telephone that there was to be no court on 20 June 2012 and that the hearing in R.H.'s matter would occur on 25 June 2012.

15. Harrison did not inform R.H. of the change to her court date.

16. Believing that the hearing was still scheduled for 20 June 2012, R.H. purchased a nonrefundable ticket for a round-trip flight between Orlando, Florida and Charlotte, North Carolina so she could appear in court on 20 June 2012.

17. R.H. thereafter called Harrison and learned from him that the hearing was taking place on 25 June 2012.

18. R.H. did not appear at the 25 June 2012 hearing because she was unable to afford to purchase another plane ticket. As a result, R.H. was called and failed and another order for her arrest was issued.

19. On 16 August 2012, Harrison had the order for R.H.'s arrest stricken, and the matter was set for hearing on 26 September 2012.

20. Harrison failed to inform R.H. that a hearing had been scheduled in her case on 26 September 2012.

21. As a result of Harrison's failure to inform R.H. of the 26 September 2012 hearing, R.H. failed to appear at the hearing and the judge issued another order for R.H.'s arrest.

22. Throughout the representation, Harrison failed to respond to R.H.'s inquiries concerning her case.

23. Harrison's failure to inform R.H. of scheduled court dates unnecessarily delayed resolution of R.H.'s case.

24. In February 2013, C.M. retained Harrison to represent her on charges of driving while intoxicated in Mecklenburg County, file no. 13 CR 200782, and driving with a revoked license in Cabarrus County, file no. 13 CR 700667.

25. C.M. paid Harrison $650.00 for the representation.

26. Throughout the representation, Harrison failed to respond to C.M.'s inquiries concerning her case.

27. C.M. was dissatisfied with Harrison's representation and filed a grievance with the North Carolina State Bar against Harrison, grievance file no. 13G0371.

28. Grievance file no. 13G0371 was referred to the Grievance Committee of the 26th Judicial District for investigation. A member of the 26th Judicial District Grievance Committee was assigned to investigate the grievance.

29. By letter dated 30 May 2013, Harrison was notified of C.M.'s grievance and requested to file a written response to the grievance within fifteen days of his receipt of the letter.

30. Harrison faxed a written response to the investigator on 5 July 2013.

31. After reviewing Harrison's response to the grievance, the investigator called Harrison multiple times to obtain additional information.

32. Harrison did not return the investigator's telephone calls.

33. In March 2013, J.H. retained Harrison to represent her on a charge of driving while intoxicated in Gaston County, file no. 13 CR 1723.

34. J.H. paid Harrison $1,000.00 for the representation.

35. Harrison made one court appearance on behalf of J.H.

36. At this appearance, Harrison told J.H. that she could leave the courthouse and that he would contact her.

37. Harrison never subsequently contacted J.H.

38. J.H. made multiple inquiries to Harrison's office requesting an update on the status of her case.

39. Harrison did not respond to J.H.'s inquiries.

40. Harrison subsequently failed to inform J.H. of her next scheduled court date and that she was required to appear at this hearing.

41. As a result of Harrison's failure to inform J.H. about her next scheduled court date, J.H. failed to appear at the hearing and the judge issued an order for J.H.'s arrest.

42. Harrison did not complete the matter for which J.H. had retained him.

43. Harrison did not refund any portion of the fee J.H. paid.

44. On 7 July 2014, J.H. filed a grievance with the North Carolina State Bar, grievance file no. 14G0623.

45. On 1 November 2014, the State Bar served Harrison with a Letter of Notice in grievance file no. 14G0623.

46. Harrison was required to respond to the Letter of Notice within fifteen days of his receipt of the Letter of Notice.

47. Harrison did not respond to the Letter of Notice.

48. In June 2013, R.B. consulted with Harrison regarding R.B.'s girlfriend's threat to take legal action against R.B.

49. R.B. paid Harrison a $150.00 consultation fee and a $300.00 fee for representation in any action filed against R.B. by his girlfriend.

50. Harrison recommended that they wait to take action until such time as R.B.'s girlfriend filed papers with the court.

51. R.B.'s girlfriend did not file any legal action against R.B. as anticipated.

52. Harrison did not provide any legal services for which R.B. retained him.

53. R.B. contacted Harrison multiple times and asked for a refund of the fee R.B. paid.

54. Harrison did not respond to R.B.'s inquiries.

55. Harrison did not refund the fee R.B. paid.

56. On or about 22 November 2014, R.B. filed with the North Carolina State Bar a Petition for Resolution of Disputed Fee concerning Harrison's representation of him, fee dispute file no. 13FD0548.

57. R.B.'s fee dispute petition was referred to the Fee Dispute Resolution Committee of the 26th Judicial District for resolution.

58. By letter dated 4 December 2013, Harrison was notified of the fee dispute and of the requirement that he respond to the dispute in writing within fifteen days.

59. Harrison failed to respond to the fee dispute.

60. The mediator assigned to this fee dispute telephoned Harrison twice to request that Harrison submit a response.

61. Harrison did not return the mediator's calls.

62. After consulting with Harrison's office, the mediator set a mediation of the fee dispute for 3 January 2014 and sent a letter to Harrison confirming the date.

63. Harrison did not appear for the mediation.

64. On 15 January 2014, as a result of Harrison's failure to participate in the fee dispute resolution process, the State Bar opened a grievance against Harrison, grievance file no. 14G0027.

65. The State Bar served Harrison with a Letter of Notice in grievance file no. 14G0027 on 10 March 2014.

66. Harrison was required to respond to the Letter of Notice within fifteen days of his receipt of the Letter of Notice.

67. Harrison did not respond to the Letter of Notice.

68. In August 2013, Harrison was retained to defend I.J. and VV Mineral, LLC, in a civil action filed in Mecklenburg County, file no. 13-CVS-11764.

69. On or about 26 September 2013, opposing counsel served discovery requests on Harrison and asked Harrison to contact him to schedule depositions of Harrison's clients.

70. Harrison never responded to the discovery requests.

71. Between 26 September and 19 October 2013, opposing counsel left telephone messages for Harrison and sent Harrison an e-mail requesting that Harrison call to discuss scheduling depositions of Harrison's clients.

72. Harrison did not respond to any of opposing counsel's messages.

73. On or about 14 October 2013, opposing counsel served Harrison with notice of his clients' deposition for 4 November 2013.

74. On 30 and 31 October 2013, opposing counsel called Harrison's office to confirm Harrison's clients' attendance at the deposition.

75. Harrison did not respond to opposing counsel's calls.

76. Neither Harrison nor his clients appeared for the noticed deposition.

77. On 4 November 2013, opposing counsel filed a motion for sanctions, requesting attorney's fees and requesting that the court enter default judgment against Harrison's clients for their failure to participate in discovery. Opposing counsel noticed the hearing on the motion for sanctions for 9 December 2013.

78. Harrison did not appear at the 9 December 2013 hearing on the motion for sanctions.

79. Opposing counsel's motion for sanctions was subsequently granted and the court entered a judgment against Harrison's clients for attorney's fees.

80. Opposing counsel later moved for summary judgment against Harrison's clients, which was also granted.

81. On 27 November 2013, opposing counsel reported Harrison's conduct to the North Carolina State Bar, resulting in the opening of grievance file no. 13G1109.

82. On 13 January 2014, the State Bar served Harrison with a Letter of Notice in No. 13G1109.

83. Harrison was required to respond to the Letter of Notice within fifteen days of his receipt of the Letter of Notice.

84. Harrison did not respond to the Letter of Notice.

85. In 2012 or 2013, F.M. retained Harrison to have a marijuana charge expunged from her record.

86. F.M. paid Harrison $200.00 for the representation.

87. Harrison failed to file the expungement paperwork and failed to provide any other services to F.M.

88. On 16 October 2014, F.M. filed with the North Carolina State Bar a Petition for Resolution of Disputed Fee, fee dispute file no. 14FD0512.

89. On 16 October 2014, the State Bar mailed notice of the fee dispute to Harrison. The letter containing the notice was sent by certified mail to the address for Harrison on file with the State Bar's Membership Department.

90. The letter containing notice of the fee dispute was returned as not deliverable as addressed.

91. On 27 October 2014, as a result of Harrison's failure to participate in the fee dispute resolution process the State Bar opened a grievance against Harrison, grievance file no. 14G1010.

92. The State Bar served Defendant with a Letter of Notice in grievance file no. 14G1010 on 1 November 2014.

93. Defendant was required to respond to the Letter of Notice within fifteen days of his receipt of the Letter of Notice.

94. Defendant failed to respond to the Letter of Notice.

95. In or around 2013, A.M. retained Harrison to represent him on a charge of driving while intoxicated in Mecklenburg County, file no. 13 CR 214553.

96. A.M. paid Harrison $1,000.00 for the representation.

97. In July 2013, Harrison had the case continued to 30 September 2013 so he would have time to collect necessary evidence in the matter.

98. During the representation, A.M. was only temporarily in the United States and was to return to India in November 2013. A.M. communicated this timeframe to Harrison.

99. A.M. became concerned about resolving his case prior to his departure and began contacting Harrison frequently.

100. Harrison did not respond to all of A.M.'s phone calls and emails.

101. On or about 30 September 2013, A.M. left a voicemail for Harrison indicating that, due to the lack of communication, he would be hiring another attorney and filing a complaint against Harrison with the State Bar.

102. Harrison returned A.M.'s telephone call promptly and explained that A.M. could either plead guilty or fight the charge on the basis of the State's delay in releasing A.M. from custody, which would require waiting until the next court date.

103. A.M. elected not to plead guilty, and Harrison told A.M. that he would have to appear in court on 21 October 2013.

104. A.M. subsequently checked the online court calendar and saw that his case was calendared for 9 December 2013.

105. When A.M. informed Harrison of the calendar issue, Harrison told A.M. that something was wrong with the court calendar and that he would fix it.

106. Harrison failed to correct the calendaring issue as promised.

107. On 25 October 2013, Harrison ceased responding to any of A.M.'s telephone calls or emails.

108. A.M. retained another attorney to resolve the matter for which he retained Harrison.

109. Harrison never refunded any portion of the fee A.M. paid despite A.M.'s request for a refund upon terminating the representation.

110. On 19 December 2013, A.M. filed a grievance with the North Carolina State Bar, grievance file no. 13G1184.

111. On 13 January 2014, the State Bar served Harrison with a Letter of Notice in grievance file no. 13G1184.

112. Harrison was required to respond to the Letter of Notice within fifteen days of his receipt of the Letter of Notice.

113. Harrison did not respond to the Letter of Notice.

114. In or around January 2013, T.L. retained Harrison for representation on a charge of driving while intoxicated in Gaston County, file no. 12 CR 67172.

115. T.L. paid Harrison $1,050.00 for the representation.

116. Throughout the representation, Harrison failed to respond to T.L.'s inquiries concerning his case.

117. On or about 27 May 2014, Harrison consented to being transferred to inactive status with the North Carolina State Bar by order of the Mecklenburg County Superior Court, thereby prohibiting Harrison from practicing law.

118. Harrison failed to inform T.L. that he could no longer represent him.

119. Harrison did not complete the matter for which T.L. retained him.

120. Harrison failed to refund any unearned portion of the fee T.L. paid.

121. On 8 October 2014, T.L. filed with the North Carolina State Bar a Petition for Resolution of Disputed Fee, fee dispute file no. 14FD0495.

122. On 8 October 2014, the State Bar mailed notice of the fee dispute to Harrison. The letter containing the notice was sent by certified mail to the address for Harrison on file with the State Bar's Membership Department.

123. The letter containing notice of the fee dispute was returned as insufficiently addressed.

124. On 21 October 2014, as a result of Harrison's failure to participate in the fee dispute resolution process, the State Bar opened a grievance against Harrison, grievance file no. 14G0999.

125. The State Bar served Harrison with a Letter of Notice in grievance file no. 14G0999 on 1 November 2014.

126. Harrison was required to respond to the Letter of Notice within fifteen days of his receipt of the Letter of Notice.

127. Harrison failed to respond to the Letter of Notice.

128. In or around March 2013, A.D. retained Harrison for representation on a charge of underage drinking in Gaston County, file no. 13 CR 56941.

129. A.D. paid Harrison $1,800.00 for the representation.

130. A.D. had a court date scheduled for 2 June 2014.

131. A.D. informed Harrison well in advance of that date that she would likely need to postpone the hearing because she was pregnant and due to give birth on 3 May 2014.

132. Harrison assured A.D. that he would get her 2 June 2014 hearing date continued.

133. Harrison did not take action to get A.D.'s hearing date continued.

134. Harrison never informed A.D. that her hearing date had not been continued.

135. As a result of Harrison failing to take action to get A.D.'s hearing date continued as he promised, A.D. did not appear at her 2 June 2014 hearing date and the judge issued an order for A.D.'s arrest.

136. Throughout the representation, Harrison failed to respond to A.D.'s inquiries concerning her case.

137. Harrison failed to inform A.D. that, on 27 May 2014, he had been transferred to inactive status by order of the Mecklenburg County Superior Court and that he could no longer represent her.

138. Harrison did not complete the matter for which A.D. retained him.

139. Harrison did not refund any portion of the fee A.D. paid.

140. A.D. resolved the matter for which she retained Harrison without Harrison's assistance.

141. On or about 25 July 2014, A.D. filed with the North Carolina State Bar a Petition for Resolution of Disputed Fee, fee dispute file no. 14FD0397.

142. On 28 July 2014, the State Bar mailed notice of the fee dispute to Harrison. The letter containing the notice was sent by certified mail to the address for Harrison on file with the State Bar's Membership Department.

143. The letter containing notice of the fee dispute was returned as undeliverable as addressed.

144. On 5 August 2014, as a result of Harrison's failure to participate in the fee dispute resolution process, the State Bar opened a grievance against Harrison, grievance file no. 14G0731.

145. The State Bar served Harrison with a Letter of Notice in No. 14G0731 on 1 November 2014.

146. Harrison was required to respond to the Letter of Notice within fifteen days of his receipt of the Letter of Notice.

147. Harrison failed to respond to the Letter of Notice.

Based upon the foregoing Findings of Fact and with the consent of the parties, the panel enters the following

CONCLUSIONS OF LAW

1. All parties are properly before the hearing panel and the panel has jurisdiction over Defendant, Sir Ashley J. Harrison, and over the subject matter of this proceeding.

2. Defendant's conduct, as set out in the Findings of Fact above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(3) in that Defendant failed to answer the formal inquiries issued by the North Carolina State Bar in eight disciplinary matters.

3. Defendant's conduct, as set out in the Findings of Fact above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) as follows:

(a) By failing to inform R.H. that hearings had been scheduled in her case on 9 May and 26 September 2012 and by failing to inform R.H. that the hearing scheduled for 20 June 2012 had been rescheduled to 25 June 2012, resulting in R.H. failing to appear in court and orders being issued for her arrest, and by failing to respond to R.H.'s inquiries concerning her case, Defendant failed to keep his client reasonably informed about the status of a matter in violation of Rule 1.4(a)(3), failed to respond to reasonable requests for information from his client in violation of Rule 1.4(a)(4), and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d);

(b) By failing to respond to C.M.'s inquiries concerning her case, Defendant failed to respond to reasonable requests for information from his client in violation of Rule 1.4(a)(4);

(c) By failing to return the investigator's telephone calls during the 26th Judicial District Grievance Committee's investigation of grievance file no. 13G0371, Defendant knowingly failed to respond to a lawful demand for information from a disciplinary authority in violation of Rule 8.1(b);

(d) By failing to inform J.H. of when she was required to appear in court and failing to return J.H.'s telephone calls, Defendant failed to keep the 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);

(e) By failing to complete J.H.'s matter for which he was retained and by keeping the entire fee paid by J.H. despite failing to provide the legal services for which he was retained, Defendant failed to act with reasonable diligence and promptness in representing a client in violation of Rule 1.3, collected a clearly excessive fee in violation of Rule 1.5(a), and failed to take reasonably practicable steps upon termination of representation to protect a client's interests in violation of Rule 1.16(d);

(f) By failing to respond to the Letter of Notice in grievance file no. 14G0623, Defendant knowingly failed to respond to a lawful demand for information from a disciplinary authority in violation of Rule 8.1(b);

(g) By failing to refund R.B.'s fee after providing no legal services to him, Defendant collected a clearly excessive fee in violation of Rule 1.5(a) and failed to take reasonably practicable steps upon termination of representation to protect a client's interests in violation of Rule 1.16(d);

(h) By failing to respond to the fee dispute petition R.B. initiated and to attend the fee dispute mediation, Defendant failed to participate in good faith in the fee dispute resolution process in violation of Rule 1.5(f)(2);

(i) By failing to respond to the Letter of Notice in grievance file no. 14G0027, Defendant knowingly failed to respond to a lawful demand for information from a disciplinary authority in violation of Rule 8.1(b);

(j) By failing to respond to discovery requests in the matter for which I.J. and VV Mineral LLC retained him, by failing to appear at his clients' deposition, and by failing to appear at a hearing scheduled in his clients' case, Defendant failed to act with reasonable diligence in representing a client in violation of Rule 1.3, failed to make a reasonably diligent effort to comply with a legally proper discovery request by an opposing party in violation of Rule 3.4(d)(2), and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d);

(k) By failing to respond to the Letter of Notice in grievance file no. 13G1109, Defendant knowingly failed to respond to a lawful demand for information from a disciplinary authority in violation of Rule 8.1(b);

(l) By failing to pursue an expungement on F.M.'s behalf after receiving payment for the representation and by keeping the entire fee paid by F.M. despite failing to provide the legal services for which he was retained, Defendant failed to act with reasonable diligence in violation of Rule 1.3, collected a clearly excessive fee in violation of Rule 1.5(a), and failed to take reasonably practicable steps upon termination of representation to protect a client's interests in violation of Rule 1.16(d);

(m) By failing to respond to the Letter of Notice in grievance file no. 14G1010, Defendant knowingly failed to respond to a lawful demand for information from a disciplinary authority in violation of Rule 8.1(b);

(n) By failing to complete the matter for which A.M. retained him, and by keeping the entire fee paid by A.M. despite failing to provide the legal services for which he was retained, Defendant failed to act with reasonable diligence and promptness in representing a client in violation of Rule 1.3, collected a clearly excessive fee in violation of Rule 1.5(a), and failed to take reasonably practicable steps upon termination of representation to protect a client's interests in violation of Rule 1.16(d);

(o) By failing to respond to A.M.'s inquiries concerning his case, Defendant failed to reasonably consult with his client about the means by which the client's objectives were to be accomplished in violation of Rule 1.4(a)(2), failed to keep the 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);

(p) By failing to respond to the Letter of Notice in grievance file no. 13G1184, Defendant knowingly failed to respond to a lawful demand for information from a disciplinary authority in violation of Rule 8.1(b);

(q) By failing to inform T.L. of his inability to practice law and by failing to respond to T.L.'s inquiries, Defendant failed to reasonably consult with his client about the means by which the client's objectives were to be accomplished in violation of Rule 1.4(a)(2), failed to keep the 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);

(r) By keeping the entire fee paid by T.L. despite failing to complete the matter for which he was retained and by failing to notify T.L. of his inability to continue the representation, Defendant collected a clearly excessive fee in violation of Rule 1.5(a) and failed to take reasonably practicable steps to

protect a client's interests upon termination of representation in violation of Rule 1.16(d);

(s) By failing to respond to the Letter of Notice in 14G0999, Defendant knowingly failed to respond to a lawful demand for information from a disciplinary authority in violation of Rule 8.1(b);

(t) By failing to address the calendaring of A.D.'s case as requested by his client, by keeping the entire fee paid by A.D. despite failing to complete the matter for which he was retained, and by failing to inform A.D. of his inability to continue the representation, Defendant failed to act with reasonable diligence and promptness in representing a client in violation of Rule 1.3, collected a clearly excessive fee in violation of Rule 1.5(a), and failed to take reasonably practicable steps upon termination of representation to protect a client's interests in violation of Rule 1.16(d);

(u) By failing to inform A.D. that her hearing date had not been continued, by failing to inform A.D. of his inability to practice law, and by otherwise failing to respond to A.D.'s requests for information, Defendant failed to reasonably consult with his client about the means by which the client's objectives were to be accomplished in violation of Rule 1.4(a)(2), failed to keep the 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); and

(v) By failing to respond to the Letter of Notice in grievance file no. 14G0731, Defendant knowingly failed to respond to a lawful demand for information from a disciplinary authority in violation of Rule 8.1(b).

Based upon the consent of the parties, the hearing panel also finds by clear, cogent, and convincing evidence the following

ADDITIONAL FINDINGS REGARDING DISCIPLINE

1. During the relevant periods herein, Defendant suffered from depression and anxiety, which significantly contributed to Defendant's neglect and failure to timely or appropriately respond to his clients. In light of these conditions, in May 2014, Defendant consented to winding down his practice and being transferred to inactive status with the State Bar by Order of the Mecklenburg County Superior Court. In 2015, Defendant was evaluated by a licensed psychologist who opined that Defendant is not currently disabled from the practice of law as defined by the State Bar's administrative rules (located at 27 N.C. Admin. Code 1B § .0103(19)). Defendant was subsequently transferred back to active status with the State Bar in September 2015 by the Mecklenburg County Superior Court. Although Defendant is not presently suffering from any disability that would prevent him from practicing law, Defendant has not resumed his practice due to his mental condition that could potentially harm his clients and that could interfere with his ability to practice law in accordance with the Rules of Professional Conduct should he resume his practice.

2. Defendant's conduct, to wit: severe and widespread neglect of client matters, failure to communicate with clients, and failure to complete the matters for which he was retained caused significant harm to his clients and their abilities to resolve their legal matters. Defendant's conduct caused significant confusion and frustration among his clients, and in some instances resulted in the court issuing orders for his clients' arrest. Defendant's conduct also impaired his clients' abilities to achieve the goals of their respective representations by causing unnecessary delay in their cases.

3. Defendant's clients were vulnerable victims of his misconduct. His clients were unfamiliar with the legal process and had limited financial resources. His clients had paid and relied upon Defendant to protect or pursue their legal rights.

4. Defendant's conduct caused significant harm to the public and to the administration of justice by unnecessarily delaying resolution of his clients' cases. Justice is achieved when all matters are timely pursued and resolved; justice is impeded by attorneys who knowingly abandon their clients and their duties as an attorney, leaving their clients' cases and their clients' interests in an unnecessarily uncertain status such as that created by Defendant.

5. Defendant caused significant harm to the profession by repeatedly failing to respond to multiple State Bar inquires and otherwise failing to participate in the grievance process. Such conduct interferes with the State Bar's ability to regulate its members and undermines the profession's privilege to remain self-regulating.

6. By engaging in repeated instances of client neglect and failure to respond to the Bar, Defendant committed multiple offenses and displayed a pattern of misconduct. At the time of his conduct, Defendant knew or should have known that his actions could harm his clients and the administration of justice.

7. Defendant's conduct caused potential significant harm to the standing of the legal profession in the eyes of the public in that such conduct by attorneys erodes the trust of the public in the profession. Confidence in the legal profession is a building block for public trust in the entire legal system.

8. There is an absence of any evidence that Defendant intended to harm his clients or that he exhibited a dishonest or selfish motive.

9. Defendant has no prior discipline.

10. Defendant has acknowledged his conduct violated the Rules of Professional Conduct and is remorseful for his actions.

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

CONCLUSIONS REGARDING DISCIPLINE

1. The hearing panel has carefully considered all of the different forms of discipline available to it. In addition, the hearing panel has considered all of the factors enumerated in 27 N.C. Admin. Code 1B § .0114(w)(3) of the Rules and Regulations of the North Carolina State Bar and determines the following factors are applicable:

a. Defendant's lack of prior disciplinary offenses;

b. Defendant's lack of a selfish or dishonest motive;

c. Defendant's pattern of misconduct;

d. Defendant's multiple offenses;

e. The effect of Defendant's personal or emotional problems on the conduct in question;

f. Defendant's remorse; and

g. The vulnerability of the victims, Defendant's clients.

2. The hearing panel concludes that none of the factors enumerated in 27 N.C. Admin. Code 1B § .0114(w)(2) of the Rules and Regulations of the North Carolina State Bar are present in this case.

3. The hearing panel has carefully considered all of the factors enumerated in 27 N.C. Admin. Code 1B § .0114(w)(1) of the Rules and Regulations of the North Carolina State Bar and determines the following factors warrant suspension of Defendant's license:

a. Defendant's intent to commit acts where the harm or potential harm was foreseeable;

b. Defendant's actions potentially had a negative impact on his clients' and the public's perception of the legal profession;

c. Defendant's actions had a negative impact on the administration of justice;

d. Defendant's conduct impaired his clients' abilities to achieve the goals of the representation; and

e. Defendant's multiple instances of failure to participate in the legal profession's self-regulation process.

4. The hearing panel has considered all other forms of discipline and concludes that any sanction less than suspension would fail to acknowledge the seriousness of the offenses committed by Defendant, would not adequately protect the public, and would send the wrong message to attorneys and to the public regarding the conduct expected of members of the Bar.

5. The hearing panel further concludes that due to the extensive client neglect described in the present action, the public will only be adequately protected by imposing a period of active suspension of Defendant's law license. Additionally, the hearing panel concludes that Defendant should be allowed the opportunity to petition for a stay of a portion of the suspension imposed by this Order upon compliance with certain conditions designed to ensure protection of the public and Defendant's compliance with the Rules of Professional Conduct.

6. Under other circumstances, the misconduct in this case would warrant more serious discipline as set forth in the additional findings above. However, the unique circumstances surrounding this case justify lesser discipline than would otherwise be appropriate. The factors that particularly warrant lesser discipline include: Defendant's depression and anxiety significantly contributed to Defendant's misconduct; Defendant has accepted personal responsibility for his actions; Defendant acknowledges the wrongfulness and seriousness of his misconduct; and Defendant is genuinely remorseful.

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

ORDER OF DISCIPLINE

1. The license of Defendant, Sir Ashley J. Harrison, is hereby suspended for five years. This Order shall be effective upon filing.

2. Defendant shall submit his license and membership card to the Secretary of the North Carolina State Bar no later than 30 days following the effective date of this Order. To the extent not already completed, Defendant shall have 30 days to comply with the wind down provisions contained in Rule .0124 of the North Carolina State Bar Discipline and Disability Rules, located at 27 N.C. Admin. Code 1B § .0124.

3. Within 30 days of the effective date of this Order, Defendant shall provide the State Bar with an address and telephone number at which clients can communicate with Defendant.

4. Defendant shall pay the costs and administrative fees of this proceeding as assessed by the Secretary within 120 days of service of the statement of costs upon him.

5. After serving no less than three years of the suspension, Defendant may petition for a stay of the remaining period of suspension imposed by this Order by filing a petition with the Secretary of the North Carolina State Bar. In order to be eligible for a stay of the remaining period of suspension, Defendant must demonstrate by clear, cogent, and convincing evidence that, in addition to complying with the general provisions for reinstatement listed in 27 N.C. Admin. Code 1B § .0125 of the North Carolina State Bar Discipline & Disability Rules, he has complied with the following conditions:

(a) Not more than 90 days before he petitions for a stay, Defendant must be evaluated by a licensed and qualified psychiatrist or psychologist. Such

psychiatrist/psychologist shall be approved in advance by the North Carolina State Bar Office of Counsel. Such psychiatrist/psychologist shall certify under oath whether, based on his or her independent and comprehensive evaluation of Defendant and in his or her professional opinion, Defendant currently has any physical, mental, psychological, behavioral, cognitive, or emotional illness, disorder, or other condition that impairs Defendant's ability to practice law, that impacts Defendant's ability or willingness to comply with the Rules of Professional Conduct, and/or that poses a risk of harm to the public if he engages in the practice of law. Defendant shall sign an authorization form 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 psychiatrist/psychologist. Defendant shall direct the evaluating psychiatrist/psychologist described herein to provide a written report of such evaluation and recommended treatment, if any, to the Office of Counsel within 30 days of the evaluation taking place. All expenses of such evaluation and report shall be borne by Defendant;

(b) Defendant must have arranged for an active member of the North Carolina State Bar to serve as his law practice monitor. Defendant's practice monitor shall be an attorney in good standing who practices law in the judicial district in which Defendant proposes to practice law and who has been approved by the Office of Counsel. The monitor shall agree to supervise all client matters and must ensure that Defendant handles all client matters in a timely fashion, including promptly responding to his clients and diligently pursuing his clients' matters. Defendant shall agree to meet once a month with his monitoring attorney, report the status of all current client matters to the monitoring attorney, 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 monitoring attorney shall submit written quarterly reports of this supervision to the Office of Counsel, such reports due on the following dates as they occur during any 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 any stay of this suspension. Defendant shall pay the cost, if any, charged by the monitoring attorney 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 all of the duties listed above;

(c) Defendant must have personally responded to client inquiries within the following periods of time:

i. Upon receiving a request from a client for return of his or her client file(s), Defendant shall return the requested client file(s) within 10 days of receiving such a request.

ii. Upon receiving a request from a client for a refund of an unearned fee, Defendant shall refund the entirety of any unearned fee paid by the client to Defendant within 60 days of receiving such a request. If Defendant disputes the requested refund – in its entirety or in part – Defendant shall inform the client in writing of his contention and the reasons therefor in his response to the client's inquiry. In his petition for a stay of suspension, Defendant shall account to the State Bar for all refunds requested and all refunds issued during his suspension, noting all refund disputes and the reasons therefor.

iii. Defendant shall respond to all other client inquiries within 7 days of receiving such a request.

(d) Defendant must have kept the North Carolina State Bar membership department advised of his current physical home and business addresses and telephone numbers;

(e) Defendant must have accepted all certified mail from the North Carolina State Bar (including the Client Security Fund) and responded to all letters of notice and requests for information from the North Carolina State Bar by the deadlines stated in the communication or within fifteen days of receipt of such communication, whichever is earlier;

(f) Defendant must have fulfilled all of his State Bar membership and continuing legal education requirements, and Defendant must have paid all fees and costs assessed by the State Bar and the Client Security Fund by the applicable deadline;

(g) Defendant must have participated fully and timely in the State Bar's fee dispute program when notified of any petitions for resolution of disputed fees;

(h) Defendant must not have not violated any state or federal laws or any provisions of the Rules of Professional Conduct; and

(i) Defendant must have timely paid the costs and administrative fees associated with this case as described in paragraph 3 above.

6. If Defendant is granted a stay of the suspension of his law license pursuant to this Order, the stay will continue in force only as long as Defendant complies with the following conditions:

(a) Within 30 days of entry of an order staying any portion of this suspension, Defendant shall execute a new contract with the North Carolina State Bar's

Lawyer Assistance Program. Such contract shall last throughout the entirety of any stayed period of Defendant's suspension. Defendant shall sign an authorization form consenting to the release to the Office of Counsel of any records and information related to Defendant's participation in and compliance with the Lawyer Assistance Program, and Defendant shall not revoke that release. Defendant shall simultaneously provide a copy of such signed authorization to the Office of Counsel and the Lawyer Assistance Program;

(b) Defendant shall comply with all treatment recommendations of the evaluating psychiatrist/psychologist described in paragraph 5(a) above as well as any treatment provider(s), including recommendations from the Lawyer Assistance Program. Defendant shall direct his treatment provider(s) to provide the Office of Counsel with semi-annual written reports concerning Defendant's condition, Defendant's compliance with the treatment plan, and Defendant's progress resulting from treatment for the duration of any stay of his suspension. Such reports shall be received by the Office of Counsel every June 1 and December 1. 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. If Defendant switches treatment providers during any stayed period of his suspension, Defendant shall sign an authorization form 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 new treatment provider(s). Within 30 days of starting treatment with the new provider(s), Defendant shall direct such new treatment provider(s) to provide the Office of Counsel with a written report detailing Defendant's treatment plan, as well as the semi-annual written reports described above. All expenses of such treatment and reports shall be borne by Defendant;

(c) Defendant shall meet with his law practice monitor as described in paragraph 5(b) above. Defendant shall meet at least once a month with his monitoring attorney, report the status of all current client matters to the monitoring attorney, 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. Defendant shall direct his law practice monitor to 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 shall occur for the duration of any stay of this suspension. Defendant shall pay the cost, if any, charged by the monitor for this supervision;

(d) Defendant shall cooperate with the Office of Counsel and make appropriate arrangements for an alternate monitoring attorney if needed during any stay of this suspension;

(e) Defendant shall keep the North Carolina State Bar membership department advised of his current physical home and business addresses and telephone numbers;

(f) Defendant shall accept all certified mail from the North Carolina State Bar and respond to all letters of notice and requests for information from the North Carolina State Bar by the deadlines stated in the communication or within fifteen days of receipt of such communication, whichever is earlier;

(g) Defendant shall timely comply with his State Bar membership and continuing legal education requirements, and Defendant shall pay all fees and costs assessed by the State Bar and the Client Security Fund by the applicable deadline;

(h) Defendant shall participate fully and timely in the fee dispute program when notified of any petitions for resolution of disputed fees; and

(i) Defendant shall not violate any state or federal laws or any provisions of the Rules of Professional Conduct.

7. If Defendant fails to comply with any one or more of the conditions stated in Paragraph 5 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 North Carolina State Bar Discipline and Disability Rules.

8. If Defendant does not seek a stay of any active period of suspension, or if some part of the suspension is stayed and thereafter the stay is revoked, Defendant must provide in his application for reinstatement clear, cogent, and convincing evidence of the following:

(a) Compliance with the general provisions for reinstatement listed in 27 N.C. Admin. Code 1B § .0125 of the North Carolina State Bar Discipline & Disability Rules; and

(b) Compliance with the conditions set out in Paragraphs 5(a) and 5(c) – (i) above.

9. Nothing in this Order shall prohibit the State Bar from investigating and, if necessary, pursuing disciplinary action against Defendant for additional misconduct discovered or reported which occurred during the same time period as the conduct addressed in this Order.

10. The Disciplinary Hearing Commission will retain jurisdiction of this matter pursuant to 27 N.C. Admin. Code 1B § .0114(x) of the North Carolina State Bar Discipline and Disability Rules throughout any period of stayed suspension.

Signed by the Chair with the consent of the other hearing panel members, this the 8th day of December, 2015.

Joshua W. Willey, Jr., Chair
Disciplinary Hearing Panel

CONSENTED TO BY:

Brian P.D. Oten
Deputy Counsel
North Carolina State Bar
Counsel for Plaintiff

Sir Ashley J. Harrison
Defendant

Maria J. Brown
Deputy Counsel
North Carolina State Bar
Counsel for Plaintiff