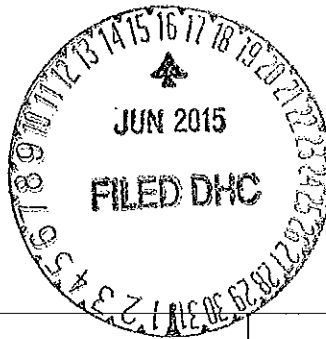


WAKE COUNTY  
NORTH CAROLINA



BEFORE THE SECRETARY  
OF THE  
NORTH CAROLINA STATE BAR  
14 DHC 6 & 15 BSR 6

THE NORTH CAROLINA STATE BAR,

Plaintiff,

v.

ELAINE S. KELLEY, Attorney,

Defendant.

ORDER STAYING  
SUSPENSION

THIS MATTER is before the Secretary of the North Carolina State Bar pursuant to a Petition for Order Staying Suspension filed by Elaine S. Kelley on May 26, 2015.

Based upon the petition and a review of the records of the North Carolina State Bar, the Secretary makes the following:

#### FINDINGS OF FACT

1. On May 9, 2013 the Superior Court of Bladen County entered an order suspending Kelley's law license for six months.

2. On March 17, 2014, a hearing panel of the Disciplinary Hearing Commission (DHC) entered an Order of Discipline in *North Carolina State Bar v. Elaine S. Kelley*, 14 DHC 6 ("DHC Order"), which suspended Kelley's license to practice law for a period of four years.

3. The DHC Order provided that, at any time after serving two years of the active suspension of her license, Kelley could file a petition seeking a stay of the remaining period of her suspension upon compliance with the conditions stated in the Order.

4. Kelley was given credit toward satisfaction of the four year suspension for the time since her license was suspended by the Court on May 9, 2013.

5. On May 26, 2015 Kelley submitted a petition requesting a stay of the remaining portion of her active suspension and seeking reinstatement to active status subject to the continuing conditions and requirements set forth in the Order.

6. The Order required that Kelley be in compliance with a number of conditions to qualify for a stay of the remaining period of her suspension.

7. In her petition, Kelley described the actions she has taken to comply with the conditions of the Order.

8. Counsel for the North Carolina State Bar does not object to Kelley's petition.

9. Counsel for the Defendant and Counsel for the State Bar have agreed to waive the thirty-day period provided in Rule .0125(b)(2) of the State Bar's Discipline and Disability Rules, and consent to Kelley's reinstatement to active status on a date less than thirty days from the filing of her petition.

BASED UPON the foregoing Findings of Fact, and without any evidence presented in opposition to the petition, the Secretary makes the following

#### CONCLUSIONS OF LAW

1. The petitioner, Elaine S. Kelley, has satisfied the conditions established in the Order for a stay of her suspension and reinstatement to active status, subject to the continuing conditions set forth in the Order.

2. Kelley's reinstatement to active status should be conditioned upon compliance with the conditions and requirements in the Order.

BASED UPON the findings and conclusions stated herein, the Secretary hereby enters the following:

#### ORDER

1. The remaining active suspension of Kelley's license imposed by the Order of Discipline in 14 DHC 6 is hereby stayed and Kelley is reinstated to the active practice of law in North Carolina as of the date of this order.

2. The stay of the remaining suspension is subject to the terms, conditions, and requirements set forth in the Order of Discipline.

3. Kelley's status as an active member of the North Carolina State Bar shall continue in force only as long as she complies and continues to comply with all of the conditions set forth in the Order of Discipline, as follows:

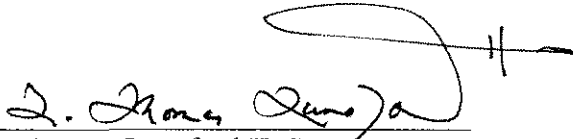
- (a) Defendant shall timely pay all Membership dues, fees and costs, including all Client Security Fund assessments and other charges or surcharges that

the State Bar is authorized to collect from her, including all judicial district dues, fees and assessments;

- (b) Defendant shall timely complete all mandatory CLE hours, report such hours, and pay any fees associated with attendance at CLE programs;
- (c) 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; and
- (d) Defendant shall keep the State Bar Membership Department advised of her current business and home addresses. Defendant shall notify the State Bar of any change in address within ten days of such change. Her current business address must be a street address, not a P.O. box or drawer.

4. If Kelley fails to comply with any one or more of the conditions set out in the Order of Discipline, then the stay of the suspension of her law license may be lifted and the suspension activated as provided in § .0114(x) of the North Carolina State Bar Discipline and Disability Rules.

This the 16<sup>74</sup> day of June, 2015.

  
\_\_\_\_\_  
L. Thomas Lunsford II, Secretary  
North Carolina State Bar