



STATE OF NORTH CAROLINA

BEFORE THE GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
12G0428

WAKE COUNTY

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

ORDER OF
RECIPROCAL DISCIPLINE

SCOTT DAVID BEAL, Attorney,

Defendant

Pursuant to the authority vested in me as Chair of the Grievance Committee of the North Carolina State Bar by 27 N.C. Admin. Code 1B §§ .0105(a)(12) and .0116(b) of the North Carolina State Bar Discipline and Disability Rules, and based upon the record in this matter, the undersigned finds as follows:

1. Respondent, Scott David Beal, was admitted to the North Carolina State Bar on 27 February 2009 and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, 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.

2. By order dated 17 September 2012, the Supreme Court of Illinois suspended Scott David Beal from the practice of law in Illinois for a period of two years and until further order of the Court. As a basis for its suspension order, the Court approved and confirmed the report and recommendation of the Hearing Board and the Review Board of the Illinois Attorney Registration and Disciplinary Commission, which made findings of fact and concluded that Beal:

- (a) Failed to consult with his clients as to the means by which the objectives of representation were to be pursued;
- (b) Failed to act with reasonable diligence and promptness in representing his clients;
- (c) Failed to keep his clients reasonably informed about the status of their respective matters;
- (d) Failed to make reasonable efforts to expedite litigation consistent with the interests of his clients;
- (e) Failed to promptly notify his client upon receiving property in which the client had an interest;

- (f) Failed to promptly deliver funds that the client was entitled to receive, and failed to render a full accounting of received entrusted funds to his client;
- (g) Engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation;
- (h) Engaged in conduct that is prejudicial to the administration of justice; and
- (i) Engaged in conduct that tends to defeat the administration of justice or to bring the courts or the legal profession into disrepute.

3. On or about 29 November 2012, the North Carolina State Bar served Beal with a Notice of Reciprocal Discipline. The Notice advised Beal that the State Bar was considering imposing identical discipline based upon the Illinois Supreme Court's order of suspension.

4. On 7 January 2013, Beal, through counsel, responded to the State Bar's Notice of Reciprocal Discipline and objected to the imposition of reciprocal discipline.

5. The Grievance Committee of the North Carolina State Bar considered this matter at its 18 July 2013 meeting. The Grievance Committee reviewed and considered all materials submitted by Beal in reaching its conclusion. The Grievance Committee concluded that none of the elements set forth in 27 N.C. Admin. Code 1B § .0116(b)(3) exist in this case, and therefore that there are no grounds to conclude that the imposition of identical discipline in North Carolina would be unwarranted. The Grievance Committee further concluded that the calculation of the identical two-year period of suspension on Beal's license to practice law in North Carolina should be from the effective date of Beal's suspension in Illinois (17 September 2012), and that his reinstatement to the practice of law in North Carolina should be predicated upon his reinstatement to the practice of law in Illinois.

BASED UPON THE FOREGOING FINDINGS the Chair of the Grievance Committee makes the following CONCLUSIONS OF LAW:

1. The North Carolina State Bar has jurisdiction over the subject matter of the proceeding and over the person of the Respondent, Scott David Beal.

2. The Grievance Committee has complied with the procedure for imposition of reciprocal discipline set forth in 27 N.C. Admin. Code 1B § .0116(b) of the N.C. State Bar Discipline and Disability Rules.

3. Pursuant to 27 N.C. Admin. Code 1B § .0116(b)(5), the Supreme Court of Illinois's 17 September 2012 Order of Suspension against Beal establishes that Beal engaged in conduct constituting violations of the following North Carolina State Bar Rules of Professional Conduct: Rule 1.2(a), Rule 1.3, Rules 1.4(a)(2) & (3), Rules 1.15-2(a), (b), & (m), Rule 3.2, and Rules 8.4(c) & (d). These Rule violations justify the imposition of reciprocal discipline in this State.

4. The suspension imposed by the Supreme Court of Illinois is the equivalent of a suspension as described and set out in N.C. Gen. Stat. § 84-28(c)(2). Beal's right to practice law in the State of North Carolina shall be suspended for two years, with the calculation of the two-year period of suspension beginning on the effective date of his suspension in Illinois (17

September 2012). Furthermore, Beal should be allowed to petition for reinstatement of his North Carolina law license after his license to practice law in Illinois is reinstated.

THEREFORE IT IS HEREBY ORDERED THAT:

1. The license of Respondent, Scott David Beal, is hereby suspended from the practice of law for two years. The calculation of this two-year period of suspension shall be from 17 September 2012, which is the effective date of Beal's suspension in Illinois. This Order is effective 30 days after service of the Order upon Beal.

2. Beal shall submit his license and membership card to the Secretary of the North Carolina State Bar no later than 30 days following the date he is served with this Order. Beal shall 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. Beal shall pay the costs and administrative fees of this proceeding as assessed by the Secretary within 30 days of service of the statement of costs and administrative fees upon him.

4. Beal's suspension shall run concurrently with his suspension in Illinois.

5. Beal may not petition for reinstatement to the practice of law in North Carolina until his license to practice law in Illinois is reinstated. Additionally, in petitioning for reinstatement of his North Carolina law license after being reinstated to the practice of law in Illinois, Beal must submit proof of his reinstatement to the practice of law in Illinois and must comply with 27 N.C. Admin. Code 1B § .0125.

This the 30th day of July, 2013.



Margaret M. Hunt, Chair
Grievance Committee