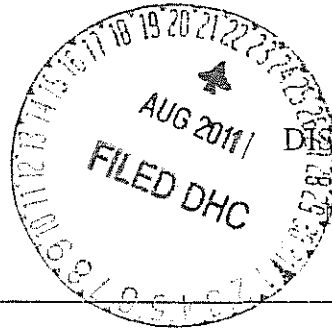


NORTH CAROLINA  
WAKE COUNTY



BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
11 RD 1

IN THE MATTER OF THE  
PETITION FOR REINSTATEMENT OF:

ORDER  
DISMISSING PETITIONER'S  
PETITION FOR REINSTATEMENT

PHILLIP S. BANKS, III

This matter is before a panel of the Disciplinary Hearing Commission composed of Steven D. Michael, Chair, Walter E. Brock, Jr., and Patti Head upon motion of the State Bar to dismiss petitioner's petition for reinstatement. Based upon the relevant documents before the panel, the panel makes the following:

**Findings of Fact**

1. After a hearing in the Disciplinary Hearing Commission ("DHC") held on August 18, 1995 in 95 DHC 12, an order signed on September 8, 1995 by DHC Chairman Henry C. Babb, Jr. and filed in the DHC transferred Phillip S. Banks, III ("Banks") to disability inactive status.
2. Petitioner filed a petition for reinstatement on June 14, 2011 that challenged the authority of those who participated in 95 DHC 12, but did not address whether or not petitioner presently suffers from the disability that caused his transfer to disability inactive status.
3. On two occasions, the State Bar attempted to remind Banks of his obligation to file information with the Secretary that 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0125(c)(4) requires a petitioner seeking reinstatement from disability inactive status to file.
4. Banks failed to file the information required by 27 NCAC 1B, § .0125(c)(4) with the Secretary.
5. In his petition for reinstatement, Banks has not provided any forecast of evidence that he no longer suffers from a disabling condition.

BASED UPON the foregoing Findings of Fact, the panel makes the following:


### Conclusions of Law

1. Banks failed to comply with the requirements of 27 N.C.A.C. 1B, § .0125(c)(4), which is grounds for dismissal of Banks' petition for reinstatement.
2. Banks has failed to present any forecast of evidence that would be sufficient to meet his burden of proving the elements of 27 NCAC 1B, § .0125(c)(3), which is grounds for dismissal of Banks' petition for reinstatement.

THEREFORE, BASED UPON the foregoing Findings of Fact and Conclusions of Law, the panel enters the following ORDER:

1. The petition for reinstatement filed by Phillip S. Banks, III on June 14, 2011 is hereby dismissed without prejudice to Banks' right to file a proper petition for reinstatement;
2. The hearing currently scheduled for August 26, 2011 is cancelled; and
3. Petitioner is taxed with the costs of this action.

Signed by the Chair with the knowledge and consent of the other panel members  
this the 22<sup>nd</sup> day of August 2011.



Steven D. Michael, Chair  
Hearing Panel