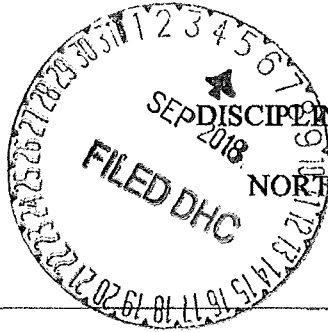


NORTH CAROLINA
WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
12 DHC 22 R2

IN THE MATTER OF

Petition for Reinstatement of
TRACEY E. CLINE, Attorney

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ORDER OF
REINSTATEMENT

THIS MATTER was heard on August 27, 2018 by a Panel of the Disciplinary Hearing Commission upon Petitioner Tracey E. Cline's June 1, 2018 Petition for Reinstatement filed pursuant to 27 N.C.A.C. 1B §.0129 and the terms of the Order of Discipline in 12 DHC 22. Petitioner appeared *pro se*. The North Carolina State Bar was represented by Margaret T. Cloutier. The Panel consisted of Chair Donald C. Prentiss and members David W. Long and Michael S. Edwards. Based upon the record and the evidence presented, the Panel makes the following:

FINDINGS OF FACT

1. In an Order of Discipline filed June 22, 2015, a hearing panel of the Disciplinary Hearing Commission suspended Cline from the practice of law for five years effective thirty days from entry of the Order. Cline was served with the Order on July 20, 2015 and the effective date of the Order was August 19, 2015.
2. The Order of Discipline provides that in order to be reinstated Cline must comply with the conditions set out in paragraphs 8(a) - (g) of the Order and the provisions of 27 N.C.A.C. 1B § .0125 [now Rule .0129] before seeking reinstatement of her license to practice law, and must provide in her petition for reinstatement clear, cogent and convincing evidence showing her compliance therewith.
3. In calculating the date upon which Cline may apply for reinstatement, the Order provides that Cline shall receive credit for all time she did not practice law since entry of the Order removing her from Office as District Attorney on March 2, 2012.
4. Cline certified that she did not engage in the practice of law between March 2, 2012 and the date of the petition. More than five years have elapsed since Cline last practiced law.
5. Cline filed a Petition for Reinstatement on June 1, 2018. The North Carolina State Bar filed an Objection to Petition for Reinstatement on June 26, 2018. A hearing before the Disciplinary Hearing Commission (DHC) was scheduled pursuant to the provisions of 27 N.C.A.C. 1B §.0129(b)(7).

6. To be eligible for reinstatement, Cline has the burden of establishing by clear, cogent and convincing evidence that she complied with the following conditions set forth in the Order of Discipline:

- (a) That Cline certify as to the cumulative time she has not engaged in the practice of law between March 2, 2012 and the date of the petition.
- (b) That Cline keep the North Carolina State Bar Membership Department advised of her current home street address and notify the Bar of any change in address within ten days of such change.
- (c) That Cline accept all certified mail sent to her by the State Bar and 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 participate timely and in good faith in the State Bar's fee dispute resolution process for any petition about which she was notified.
- (d) That Cline properly wind down her law practice and complied with the requirements of 27 N.C. Admin. Code Chapter 1, Subchapter B, §.0124 [now Rule .0128], the North Carolina State Bar Discipline and Disability Rules, to the extent applicable.
- (e) That Cline not violate the Rules of Professional Conduct or the laws of the United States or any state or local government during the suspension.
- (f) That Cline pay the costs and administrative fees within sixty days of service upon her of the statement of costs and administrative fees by the Secretary of the North Carolina State Bar.
- (g) That Cline 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, and including all judicial district dues, fees and assessments, and that there is no deficit in Defendant's completion of mandatory Continuing Legal Education (CLE) hours, in reporting of such hours, or in payment of any fees associated with attendance at CLE programs.

7. Cline did not timely advise the State Bar of her correct street and mailing addresses. However, in her petition Cline advised the State Bar Membership Department of her current home street address.

8. On at least two occasions in 2015 and 2016, certified mail sent to Cline was returned to the Clerk as unclaimed or undeliverable. However, no issues regarding certified mail have arisen since that time.

9. At the time of her suspension, Cline was not engaged in the private practice of law and therefore, was not subject to the wind down provisions that required notification and withdrawal from cases. Cline did not timely file an affidavit as required by Rule §.0128, but did file the affidavit contemporaneously with her petition. Cline cannot locate her State Bar license or membership card.

10. Cline has not violated the Rules of Professional Conduct or the laws of the United States or any state or local government during the suspension.

11. Cline paid the assessed costs and administrative fees on April 6, 2018, which was not within sixty days of the date of service of the notice of costs on her.

12. Cline is current in all membership fees and costs and there is no deficit in her completion of mandatory CLE hours, reporting thereof, or in payment of attendance at CLE programs.

13. Cline has substantially complied with the conditions 6(a) through (g) as set out above and in the Order of Discipline.

14. The deficiencies in Cline's compliance with the conditions of the order relate to timeliness and are thus incurable. These deficiencies should not prevent the reinstatement of Cline's law license.

Based on the foregoing Findings of Fact, the Hearing Panel makes the following

CONCLUSIONS OF LAW

1. All parties are properly before the Disciplinary Hearing Commission and the Disciplinary Hearing Commission has jurisdiction over Petitioner, Tracey E. Cline, and the subject matter of this proceeding.

2. Cline is eligible for reinstatement of her law license.

3. The deficiencies in Cline's compliance are of a nature that cannot be rectified or cured and should not be a bar to reinstatement of her license.

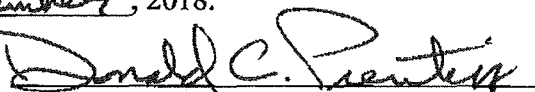
4. Cline has substantially satisfied the requirements for reinstatement set out in the Order of Discipline and should be allowed to resume the practice of law.

Based upon the foregoing Findings of Fact and Conclusions of Law, the Hearing Panel enters the following

ORDER

Tracey E. Cline's Petition for Reinstatement is ALLOWED, and she shall be permitted to resume practicing law effective immediately upon entry of this Order.

Signed by the undersigned Chair with the knowledge and consent of the other members of the Hearing Panel, this 5 day of September, 2018.


Donald C. Prentiss, Chair
Disciplinary Hearing Panel