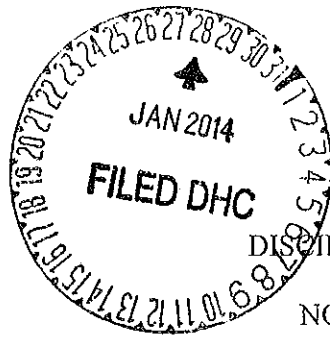


NORTH CAROLINA  
WAKE COUNTY



BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
13 BSR 5 & 12 DHC 2

IN THE MATTER OF )

Petition for Stay of Suspension of  
GARY S. LAWRENCE, Attorney )

ORDER ALLOWING  
PETITION FOR STAY

THIS MATTER was heard on 2 October 2013 and 10 January 2014 by a Panel of the Disciplinary Hearing Commission upon Petitioner Gary S. Lawrence's 9 July 2013 Petition for Stay filed pursuant to 27 N.C.A.C. 1B §.0125 and the terms of the Order of Discipline in 12 DHC 2. Petitioner was represented by R. Daniel Boyce. The North Carolina State Bar was represented by Carmen Hoyme Bannon. The Panel consisted of Chair Walter E. Brock, Jr., and members Joshua W. Willey, Jr., and Patti Head. Based upon the record, stipulations, and the evidence presented, the Panel makes the following:

#### FINDINGS OF FACT

1. On 28 June 2012, an Order of Discipline was entered suspending Petitioner Gary S. Lawrence from the practice of law for three years effective thirty days from the date the order was served on Lawrence.

2. The effective date of the Order of Discipline was 4 August 2012. Due to erroneous advice from his counsel, Lawrence was misinformed regarding the effective date of the suspension. As a result, he did not cease practicing law until on or about 22 August 2012.

3. The Order of Discipline provided that Lawrence could apply for a stay of any remaining period of suspension after serving one year of the active suspension and upon compliance with conditions stated in the Order. Lawrence was required to comply with the procedures set forth in 27 N.C.A.C. 1B §.0125(b) in applying for a stay.

4. Lawrence filed a Petition for Stay on 9 July 2013, and the North Carolina State Bar filed an Objection to Petition for Stay on 2 August 2013. A hearing before the Disciplinary Hearing Commission (DHC) was scheduled pursuant to the provisions of 27 N.C.A.C. 1B §.0125(b)(7).

5. At the initial hearing on 2 October 2013, the hearing panel announced its findings and ruling denying Lawrence's petition for stay. Upon subsequent motion by Petitioner, the panel in its discretion entered an order reopening this case to receive testimony from an additional witness. This additional evidence was presented on 10 January 2014.

6. To be eligible for a stay of the remaining period of suspension, Lawrence had the burden of establishing by clear, cogent and convincing evidence that he complied with following conditions set forth in the Order of Discipline:

- (a) That Lawrence has submitted to a comprehensive psychiatric or psychological evaluation, at Lawrence's sole expense, by a board certified psychiatrist or psychologist who specializes in treating sexual offenders in the professions and who has been approved in advance by the Office of Counsel of the North Carolina State Bar and has complied with any and all treatments, plans, and/or counseling determined by the evaluating psychiatrist or psychologist to be appropriate to ensure Lawrence gains an appropriate perception of women, can have an appropriate professional relationship with female clients, and to address any other mental health issues;
- (b) That the psychiatrist or psychologist has certified, based on his or her independent comprehensive evaluation of Lawrence, that in his or her professional opinion Lawrence does not suffer from any condition creating a predisposition for inappropriate sexual behavior and that Lawrence does not suffer from any mental, psychological, or emotional condition that significantly impairs his professional judgment, performance, or competence in the representation of female clients;
- (c) That Lawrence has attached to his reinstatement petition the written evaluation from the evaluating psychiatrist or psychologist along with releases or authorizations signed by Lawrence instructing the evaluating psychiatrist or psychologist to discuss their evaluations of Lawrence with, and to release any corresponding records to, a representative of the Office of Counsel;
- (d) That Lawrence has kept the North Carolina State Bar Membership Department advised of his current business and home addresses and notified the Bar of any change in address within ten days of such change;
- (e) That Lawrence has responded to all communications from the North Carolina State Bar within thirty days of receipt or by the deadline stated in the communication, whichever is sooner, and has participated in good faith in the State Bar's fee dispute resolution process for any petition received after the effective date of this Order;
- (f) That Lawrence has not violated the Rules of Professional Conduct or the laws of the United States or any state or local government during his suspension;
- (g) That Lawrence has properly wound down his law practice and complied with the requirements of § .0124 of the North Carolina State Bar Discipline and Disability Rules; and

(h) That Lawrence has otherwise complied with the requirements of 27 N.C.A.C. 1B § .0125(b).

7. Lawrence satisfied the conditions set forth in paragraphs 6(a) through (f) and 6(g), above.

8. Lawrence substantially complied with the condition in paragraph 6(g), above, requiring him to wind-down his law practice in compliance with 27 N.C.A.C. 1B § .0124: Lawrence complied with the substantive provisions contained in § .0124 but did not timely wind down his practice within the timeframes set forth in § .0124. Lawrence's delay in winding down was due to erroneous advice of counsel, was the result of excusable neglect, and did not result in any harm.

9. Donna M. Peaslee, Ph.D., the psychologist who performed the evaluation of Lawrence described in paragraph 6(a), above, recommended that Lawrence be permitted to resume the practice of law with the following safeguards in place for at least the first year of his resumed practice: (a) that Lawrence not represent female clients in domestic matters; and (b) that Lawrence not meet alone with female clients.

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, Gary S. Lawrence, and the subject matter of this proceeding.

2. Lawrence has satisfied the requirements for a stay set out in the Order of Discipline and the remainder of the suspension imposed therein should be stayed, subject to conditions designed to protect the public.

3. For the protection of the public, Lawrence should be required during the period of the stay to comply with the safeguards recommended by Dr. Peaslee and to continue the course of treatment prescribed by Dr. Peaslee.

4. Due to the delay in winding down his practice in 2012, the three-year suspension period specified in the Order of Discipline began on 22 August 2012 and shall expire on 22 August 2015.

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

#### ORDER

1. Gary S. Lawrence's Petition for Stay is ALLOWED, the balance of the suspension of his law license is stayed, and he shall be permitted to resume practicing law subject to the conditions set forth in paragraph 2, below.

2. The balance of Lawrence's suspension is stayed so long as Lawrence complies with the following conditions:

- (a) Lawrence shall not represent female clients in domestic matters during the period of stayed suspension;
- (b) Lawrence shall not meet alone with any female client, either in his law office or elsewhere, during the period of stayed suspension;
- (c) Lawrence shall identify a chaperone who agrees to be present for all meetings between Lawrence and female clients during the period of the stayed suspension. To preserve the attorney-client privilege, the designated chaperone must be Lawrence's employee or agent. The chaperone need not be present if another person is present during the meeting at the invitation of the female client;
- (d) Within 10 days after the entry of this order, Lawrence shall submit to the Office of Counsel a letter from the designated chaperone, indicating her assent to, and understanding of, her role as chaperone and the requirements of this order;
- (e) Lawrence shall submit to the Office of Counsel quarterly affidavits certifying compliance with the conditions set forth in paragraphs (a) through (c), above. One of these quarterly affidavits shall be from Lawrence, and shall include a list of female clients Lawrence represented in the preceding quarter (including the nature of the representation), and a certification that Lawrence has complied with the conditions of this order related to female clients. In addition, Lawrence must submit quarterly affidavits from the designated chaperone certifying that she has been present for all meetings between Lawrence and his female clients during the preceding quarter and including a list of the dates, times, and clients involved in the meetings she has chaperoned. These affidavits shall be due each January 1, April 1, July 1, and October 1, throughout the stayed suspension;
- (f) Throughout the stayed suspension, Lawrence shall comply with all treatments prescribed by Dr. Peaslee and any other mental health professional. Lawrence shall ensure that his treating clinician(s) provides a quarterly written report to the State Bar Office of Counsel concerning Lawrence's compliance with the prescribed treatment plan. The reports shall be due each January 1, April 1, July 1, and October 1 throughout the stayed suspension. All expenses of such treatment and reports shall be borne by Lawrence;
- (g) Lawrence shall execute written waivers and releases authorizing the Office of Counsel to confer with Lawrence's treating clinician(s) for the purpose of determining if Lawrence has cooperated and complied with recommended treatment and shall not revoke such releases during the period of stayed suspension;

- (h) Failure to timely submit the reports and affidavits as required herein shall be grounds for lifting the stay and reactivating the suspension;
- (i) Lawrence shall keep the North Carolina State Bar Membership Department advised of his current business and home addresses;
- (j) Lawrence shall respond to all communications from the North Carolina State Bar within 30 days of receipt or by the deadline stated in the communication, whichever is sooner, and participate in good faith in the State Bar's fee dispute resolution process for any petition received during the stay;
- (k) Lawrence shall not violate the Rules of Professional Conduct or the laws of the United States or any state or local government during the period of the stay; and
- (l) Lawrence shall timely comply with all State Bar membership and continuing legal education requirements and shall pay all fees and costs assessed by the applicable deadline.


3. If Petitioner fails to comply with one or more of the conditions stated in Paragraph 2 above, then the stay of the suspension of his law license may be lifted as provided in 27 N.C.A.C. 1B § .0114(x) of the North Carolina State Bar Discipline and Disability Rules. If the stay granted herein is lifted or the suspension of Petitioner's license is activated for any reason, before a subsequent stay of the suspension can be entered Petitioner must show by clear, cogent, and convincing evidence that he has complied with the conditions referenced in Paragraph 6(d) through (h) of the original Order of Discipline.

4. The Disciplinary Hearing Commission shall retain jurisdiction throughout the period of Lawrence's stayed suspension pursuant to 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0114(x) of the North Carolina State Bar Discipline and Disability Rules.

5. Petitioner is taxed with the costs and administrative fees of this proceeding, which Petitioner shall pay within 90 days of the date of this Order.

6. This Order is effective immediately upon entry.

Signed by the undersigned Chair with the knowledge and consent of the other members of the Hearing Panel, this 22<sup>nd</sup> day of January, 2014.

  
WALTER E. BROCK, JR., CHAIR  
HEARING PANEL