

STATE OF NORTH CAROLINA

WAKE COUNTY

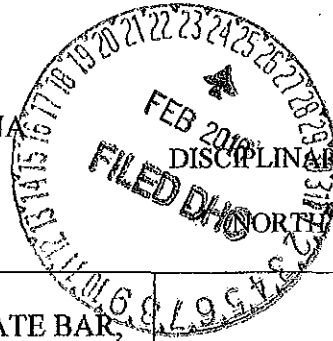
THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

WILLIAM WALLACE RESPESS, JR.
Attorney,

Defendant



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
14 DHC 8R

ORDER STAYING REMAINDER OF
SUSPENSION

THIS MATTER was heard on February 24, 2016 by a hearing panel of the Disciplinary Hearing Commission ("DHC") composed of Barbara B. Weyher, Chair, and members R. Lee Farmer and Michael S. Edwards, pursuant to 27 N.C. Admin. Code 1B § .0125(b)(7) of the Rules and Regulations of the North Carolina State Bar. Plaintiff was represented by Barry S. McNeill, Deputy Counsel. Defendant, William Wallace Respass, Jr. ("Defendant" or "Respass"), was represented by Dudley A. Witt of Crumpler, Freedman, Parker & Witt, Winston-Salem, North Carolina. On January 26, 2016, Defendant filed a verified Petition for Order Staying Suspension ("Petition"). The Plaintiff, the North Carolina State Bar ("State Bar"), pursuant to 27 N.C. Admin. Code 1B §§ .0125(b)(3), (b)(4) and (b)(6), did not respond in opposition to the Petition. In his Petition, Defendant seeks a stay of the time remaining on his two year suspension pursuant to the Consent Order of Discipline ("Order") filed on June 5, 2014.

Based upon Defendant's pleading and attachments and the matters of record, the hearing panel hereby makes, by clear, cogent and convincing evidence, the following

FINDINGS OF FACT

1. On June 5, 2015, in a Consent Order of Discipline entered in *The North Carolina State Bar v. William Wallace Respass, Jr.*, No. 14 DHC 8 ("Order"), the DHC of the State Bar suspended Defendant for two years beginning 30 days from the date of service of the Order upon him.
2. Defendant's counsel accepted service of the Order on behalf of Defendant on June 22, 2015.
3. Defendant's two year suspension under the Order became effective as of July 22, 2015.

4. The Order provided that, after six months from the effective date of the Order, Defendant could file a verified petition for a stay of the remaining period of his suspension.

5. Defendant filed the present verified Petition after six months from the effective date of the Order.

6. The Order provided in relevant part that, in order to be reinstated, Defendant had to demonstrate in his petition by clear, cogent and convincing evidence that, in addition to complying with the general provisions for reinstatement contained in 27 N.C. Admin. Code 1B § .0125 of the Rules and Regulations of the North Carolina State Bar, he had complied during his suspension with the following conditions:

- a. Defendant shall submit his license and membership card to the Secretary of the North Carolina State Bar no later than 30 days from the effective date of his suspension;
- b. Defendant shall comply with all provisions of 27 N.C.A.C. 1B § .0124 of the State Bar Rules on a timely basis;
- c. Defendant shall timely submit his annual Continuing Legal Education ("CLE") report form to the CLE Department of the North Carolina State Bar each year of the suspension and contemporaneously send a copy of the CLE report form to the Office of Counsel of the State Bar to document compliance with the above condition. "Timely" means by the date specified by the CLE department as the date by which members must submit their annual report forms to avoid assessment of a \$75.00 late filing penalty. Defendant must ensure the Office of Counsel receives a copy of his annual CLE report form no later than 15 days after it is due to the CLE department of the State Bar each year;
- d. Defendant shall pay all State Bar Membership dues and Client Security Fund assessments and comply with all CLE requirements on a timely basis;
- e. Defendant shall keep current his address of record with the North Carolina State Bar, accept all certified mail from the North Carolina State Bar, and respond to all letters of notice and requests for information from the North Carolina State Bar by the deadlines stated in the communication;
- f. Defendant shall not violate any of the Rules of Professional Conduct in effect during the period of the suspension;
- g. Defendant shall not violate any laws of the State of North Carolina or of the United States during the period of the suspension; and
- h. Defendant shall pay all costs and administrative fees of this proceeding as assessed by the Secretary within thirty (30) days after service of the notice of costs on him.

7. Defendant timely submitted his license and membership card to the Secretary of the State Bar on July 22, 2015.

8. Defendant timely filed an affidavit with the State Bar on July 28, 2015 pursuant to 27 N.C.A.C. 1B § .0124 certifying that he had submitted his license and membership card to the State Bar, that he had withdrawn from or completed all client matters, that he had notified all clients of his suspension and his inability to act as an attorney after the effective date of the suspension, that he had advised his former clients to seek legal advice from other attorneys, and that the State Bar could direct communications to his residential address in Taylorsville, North Carolina, his home and cell phone numbers, and his e-mail address.

9. Defendant is in compliance with his CLE requirements and reporting requirements.

10. Defendant is current in payment of all State Bar membership dues, fees and costs.

11. Defendant kept the State Bar Membership Department advised of his current address.

12. Defendant did not violate the Rules of Professional Conduct, the laws of the United States, or the laws of any state or local government during his suspension.

13. Defendant paid the costs and administrative fees associated with his DHC proceeding within thirty (30) days of receipt of the statement of costs.

14. Defendant otherwise complied with the general provisions for reinstatement contained in 27 N.C. Admin. Code 1B § .0125 of the Rules and Regulations of the State Bar.

Based upon the foregoing Findings of Fact, the hearing panel enters the following

CONCLUSIONS OF LAW

1. All parties are properly before the hearing panel and the panel has jurisdiction over Defendant, William Wallace Respass, Jr., and the subject matter of this proceeding.

2. Defendant has shown by clear, cogent and convincing evidence his compliance and/or substantial compliance with the conditions for staying the remainder of his two-year suspension.

Based upon the foregoing Findings of Fact and Conclusions of Law, the hearing panel enters the following

ORDER

1. A stay of the remaining portion of Defendant's two-year suspension is hereby ordered, and Defendant is hereby reinstated to practice law in North Carolina immediately upon the filing of this Order.

2. The conditions of the Order are modified as follows: the stay of his suspension will remain in effect only if Defendant complies, and continues to comply, during the remainder of the stay of his suspension with the following conditions:

- a. Defendant kept the Membership Department of the State Bar informed of his current information for his physical address (not a Post Office box), telephone number, and e-mail address throughout the period of his stayed suspension;
- b. Defendant accepted all certified mail from the State Bar sent to the address on record with the Membership Department of the North Carolina State Bar throughout the period of his stayed suspension;
- c. Defendant responded to all letters of notice and requests for information from the North Carolina State Bar by the deadline stated therein with full and complete responses and all requested documentation throughout the period of his stayed suspension;
- d. Defendant complied with CLE or membership obligations throughout the period of his stayed suspension;
- e. Defendant did not violate any of the Rules of Professional Conduct in effect during the period of his stayed suspension; and,
- f. Defendant did not violate any laws of the State of North Carolina or of the United States during the period of his stayed suspension.

3. Unless Defendant's obligations under the Order are modified by further order of the DHC, Defendant's obligations under this order end two years from the effective date of the original Order (July 22, 2015) provided there are no motions or show cause proceedings pending alleging lack of compliance with the conditions of the stay of the suspension. Pursuant to 27 N.C. Admin. Code 1B § .0114(x) of the Rules and Regulations of the North Carolina State Bar, the DHC retains jurisdiction until all conditions of the stay of the suspension have been met. If a motion or show cause proceeding alleging lack of compliance with the conditions for the stay of the suspension is pending when the period of the stay of the suspension would otherwise have terminated, the DHC retains the jurisdiction and ability to lift the stay of the suspension and activate the remaining suspension time in whole or in part if it finds that any of the conditions of the stay have not been met. The stay of the suspension and Defendant's

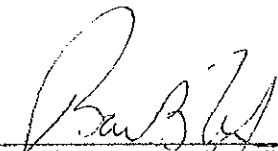
obligation to comply with the conditions for the stay will continue until resolution of any pending motion or show cause proceeding.

4. If an order staying any period of this suspension is entered and the Defendant fails to comply with any 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. Admin. Code 1B § .0114(x) of the Rules and Regulations of the North Carolina State Bar.

5. If the stay of the suspension is lifted and the suspension is activated for any reason, Defendant may apply for reinstatement after serving the activated suspension by filing an application for reinstatement demonstrating by clear, cogent, and convincing evidence the following:

- a. Compliance with the general provisions for reinstatement listed in 27 N.C. Admin. Code 1B § .0125 of the Rules and Regulations of the North Carolina State Bar; and
- b. Compliance with the conditions set out in Paragraph 2 (a) – (f) above.

28th Signed by the Chair with the consent of the other hearing panel members, this the day of February, 2016.



Barbara B. Weyher, Chair
Disciplinary Hearing Panel