

STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
16 DHC 5 R

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

JOHN M. HOLMES, Attorney,

Defendant

ORDER STAYING SUSPENSION

THIS MATTER was considered by a hearing panel of the Disciplinary Hearing Commission composed of Donald C. Prentiss, Chair, David W. Long, and Bradley Lail pursuant to a Petition for Order Staying Suspension filed by John Holmes on 16 February 2018. Based upon the petition and review of the record, the Hearing Panel hereby makes by clear, cogent, and convincing evidence the following

FINDINGS OF FACT

1. On 28 April 2016, a hearing panel of the DHC entered an Order of Discipline in *North Carolina State Bar v. John M. Holmes*, 16 DHC 5, which suspended Holmes's license to practice law for a period of three years, but stayed the suspension provided Holmes complied with certain conditions.

2. Holmes failed to comply with certain conditions and by Order dated 11 January 2017, his suspension was activated for a minimum of three months: The 11 January 2017 Order provided that after serving three months of the active suspension of his license, Holmes could file a petition seeking a stay of the remaining period of the suspension upon compliance with the conditions stated in the Order.

3. On 16 February 2018, Holmes submitted a petition requesting a stay of the remaining portion of his active suspension and seeking reinstatement to active status subject to the continuing conditions and requirements set forth in the DHC's prior Orders.

4. The 11 January 2017 Order provided that Holmes would be eligible for a stay of the remaining period of the suspension only if he demonstrated compliance with certain conditions. In his petition, Holmes described the actions he has taken to comply with and satisfy the conditions of the 11 January 2017 Order.

5. The North Carolina State Bar does not object to Holmes's petition for a stay.

Based on the foregoing Findings of Fact and without any evidence presented in opposition to the petition, the Hearing Panel makes the following

CONCLUSION OF LAW

1. Petitioner, John Holmes, has satisfied the conditions set forth in the 11 January 2017 Order for a stay of his suspension and reinstatement to active status, subject to the continuing conditions set forth in the DHC's 28 April 2016 Order.

Based upon the findings and conclusions stated herein, the Hearing Panel enters the following

ORDER

1. The remaining active suspension of Holmes's license imposed by the Order of Discipline in 16 DHC 5 is hereby stayed and Holmes is reinstated to the active practice of law in North Carolina.

2. The stay of the remaining suspension is subject to the terms, conditions, and requirements set forth in the DHC's prior orders in this case.

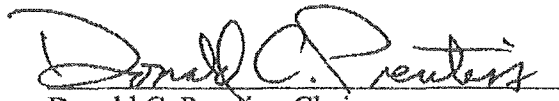
3. Holmes's active status shall be subject to, and contingent upon compliance with, the terms of the stayed suspension set forth in paragraph 2 and its subparagraphs on pages 5-7 of the 28 April 2016 Order of Discipline.

4. If Holmes fails to comply with any one or more of the conditions set out in the Order of Discipline, then the stay of the suspension of his law license may be lifted as provided in 27 N.C. Admin. Code 1B § .0118.

5. The Disciplinary Hearing Commission will retain jurisdiction of this matter throughout the remainder of the suspension.

6. This Order shall be effective on the date it is entered.

Signed by the Chair with the consent of the other hearing panel members, this the 20 day of March, 2018.


Donald C. Prentiss, Chair
Disciplinary Hearing Panel