

STATE OF NORTH CAROLINA

WAKE COUNTY

BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
10 DHC 31

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

CHRISTOPHER T. WATKINS, Attorney,

Defendant

CONSENT ORDER OF  
DISCIPLINE

This matter came before a hearing panel of the Disciplinary Hearing Commission composed of Theodore C. Edwards, II, Chair, Steven D. Michael and Dr. Charles L. Garrett, Jr. Leonor Bailey Hodge represented Plaintiff. Defendant represented himself. Defendant waives a formal hearing in the above referenced matter. The parties stipulate and agree to the findings of fact and conclusions of law recited in this consent order. The parties consent to the discipline imposed by this order. Defendant knowingly, freely and voluntarily waives his right to appeal this consent order or to challenge in any way the sufficiency of the findings by consenting to the entry of this order.

Based on the foregoing and on the consent of the parties, the Hearing Panel hereby makes by clear, cogent and convincing evidence the following:

#### FINDINGS OF FACT

1. Plaintiff, the North Carolina State Bar (hereinafter "State Bar"), is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar promulgated thereunder.

2. Defendant, Christopher T. Watkins (hereinafter "Defendant"), was admitted to the North Carolina State Bar on August 18, 1984 and was at all times referred to herein, an Attorney at Law licensed to practice in North Carolina, subject to the rules, regulations and Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.

3. During the times relevant herein, Defendant actively engaged in the practice of law in the State of North Carolina and maintained a law office in Graham, Alamance County, North Carolina.

4. During calendar years 2005, 2006 and 2007, Watkins received sufficient income to require Watkins to file federal and state individual income tax returns.

5. For each of the tax years 2005, 2006 and 2007, Watkins knew the deadlines for the filing of his federal and state income tax returns and for payment of any tax liability.

6. Watkins failed to file within the times required by law his federal income tax return showing his tax liability for tax years 2005, 2006 and 2007.

7. Watkins failed within the times required by law to pay his federal individual income tax liability due for tax years 2005, 2006 and 2007.

8. Watkins failed to file within the times required by law his state individual income tax return showing his tax liability for tax years 2005, 2006 and 2007.

9. Watkins failed within the times required by law to pay his state individual income tax liability due for tax years 2005, 2006 and 2007.

10. Watkins' failure to file the required federal and state income tax returns and his failure to timely pay tax liabilities due for tax years 2005, 2006 and 2007 was willful.

11. Watkins pled guilty in Wake County District Court on 30 April 2009 to three counts of willful failure to file North Carolina State Individual Income Tax returns.

Based on 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, Christopher T. Watkins, and over the subject matter.

2. Defendant's conduct, as set forth in the Findings of Fact above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-24(b)(2) in that Defendant violated the Rules of Professional Conduct as follows:

- a. By failing to timely file and pay his state and federal income tax returns for tax years 2005, 2006 and 2007, Defendant committed criminal acts that reflect adversely on his honesty, trustworthiness or fitness as a lawyer in other respects in violation of Rule 8.4(b).

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

#### FINDINGS OF FACT REGARDING DISCIPLINE

1. Defendant was suffering from severe depression at the time of his misconduct.
2. Defendant has since filed his 2005, 2006 and 2007 federal income tax returns.
3. Defendant has since filed his 2005, 2006 and 2007 North Carolina state income tax returns.
4. Defendant paid the North Carolina State taxes due.
5. Defendant paid the court costs that were assessed by the court.
6. Defendant has sought treatment for his depression.
7. Defendant has a "highly regarded reputation" in the Alamance County Bar Association.
8. The Grievance Committee of the State Bar reprimanded Defendant in 1990 for incompetence and conflict of interest in a real estate matter.

Based on the foregoing Findings of Fact, Conclusions of Law and Findings of Fact Regarding Discipline, the Hearing Panel enters the following:

#### CONCLUSIONS REGARDING DISCIPLINE

1. The Hearing Panel has carefully considered all of the different forms of discipline available to it, including admonition, reprimand, censure and suspension.
2. The Hearing Panel has considered all of the factors enumerated in 27 N.C.A.C. 1B § .0114(w)(1) and (3) of the Rules and Regulations of the State Bar and finds the following factors are applicable:
  - a. circumstances reflecting the defendant's lack of honesty, trustworthiness, or integrity;
  - b. negative impact of the Defendant's actions on public's perception of

the profession:

- c. experience in the practice of law;
- d. prior disciplinary offense;
- e. remoteness of prior disciplinary offense;
- f. timely good faith efforts to make restitution or to rectify consequences of misconduct;
- g. effect of mental disability and impairment on the conduct in question;
- h. interim rehabilitation;
- i. full and free disclosure to the Hearing Panel and cooperative attitude toward the proceedings;
- j. remorse; and
- k. good character and reputation.

3. The Hearing Panel has considered lesser alternatives and finds that a censure, reprimand or admonition would be insufficient discipline because of the potential harm to the legal profession caused by Defendant's conduct.

4. The Hearing Panel finds that though Defendant's conduct is serious enough to warrant more than a censure it does not warrant an active suspension of his license.

5. The Hearing Panel finds that a stayed suspension of Defendant's law license is warranted for the following reasons:

- a. Defendant's conduct reflects adversely on his trustworthiness or fitness as a lawyer;
- b. Entry of an order imposing less severe discipline would fail to acknowledge the seriousness of the misconduct and would send the wrong message to attorneys and the public about the conduct expected of members of the Bar of this State.

Based on the foregoing Findings of Fact, Conclusions of Law, Findings of Fact Regarding Discipline and Conclusions of Law Regarding Discipline, the Hearing Panel hereby enters the following:

## ORDER OF DISCIPLINE

1. The law license of Defendant, Christopher T. Watkins, is hereby suspended for three (3) years effective from the date this Order of Discipline is served upon him. The period of suspension is stayed for three (3) years as long as Defendant complies and continues to comply with the following conditions:

- a. Defendant shall execute any written waivers and releases necessary to authorize the Office of Counsel to confer with the Internal Revenue Service or the North Carolina Department of Revenue for the purpose of determining whether Defendant has cooperated and complied with all requirements of this Order. Defendant will not revoke these waivers and releases at any time during the period of stay;
- b. Defendant shall timely file during the period of stay his federal and state income tax returns along with any associated schedules and attachments thereto and shall provide proof of these filings to the Office of Counsel within 30 days of filing;
- c. Defendant shall not violate the Rules of Professional Conduct or the laws of the United States or of any state or local government during his suspension;
- d. Defendant shall pay all taxes, fines, penalties and estimated taxes during the stay period;
- e. Defendant shall keep the North Carolina State Bar Membership Department advised of his current business and home addresses and shall notify the Bar of any change in address within ten (10) days of such change;
- f. Defendant shall respond to all communications from the North Carolina State Bar, including communications from the Attorney Client Assistance Program, within thirty (30) days of receipt or by the deadline stated in the communication, whichever is sooner, and shall participate in good faith in the State Bar's fee dispute resolution process for any petition of which he receives notice after the effective date of this Order;
- g. Defendant shall promptly accept service of all certified mail from the State Bar that is sent to him;

- h. Defendant shall respond to all communications from the Internal Revenue Service and the North Carolina Department of Revenue:
- i. Defendant shall timely comply with all State Bar membership and Continuing Legal Education requirements:

2. If Defendant fails to comply with any of the conditions of the stayed suspension provided in paragraph 1(a) – (i) above, the stay of the suspension may be lifted as provided in § .0114(x) of the North Carolina State Bar Discipline and Disability Rules.

3. If the stay granted herein is lifted or the suspension of Defendant's license is activated for any reason, before seeking reinstatement of his license to practice law, Defendant must show by clear, cogent and convincing evidence that he has complied with each of the following conditions:

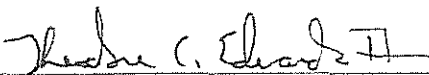
- a. Defendant submitted his license and membership card to the Secretary of the North Carolina State Bar within thirty (30) days after the date of the order lifting the stay and/or activating the suspension of his law license:
- b. Defendant complied with all provisions of 27 N.C.A.C. 1B § .0124 of the State Bar Discipline and Disability Rules following the order lifting the stay and/or activating the suspension of his law license:
- c. Defendant 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 (10) days of such change:
- d. Defendant responded to all communications from the North Carolina State Bar, including communications from the Attorney Client Assistance Program, within thirty (30) 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 of which he receives notice after the effective date of this Order:
- e. Defendant promptly accepted all certified mail sent to him by the State Bar;
- f. That at the time of his petition for stay, Defendant 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 him, and including all judicial district dues, fees and assessments.

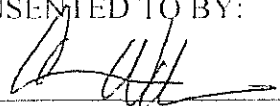
- g. That at the time of his petition for stay, there is no deficit in Defendant's completion of mandatory Continuing Legal Education (CLE) hours, in reporting of such hours or in payment of any fees associated with attendance at CLE programs.
- h. Defendant has not violated the Rules of Professional Conduct or the laws of the United States or of any state or local government during his suspension;
- i. Defendant has paid the administrative fees and costs of this proceeding as reflected on the statement of costs served upon him by the Secretary of the State Bar;
- j. Defendant has complied with any other conditions deemed necessary for reinstatement imposed by the Hearing Panel pursuant to the order lifting the stay of the suspension of Defendant's law license.

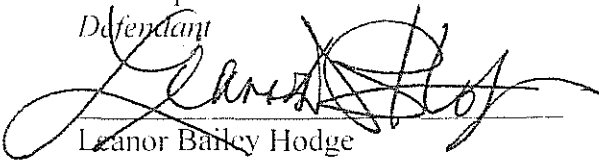
4. Defendant is taxed with the administrative fees and costs of this action as assessed by the Secretary which Defendant shall pay within thirty (30) days of service of the notice of costs upon the Defendant.

Signed by the undersigned Chair with the full knowledge and consent of the other members of the Hearing Panel, this is the 15<sup>th</sup> day of September, 2010.

  
Theodore C. Edwards, II, Chair  
Hearing Panel

CONSENTED TO BY:

  
Christopher T. Watkins  
*Defendant*

  
Eleanor Bailey Hodge  
*Attorney for Plaintiff*