

CONSENT
FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND
ORDER OF DISCIPLINE

This matter comes before a hearing committee of the Disciplinary Hearing Commission composed of T. Richard Kane, Chair, John Breckenridge Regan, and Johnny A. Freeman, upon the consent of the parties as to the findings, conclusions and discipline to be imposed. A. Root Edmonson represents the North Carolina State Bar and Nancy P. Quinn is proceeding *pro se*. Based upon the consent of the parties, the hearing committee makes the following:

FINDINGS OF FACT

1. The plaintiff, the North Carolina 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. The defendant, Nancy P. Quinn (hereinafter Quinn), was admitted to the North Carolina State Bar on August 19, 1989 and is, 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 to this complaint, Quinn actively engaged in the practice of law in the State of North Carolina and maintained a law office in the city of Greensboro, Guilford County, North Carolina.
4. Prior to 2001, Teresa & Arthur McFadden retained Quinn to represent their two minor children, Manisha and Amber (“the minor children”), in a civil action to recover damages for injuries the minor children had suffered (“civil action”).
5. On January 22, 2001, Superior Court Judge Howard R. Greeson approved a settlement of the civil action in Rockingham County Superior Court, file number 00 CVS 697 (“settlement order”).

6. In the settlement order, Quinn was ordered to disburse \$1,094.00 to the Clerk of Superior Court of Rockingham County ("Clerk") to be held in trust for the minor children.

7. On March 15, 2001, Quinn deposited the settlement proceeds she received on the minor children's behalf into her trust account and filed a voluntary dismissal of the civil action.

8. Quinn attempted, but failed to get the \$1,094.00 to the Clerk as ordered in the settlement order.

9. Thereafter, Quinn failed to reconcile her individual clients' trust account ledger balances with her current bank balance for the trust account on at least a quarterly basis which would have alerted her to her failure to disburse the minor children's funds to the Clerk.

10. Had Quinn promptly paid the minor children's funds to the Clerk in March 2001, the Clerk would have invested the funds on the minor children's behalf with the accumulated investment gain or interest being held by the Clerk for the benefit of the minor children.

11. Prior to December 2005, Arthur McFadden advised Quinn that he could find no evidence that the minor children's funds had been deposited with the Clerk.

12. Quinn subsequently advised Arthur McFadden that she had gone to the Rockingham County Courthouse and confirmed that the minor children's funds had not been received by the Clerk, and could not be received by the Clerk without more information. Quinn asked Arthur McFadden to provide the information.

13. Arthur McFadden asked Quinn whether she would include in the check issued to the Clerk the lost interest the minor children's funds would have accumulated since March 2001.

14. Quinn responded that the minor children's funds had not earned any interest while in her trust account.

15. Thereafter, Arthur McFadden failed to provide additional information to Quinn.

16. On March 1, 2006 Quinn again attempted to send the minor children's funds to the Clerk.

17. On or just after March 1, 2006, a deputy clerk informed Quinn that the minor children's funds could not be received by the Clerk unless an Information Sheet was completed for each minor child.

18. Quinn advised both Arthur and Teresa McFadden that she needed the information necessary to fill out the Information Sheet for each child. Neither McFadden provided the necessary information until after this action was filed.

19. Quinn took no further action herself to complete the disbursement of the minor children's funds to the Clerk, even after numerous requests from the North Carolina State Bar for her to do so.

20. On June 12, 2007, after the State Bar was able to get the necessary information for the Information Sheet from the McFaddens, Quinn paid the \$1,094.00 to the Clerk from her trust account and paid \$330 in interest to the Clerk for the minor children from her operating account.

BASED UPON the foregoing Findings of Fact, the hearing committee makes the following:

CONCLUSIONS OF LAW

1. All parties are properly before the hearing committee of the Disciplinary Hearing Commission and the hearing committee has jurisdiction over Quinn and the subject matter.

2. Quinn's conduct, as set out above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) as follows:

- (a) By failing to promptly disburse the minor children's funds to the Clerk as directed in the settlement order, Quinn failed to act with reasonable diligence and promptness in representing a client in violation of Rule 1.3 and failed to promptly pay to third persons entrusted property belonging to her clients as directed by the court on behalf of her clients in violation of Rule 1.15-2(m);
- (b) By failing to reconcile her individual clients' trust account ledger balances with her current bank balance for the trust account on at least a quarterly basis, Quinn violated Rule 1.15-3(c);

BASED UPON the foregoing Findings of Fact, the Conclusions of Law, and the evidence presented at the hearing, the hearing committee hereby makes the following:

FINDINGS OF FACT REGARDING DISCIPLINE

1. Quinn's misconduct is aggravated by the following factor:

- (a) Prior disciplinary offenses:
 - (1) A Reprimand issued by the Grievance Committee in 00G0572 for a lack of diligence in filing a civil case for a client and failing to keep the client reasonably informed. Quinn also failed to respond to the grievance in a timely manner.
 - (2) An Admonition issued by the Grievance Committee in 06G1767 for failure to follow the federal court's deadlines for filing initial

disclosures and discovery. Quinn's failure to follow those time deadlines did not prejudice her client's case.

- (3) A Censure issued by the Grievance Committee in 04G0662 and 04G1134 for failure to timely pay a client's medical bill and failure to timely resolve a subrogation lien in another client's worker's compensation case. Quinn also failed to respond to these grievances in a timely manner.

- (b) A pattern of misconduct.

2. Quinn's misconduct is mitigated by the following factors:

- (a) Absence of a dishonest or selfish motive;
- (b) Failure of the McFaddens to promptly provide information necessary to disburse the minor children's funds to the Clerk.

3. The aggravating factors outweigh the mitigating factors.

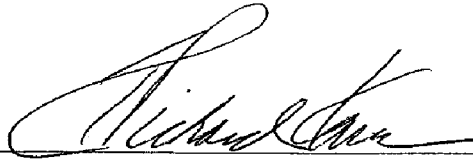
- 4. Entry of an order imposing some discipline would fail to acknowledge the seriousness of Quinn's failure to take some action to timely resolve this issue relating to disbursement of clients' funds.

BASED UPON the foregoing Findings of Fact Regarding Discipline and the consent of the parties, the hearing committee hereby enters the following:

ORDER OF DISCIPLINE

- 1. The appropriate discipline to be imposed against Quinn is a Reprimand. This order constitutes that Reprimand.
- 2. Quinn is taxed with the costs of this action as assessed by the Secretary.

Signed by the chair with the consent of the other hearing committee members, this
the 26th day of July 2007.

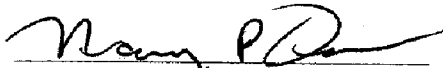


T. Richard Kane, Chair
Hearing Committee

CONSENTED TO:



A. Root Edmonson
Deputy Counsel
North Carolina State Bar



Nancy P. Quinn
Pro Se

