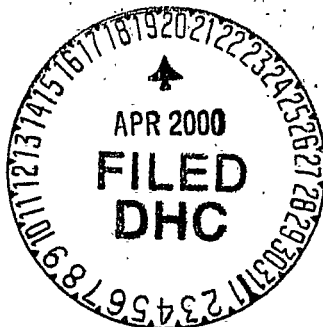


WAKE COUNTY
NORTH CAROLINA



6557
BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
99 DHC 24

THE NORTH CAROLINA STATE BAR,
Plaintiff

vs.

LAURENCE D. COLBERT, Attorney,
Defendant

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

This matter was heard on the 5th and 6th days of April, 2000 before a hearing committee of the Disciplinary Hearing Commission composed of Franklin E. Martin, Michael L. Bonfoey, and Robert B. Frantz. The Plaintiff was represented by Clayton W. Davidson, III. The Defendant, Laurence D. Colbert, appeared *pro se*. Based upon the pleadings and the evidence introduced at the hearing, the hearing committee hereby enters the following:

FINDINGS OF FACT

1. The Plaintiff, the North Carolina State Bar (the "State Bar") is a body duly organized under the laws of the State of North Carolina and is the proper body to bring this proceeding under the authority granted to it in Chapter 84 of the General Statutes of North Carolina and the rules and regulations of the State Bar promulgated pursuant thereto (the "State Bar Rules and Regulations").
2. The Defendant, Laurence D. Colbert, (the "Defendant") was admitted to the State Bar in 1975 and is, and was at all times referred to herein, an attorney at law licensed to practice

in North Carolina subject to the State Bar Rules and Regulations and the Rules of Professional Conduct of North Carolina.

3. During all or a part of the relevant periods referred to herein, Defendant was engaging in the practice of law in the State of North Carolina and maintained a law office in Durham, North Carolina (the "Law Office").

**FIRST CLAIM FOR RELIEF
FAILING TO PRESERVE FIDUCIARY FUNDS¹**

4. The Defendant maintained a trust account at Mutual Community Savings Bank in Durham, North Carolina, Account number 8838 (the "Trust Account").
5. The funds of various clients of the Defendant were deposited into the Trust Account and were held by the Defendant in a fiduciary capacity.
6. At the beginning of the day on June 7, 1996, the Trust Account had a balance of \$5,717.83, of which \$5,124.73 was required to be held in a fiduciary capacity on behalf of various clients of the Defendant.
7. On June 7, 1996, check number 1715 cleared the bank. Said check was in the amount of \$3,000.00, made payable to Laurence D. Colbert and bore a signature purporting to be that of Laurence D. Colbert. The memo line on the check designated the check as being for "Atty Fees," but did not contain any designation as to which client the fees were attributable.
8. At the end of the day on June 7, 1996 the trust account had a balance of \$2,428.93. At the end of the day on June 7, 1996, \$4,745.78 was required to be held on behalf of clients.

¹ Headings are for ease of reference only, and correspond to the claims for relief alleged in the complaint. They should not be deemed to limit or supplement the findings contained in the body of this order.

9. On June 7, 1996, the trust account had a defalcation in the amount of \$2,316.85 which represented the funds of various clients of the Defendant.
10. From June 7, 1996 until November 4, 1996, the Defendant did not maintain sufficient funds in his trust account to cover the amounts that he was required to hold for various clients in a fiduciary capacity, with the amount of the deficiency at times exceeding \$6,000.00.
11. From November 12, 1996 until December 10, 1996, the balance in the Trust Account sporadically dropped below the amount that the Defendant was required to hold in a fiduciary capacity for various clients.
12. From December 13, 1996 until February 21, 1997, the Defendant did not maintain sufficient funds in his trust account to cover the amounts that he was required to hold for various clients in a fiduciary capacity, with the amount of the deficiency at times exceeding \$2,000.00.
13. From June 7, 1996 until February 21, 1997, the Defendant wrote to himself various checks for fees and other reimbursements at times when there were insufficient funds in the trust account to cover the amounts that the Defendant was required to hold in a fiduciary capacity.
14. The Defendant was grossly negligent in the management of his trust account and acted in reckless disregard of his obligations under the applicable Rules of Professional Conduct.

SECOND CLAIM FOR RELIEF
TRUST ACCOUNT RECORDS

15. On or about February 3, 1997, a subpoena for a random audit of the Defendant's Trust Account was issued to the Defendant pursuant to which he was required to supply trust account bank records to the State Bar's Auditor, Bruno DeMolli ("DeMolli").
16. DeMolli met with the Defendant on two occasions, March 6, 1997 and April 3, 1997.
17. On March 6, 1997, the Defendant was notified of the following deficiencies:
 - a. Ledgers were not maintained for each person or entity from whom moneys were received,
 - b. Trust Account was not reconciled quarterly,
 - c. Bank charges were paid with trust funds and reimbursed with office funds,
 - d. Client current balance was not always indicated,
 - e. The Defendant had failed to escheat unidentified or abandoned funds,
 - f. The Defendant had not provided bank directives to the North Carolina State Bar showing that banks were directed to notify the State Bar of any checks returned for insufficient funds.
18. The Defendant was requested to correct deficiencies and notify the State Bar that the deficiencies had been corrected within fifteen (15) days from the date of the notice.
19. On July 7, 1997, the Defendant was served by certified mail with a follow-up letter from DeMolli informing the Defendant that he had not yet complied with DeMolli's request for information and concerning the action taken to correct the deficiencies, and requesting that he respond within ten days of the date of the letter.
20. The Defendant never responded to DeMolli's requests for information.
21. On or about August 25, 1997, the Defendant was served with a letter of notice and substance of grievance informing him that a grievance file had been opened against him for his failure to provide information to DeMolli and requesting that the Defendant respond within fifteen days.

22. On November 4, 1997, the Defendant was notified by letter that he had not responded to the grievance and was requested to respond by November 14, 1997.
23. On or about November 12, 1997, the Defendant requested an extension of time until December 1, 1997 to respond to the letter of notice.
24. On or about February 9, 1998, the Defendant requested an additional extension of time until April 1, 1998 to respond to the letter of notice.
25. The Defendant did not respond until June 10, 1998, and the response provided did not indicate that the Defendant had corrected the deficiencies reported to him by DeMolli.
26. On or about May 13, 1998, the Defendant was served with a subpoena for cause audit requiring the Defendant to produce all records required to be kept pursuant to Rule 1.15-1 and 1.15-2 of the North Carolina Rules of Professional Conduct.
27. The Defendant was unable to produce the trust account records requested, including but not limited to client ledger cards, more than one year after he had been notified by DeMolli of the requirements to bring his trust account records into compliance.
28. The Defendant testified that he was aware of the requirement of keeping adequate trust account records including client ledger cards and of reconciling his account, and stated that he had kept such records earlier in his career, but stated that he had subsequently stopped keeping such records.
29. The Defendant was grossly negligent in failing to keep adequate trust account records and acted in reckless disregard of his obligations under the applicable Rules of Professional Conduct.

**THIRD CLAIM FOR RELIEF
NEGLECT - GAIL HOWARD**

30. In late 1993, Addie C. Howard retained the Defendant to represent her daughter, Gail Howard, concerning injuries that Gail Howard had received in October, 1993.
31. Prior to October, 1993, Gail Howard was a legally competent, disabled adult living at home under the care of her parents. Gail Howard had trouble eating and would choke unless her food was properly cut and fed to her.
32. In October, 1993, Gail Howard's parents entrusted her care to Respite Care Group Home while they were out of town.
33. While in the care of Respite Care Group Home, Gail Howard choked on her food, became unable to breathe, and suffered brain damage. Gail Howard has been in a permanent vegetative state since that incident occurred in October, 1993.
34. Addie C. Howard believed that individuals working at Respite Care Group Home (the "Caregivers") had been negligent in the care given to Gail Howard and retained the Defendant to represent Gail Howard in an action to recover damages for the negligent care.
35. The Defendant agreed to represent Gail Howard, and Addie C. Howard paid the Defendant \$1,000.00 on her daughter's behalf to cover the costs of an expert witness in 1993.
36. Addie C. Howard often called the Defendant and was told that the case was progressing satisfactorily.

37. The Defendant filed an action on January 31, 1996 in the Superior Court of Durham County, North Carolina which action names as a party Addie C. Howard in her capacity as guardian *ad litem* for Gail C. Howard (the "First Action").
38. The Caregivers moved to dismiss the First Action.
39. Before the motion for dismissal could be heard, the Defendant took a voluntary dismissal of the action. At the time of the filing of the dismissal, Gail Howard had not been adjudicated incompetent, and Addie C. Howard had not been appointed either her daughter's legal guardian or guardian *ad litem*.
40. The Defendant did not adequately disclose to Addie C. Howard the reasons for taking the voluntary dismissal.
41. In October, 1996, two days after the third anniversary of Gail Howard's injury, the Defendant filed a motion under Rule 9(j) to extend the statute of limitations on behalf of Gail Howard in the Superior Court of Durham County, North Carolina, file number 96 CVS 4246 (the "Second Action").¹
42. On or about February 16, 1997, the Defendant filed the Complaint in the Second Action which again named as plaintiff, Addie C. Howard as guardian *ad litem* for Gail Howard.
43. At the time of the filing of the Second Action, Gail Howard had not been adjudicated incompetent and her mother had not been appointed her legal guardian or her guardian *ad litem*.
44. The Caregivers moved to dismiss the Second Action.

¹ Gail Howard was adjudicated incompetent in 1998 and Adrienne Fox was appointed Guardian *Ad Litem*. Through subsequent counsel, Fox has contended on behalf of Gail Howard that the statute of limitations did not begin to run until Gail Howard was adjudicated incompetent.

45. On or about October 20, 1997, the fourth anniversary of Gail Howard's injuries, while the Second Action was still pending, the Defendant filed a Rule 9(j) motion to extend the time for the filing of the complaint until November 11, 1997 in a Third Action (the "Third Action") arising out of the same transaction and occurrences alleged in the Second Action, and naming many of the same Defendants.
46. At the time of the filing of the Third Action, the Defendant had obtained an order naming Addie C. Howard as Gail Howard's guardian *ad litem*, but Gail Howard had never been adjudicated incompetent and Addie C. Howard had never been appointed her legal guardian.
47. On or about November 12, 1997, the day after the deadline provided in the extension of time, the Defendant filed a Complaint in the Third Action.
48. The Honorable Thomas W. Ross dismissed all claims in the Second Action in December, 1997 against some defendants on the grounds of insufficiency of process and service of process and against some defendants on the grounds that the claims were barred by the statute of limitations.
49. Three days following the signing of the Order dismissing the Second Action, the Defendant moved to amend the order of dismissal.
50. On December 15, 1997, the Honorable Thomas W. Ross dismissed all claims in the Third Action except claims alleging unfair and deceptive trade practices on the ground that the claims were barred by the statute of limitations.
51. In March 1998, the Honorable E. Lynn Johnson dismissed all remaining claims of the Third Action against all defendants and taxed costs and attorney's fees against the plaintiff in an amount exceeding \$6,000.00.

52. The Defendant never notified Addie C. Howard of the fact that costs and attorney's fees had been taxed against her.
53. The motion to amend the dismissal order in the Second Action was calendared for hearing on June 11, 1998. Rather than argue against the motion, the Defendant moved to withdraw from the handling of all cases on behalf of Addie C. Howard or Gail Howard, which motion was granted.
54. The Defendant did not notify Addie C. Howard prior to the hearing that he was moving for withdrawal.
55. Addie C. Howard was forced to retain other counsel to handle the case. With the assistance of other counsel, Gail Howard was declared incompetent, and Addie C. Howard was appointed her legal guardian on September 28, 1998.
56. A guardian *ad litem*, Adrienne M. Fox, was appointed who brought a motion on behalf of Gail Howard to set aside all dismissal orders.
57. On October 4, 1999, the Honorable Thomas W. Ross entered an order finding that the Defendant was guilty of inexcusable neglect in failing to have Gail Howard adjudicated incompetent and obtaining appointment of a guardian *ad litem* and in failing to properly prosecute the claims of Gail Howard in a timely manner; however, the order provided that the Defendant's neglect could not be imputed to Gail Howard because she was an incompetent person, subject to the greatest possible protection by the courts who had not had a guardian *ad litem* appointed prior to September 28, 1998. The judge, therefore, set aside the previous dismissal orders, but certified the order for immediate appeal because it raised substantial questions that needed to be resolved in the interests of justice.

58. As of the date of the hearing of this matter, because of the neglect of the Defendant, Gail Howard's action against the Caregivers has never been heard on its merits.

**FOURTH CLAIM FOR RELIEF
NEGLECT - GERALD MORRIS**

59. Gerald Morris retained the Defendant to file an action for damages resulting from an automobile accident that occurred on or about September 30, 1993, when a vehicle owned by the Wake County Board of Education and driven by its employee, Howard Pritchard ("Pritchard") struck the vehicle driven by Mr. Morris from behind.
60. On or about September 27, 1996, the Defendant filed a Complaint (the "Morris Complaint") in the Superior Court of Wake County, North Carolina, file number 96 CVS 09837 naming as the defendants "Wake County Public School and Howard Pritchard," and alleging that Pritchard was an agent and employee of the Wake County Public Schools.
61. The Wake County Board of Election (the "School Board") and Pritchard filed an Answer, Motion to Dismiss, and Motion to Substitute Correct Party (the "Morris Answer") on or about May 20, 1997 and served the Answer on the Defendant.
62. The Morris Answer alleged that the named Defendant in the Complaint, The Wake County Public Schools, is not a legal entity under North Carolina law and that the proper party should be the Wake County School Board. The Morris Answer also contained a motion to dismiss for failure to state a claim for relief under Rule 12(b)(6) of the North Carolina Rules of Civil Procedure.
63. Within a week after the Answer was filed and served on the Defendant, the Defendant telephoned counsel for the School Board and Pritchard, Glenn Raynor ("Raynor") and

asked Raynor the basis for the 12(b)(6) motion. Raynor informed the Defendant that the 12(b)(6) motion was made on the grounds that the Complaint did not allege that the Wake County School Board had waived its governmental immunity by purchasing liability insurance, a prerequisite to stating a claim for relief against the Wake County School Board and one of its employees.

64. The matter was scheduled for hearing on December 9, 1997, at which time the Honorable W. Osmond Smith, III granted the 12(b)(6) motion dismissing the complaint with prejudice against all defendants.
65. From the time that the answer was filed in May, 1997 until the hearing was held in December, 1997, the Defendant did not file any motion to amend the Complaint, either to name the appropriate party or to allege that the Wake County School Board had waived its immunity by purchasing liability insurance in spite of the fact that the Wake County School Board had done so.
66. At the time of the hearing on December 9, 1997, the Defendant, for the first time, made a motion to orally amend the complaint, which motion was denied.
67. On December 19, 1997, the Defendant filed a Motion to Amend Order, asking that the previous order of dismissal be reopened and set aside, and the Defendant also filed a written motion to amend the complaint to allege a waiver of sovereign immunity.
68. On April 7, 1998, the Honorable W. Osmond Smith, III entered an order denying the Defendant's Motion to Amend the previous dismissal order.
69. On or about April 20, 1998, the Defendant filed a Notice of Appeal.
70. On or about May 27, 1998, the Defendant filed a motion for extension of time to serve the record on appeal in the Superior Court.

71. On or about July 8, 1998, Raynor filed on behalf of the School Board and Pritchard a motion in opposition to the motion for extension of time, arguing that the Plaintiff's motion for extension of time had not been served within the time that the trial court had jurisdiction to extend the time for service of the record.
72. On or about September 1, 1998, the Honorable B. Craig Ellis entered an order denying the Defendant's motion for extension of time and denied a Rule 60 motion on the grounds that there had been no forecast of sufficient evidence of excusable neglect that would justify setting aside the dismissal order.
73. Because of the neglect of the Defendant, Morris's action against Pritchard and the School Board has never been heard on its merits.

**FIFTH CLAIM FOR RELIEF
NEGLECT - KAREN L. FOSTER**

74. Karen L. Foster ("Foster") retained the Defendant on September 22, 1995 to represent her in a claim for medical malpractice against Keith Kooken, M.D. ("Dr. Kooken"), and Medical Park Hospital, Inc. arising out of a surgical procedure that was performed on December 12, 1992.
75. Foster alleged that Dr. Kooken had left a surgical clip in Foster's abdomen during surgery and had subsequently refused to take post operative x-rays and other action to discover that the clip remained in Foster's abdomen which caused post operative complications.
76. The Defendant filed an action on behalf of Foster in the Superior Court of Durham County on January 2, 1996, file number 95 CVS 5379.
77. At no time after the filing of the action did the Defendant obtain service of process on Dr. Kooken.

78. The Defendant allowed the statute of limitations to run as to the claim by failing to obtain service of process before taking the dismissal, and by otherwise neglecting the matter.
79. Because of the neglect of the Defendant, Foster has never been heard on the merits of her action against Dr. Kookan and the Hospital.

**SIXTH CLAIM FOR RELIEF
NEGLECT - JOCELYN MALLOY**

80. The Defendant was employed by Jocelyn Malloy ("Malloy") on September 3, 1997 to appeal to the North Carolina Court of Appeals an order entered in the Superior Court of Durham County (the "Malloy Superior Court Order") in file number 97 CVS 01204 which was entered on September 3, 1997.
81. The Superior Court had dismissed Malloy's notice of appeal and judicial review of an action by the Durham County Animal Control Advisory Committee's determination that mixed German Shepherd dogs owned by Malloy were potentially dangerous.
82. On October 3, 1997, the Defendant entered notice of appeal on behalf of Malloy.
83. On December 11, 1997, Durham County moved to dismiss the appeal brought by the Defendant on the grounds that the Defendant failed to prosecute the appeal by failing to order the transcript or otherwise take any action to prosecute the appeal.
84. On January 12, 1998, the Defendant filed a motion for extension of time to file an appeal.
85. On or about January 13, 1998, the Honorable Ronald L. Stephens denied the motion to dismiss the appeal, granted the Defendant's motion for extension of time to file the record on appeal, and ordered that the record on appeal be served on or before February 4, 1998.

86. On or about February 4, 1998, John H. Connell, Clerk of the North Carolina Court of Appeals entered an order granting an extension of time to the Defendant to serve the record on appeal until March 6, 1998.
87. On or about March 5, 1998, John H. Connell, Clerk of the North Carolina Court of Appeals entered an order granting an extension of time to the Defendant to serve the record on appeal until March 20, 1998, and providing that no further extensions of time would be granted.
88. On or about March 23, 1998, John H. Connell, Clerk of the North Carolina Court of Appeals entered an order requiring the Defendant to serve the record on appeal by March 27, 1998, and providing that no further extensions of time would be granted.
89. The Defendant served the proposed record on appeal on the Defendant on April 13, 1998.
90. The Defendant then had until April 23, 1998, to file a written request for judicial settlement and was required to file the record on appeal on or before May 8, 1998.
91. The Defendant failed to file a written request for a judicial settlement and failed to file the record on appeal.
92. Durham County then brought a motion to dismiss the appeal.
93. The motion for dismissal of the appeal was calendared for hearing at the June 8, 1998, Civil Session of the Durham County Superior Court. At the hearing, the Defendant made an oral motion to withdraw as counsel, which motion was granted, and the hearing was continued to allow Malloy the opportunity to find new counsel.
94. Following a hearing on September 14, 1998, the court granted a motion to dismiss the appeal on the grounds that the record on appeal had not been filed in a timely manner.

95. Because of the neglect of the Defendant, Malloy's appeal has never been considered on its merits.

Based on the foregoing findings of fact, the hearing committee enters the following:

CONCLUSIONS OF LAW

FIRST AND SECOND CLAIMS FOR RELIEF TRUST ACCOUNT

1. By failing to preserve funds in a fiduciary capacity and by failing to disburse funds in accordance with the Rules of Professional Conduct, and by failing to maintain proper trust account records and failing to reconcile his trust account balances at least quarterly, the Defendant violated Rules 1.15-1 and 1.15-2 of the North Carolina Revised Rules of Professional Conduct¹ and Rules 10.1 and 10.2 of the superseded North Carolina Rules of Professional Conduct.²
2. The Defendant's acts and omissions set forth in the previous paragraph were grossly negligent and committed in reckless disregard of his obligations under the Superseded Rules and the Revised Rules enumerated in the immediately preceding paragraph.
3. By failing to timely respond to a lawful demand for information from a disciplinary authority, the Defendant violated Superseded Rule 1.1 and Revised Rule 8.1

¹ The North Carolina Revised Rules of Professional Conduct were in effect after July 24, 1997. The term "Revised Rule" will hereafter be used to designate the Revised Rules of Professional Conduct.

² The North Carolina Rules of Professional Conduct were in effect until July 24, 1997 and were superseded by the North Carolina Revised Rules of Professional Conduct. The term "Superseded Rule" will hereafter be used to refer to the North Carolina Rules of Professional Conduct.

**THIRD CLAIM FOR RELIEF
GAIL HOWARD**

4. By filing pleadings with court identifying Addie C. Howard as guardian *ad litem* for Gail Howard when he knew that Addie C. Howard had never been appointed guardian *ad litem* for Gail Howard, the Defendant made false statements of material fact to the tribunal in violation of Revised Rule 3.3 and Superseded Rule 7.4.
5. By failing to keep Addie C. Howard reasonably informed about the status of the matter and by failing to explain the matter to the extent reasonably necessary to permit the client to make informed decisions about the matter, the Defendant violated Revised Rule 1.4 and Superseded Rule 6.0.
6. By failing to seek the lawful objectives of his client and failing to fulfill a contract of employment with his client, the Defendant violated Superseded Rule 7.1.
7. By withdrawing prior to a hearing without informing the client that he was moving to withdraw, the Defendant violated Revised Rule 1.16 and Superseded Rule 2.8.
8. By undertaking to handle a matter that he knew or should have known that he was not competent to handle without associating an attorney who was competent to handle the matter, and by failing to adequately prepare, including but not limited to, failing to acquire the requisite legal knowledge to handle the matter, and by failing to properly draft pleadings, motions and other documents necessary to handle the matter, the Defendant violated Revised Rule 1.1 and Superseded Rule 6.0.
9. The Defendant failed to make reasonable efforts to expedite the litigation in violation of Revised Rule 3.2

**FOURTH CLAIM FOR RELIEF
GERALD MORRIS**

10. By failing to handle the claim of Gerald Morris with reasonable diligence and promptness the Defendant violated Revised Rule 1.3 and Superseded Rule 6.0.
11. By failing to keep Gerald Morris reasonably informed about the status of the matter and by failing to explain the matter to the extent reasonably necessary to permit the client to make informed decisions about the matter, the Defendant violated Revised Rule 1.4 and Superseded Rule 6.0.
12. By failing to seek the lawful objectives of his client and by failing to fulfill a contract of employment with his client, the Defendant violated Superseded Rule 7.1.
13. By undertaking to handle a matter that the Defendant knew or should have known that he was not competent to handle without associating an attorney who was competent to handle the matter, and by failing to adequately prepare, including but not limited to, failing to acquire the requisite legal knowledge to handle the matter, and by failing to properly draft pleadings, motions, and other documents necessary to handle the matter, the Defendant violated Revised Rule 1.1 and Superseded Rule 6.0.
14. The Defendant failed to take reasonable efforts to expedite litigation in violation of Revised Rule 3.2.

**FIFTH CLAIM FOR RELIEF
KAREN L. FOSTER**

15. By failing to handle the claims of Karen L. Foster with reasonable diligence and promptness, the Defendant violated Revised Rule 1.3 and Superseded Rule 6.0.

**SIXTH CLAIM FOR RELIEF
JOCELYN MALLOY**

16. By failing to handle the appeal of Jocelyn Malloy with reasonable diligence and promptness, the Defendant violated Revised Rule 1.3.
17. By withdrawing prior to a hearing on a motion in a manner that prejudiced the client, the Defendant violated Revised Rule 1.16.
18. By failing to expedite litigation, the Defendant violated Revised Rule 3.2.

Based upon the foregoing Findings of Fact and Conclusions of Law and upon the evidence and arguments at trial concerning the appropriate discipline, the hearing committee hereby makes the additional:

FINDINGS OF FACT REGARDING DISCIPLINE

1. The Defendant's misconduct is aggravated by the following factors:
 - a. Prior disciplinary offenses;
 - b. A pattern of misconduct;
 - c. Multiple offenses;
 - d. Vulnerability of victim;
 - e. Substantial experience in the practice of law;
 - f. Issuance of a letter of warning to the Defendant within three years immediately preceding the filing of the complaint.
2. The Defendant's misconduct is mitigated by the following factors:
 - a. Personal or emotional problems;

b. Full and free disclosure to the hearing committee or cooperative attitude toward the proceedings;

c. Remorse.

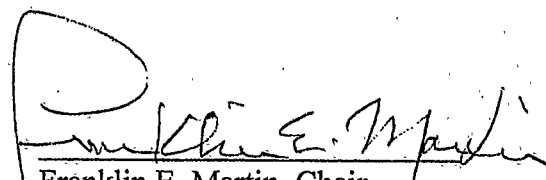
3. The aggravating factors outweigh the mitigating factors.

Based upon the foregoing Findings of Fact and Conclusions of Law and the Findings of Fact Regarding Discipline, the hearing committee hereby enters the following:

ORDER OF DISCIPLINE

1. The Defendant, Laurence D. Colbert is hereby disbarred from the practice of law in North Carolina, effective 30 days from the date of service of this order upon Colbert.
2. Colbert shall submit his license and membership card to the Secretary of the North Carolina State Bar no later than 30 days following the date of service of this order upon Colbert.
3. Colbert shall pay the costs of this action as assessed by the Secretary, including but not limited to the costs of taking the deposition of Laurence D. Colbert, no later than 30 days following service of this order upon Colbert.
4. Colbert shall comply with the provisions of 27 N.C. Admin. Code Chapter 1, Subchapter B, Section .0124 of the N.C. State Bar Discipline & Disability Rules and shall demonstrate that he has notified all current clients of disbarment no later than 30 days following service of this Order upon Colbert.

Signed by the undersigned chair with the full knowledge and consent of all other members of the hearing committee this 19th day of April, 2000.


Franklin E. Martin, Chair