

NORTH CAROLINA

NEW HANOVER COUNTY

FILED

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NEW HANOVER CO., C.S.C.

IN THE GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION

13 CVS 499

IN THE MATTER OF
SAM DREWES RYAN

BY _____

A TRUE COPY
CLERK OF SUPERIOR COURT
NEW HANOVER COUNTY
BY: Katherine Thompson
Deputy Clerk of Superior Court

THIS CAUSE has been heard and considered by the Senior Resident Superior Court Judge for the Fifth Judicial District pursuant to the Court's inherent authority, *see, e.g., In re Beasley*, 151 N.C. App. 569, 566 S.E.2d 125 (2002), and its statutory power, *see* N.C. Gen. Stat. § 84-28(j), to regulate the conduct of attorneys.

IT APPEARS TO THE COURT that Respondent Sam Drewes Ryan ("Respondent"), Franklin E. Martin, Trustee of Respondent's law practice ("Trustee"), the North Carolina State Bar (the "State Bar"), by and through its Deputy Counsel A. Root Edmonson, and the Lawyer Assistance Program's LAP Committee of the North Carolina State Bar (the "Lawyer Assistance Program"), by and through the Lawyer Assistance Program Director Robynn E. Moraites, have consented to entry of this Order as set forth herein, and the Court enters upon the record the following:

1. Respondent is a lawyer licensed to practice law in North Carolina, and she is a resident of New Hanover County, North Carolina.
2. Respondent submits to the jurisdiction of the Court, and she acknowledges and agrees that she is subject to the disciplinary authority of the Court and the rules and regulations of the State Bar. *See* N.C. Gen. Stat. § 84-28(j); *In re Burton*, 257 N.C. 534, 542-43, 126 S.E.2d 581, 587-88 (1962); *In re Paul*, 84 N.C. App. 491, 499, 353 S.E.2d 254, 259 (1987).
3. The Court entered a Consent Order (the "First Order") under seal on March 28, 2013, pursuant to which, *inter alia*, Respondent was "relieved from the practice of law" for ninety (90) days, beginning on April 15, 2013, due to certain health care conditions.
4. Because the practical effects of several provisions of the First Order were not contemplated by the parties and the Court, the Court entered another Order (the "Second Order") on April 10, 2013, to clarify the frustrated provisions of the First Order. By and through the Second Order, Franklin E. Martin was appointed as Trustee of Respondent's law practice.
5. Based on matters of record, and reports from the State Bar, the Lawyer Assistance Program, Trustee, and Respondent's treating health providers, as well as

arguments and representations of Respondent's counsel, and with the express consent of Respondent and her counsel, the Court concludes that the First Order and the Second Order should be vacated and replaced by this Order.

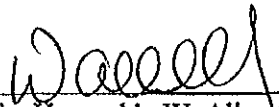
6. The Court is authorized to enter an Order of Consensual Inactive Status in accordance with 27 N.C.A.C. 1D .0617. See *In re Beasley*, 151 N.C. App. at 571, 566 S.E.2d at 127-28.

NOW THEREFORE IT IS ORDERED, ADJUDGED AND DECREED as follows:

1. Respondent's license to practice law in the State of North Carolina is hereby transferred to Consensual Inactive Status. Respondent shall not practice law in the State of North Carolina unless and until the Court returns her to active status.
2. The First Order and Second Order are hereby VACATED.
3. Trustee is authorized to take such actions as are necessary to obtain possession of any known client files of Respondent and, to the extent it has not already been done, shall notify Respondent's clients of her inactive status and their need to obtain new counsel if further legal representation is required. The duties as Trustee shall include receiving calendaring notices and moving for appropriate continuances in pending cases, identifying Respondent's trust accounts and fiduciary accounts, obtaining all records related to Ryan's trust account and fiduciary accounts, supervising the disbursement of funds from any trust or fiduciary account to the appropriate person, and any other act necessary to wind down Respondent's law practice and protect the interests of Respondent's clients.
4. The State Bar is currently auditing Respondent's trust and fiduciary accounts. The Trustee shall assist the State Bar in any manner necessary to effectuate and complete the State Bar's audit. The Trustee is authorized to execute new directives regarding signatory authority over such accounts, and he is authorized to receive records from the banks holding such trust and fiduciary accounts. The Trustee shall take such actions as are necessary to identify the ownership of any funds in such accounts and disburse such funds as directed by the respective clients and beneficiaries. The Trustee shall maintain adequate accounts and shall account to the Court for approval at the completion of the disbursement of funds. The Trustee may apply to the Court for compensation as provided by law. The Trustee shall be discharged upon completion of the Trustee's duties.
5. Respondent and her counsel shall cooperate fully with Trustee's efforts to obtain possession of her client files as well as the Trustee's administration and management of Respondent's trust and fiduciary accounts.

6. Respondent, Respondent's counsel, Trustee, the State Bar, by and through its Deputy Counsel A. Root Edmonson or other authorized representative, and the Lawyer Assistance Program, by and through the Lawyer Assistance Program Director Robynn E. Moraites or other authorized representative, shall notice all other parties of any further hearings relating to this matter.
7. Any petition or motion in this matter shall be filed under seal by the Clerk and served on all parties consenting hereto.
8. Respondent may petition the Senior Resident Superior Court Judge for the Fifth Judicial District at any time for transfer to active status upon proof satisfactory to the Court that Respondent has regained her capacity to practice law. After consideration of Respondent's petition, the Court may enter an order returning Respondent to active status upon her showing that her treating professionals and the Lawyer Assistance Program have submitted evidence demonstrating that the Respondent's health care condition is manageable and that she has regained her ability to practice law free of impairment.
9. Respondent shall execute releases and waivers allowing the Lawyer Assistance Program to communicate with the Court regarding her compliance with any clinical recommendations of health care providers through the Lawyer Assistance Program.
10. During the term of Consensual Inactive Status, Respondent shall not owe State Bar dues nor have to complete continuing legal education requirements.
11. A copy of this Order shall be served by Trustee upon all parties consenting hereto.
12. The Court retains jurisdiction of this matter, and this matter is retained for and subject to further orders of the Court.

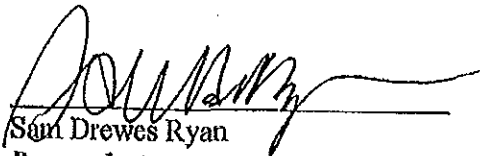
SO ORDERED on the 6th day of June, 2013.

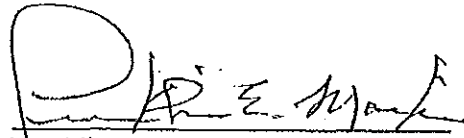


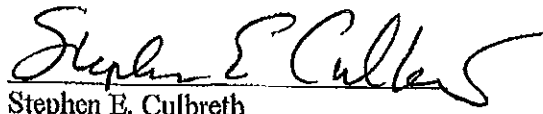
The Honorable W. Allen Cobb, Jr.
Senior Resident Superior Court Judge
for the Fifth Judicial District

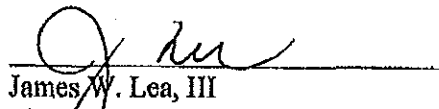
[CONSENT SIGNATURES FOLLOW]


APPROVAL AND CONSENT:

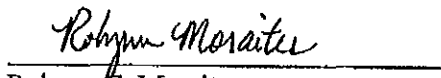

Sam Drewes Ryan
Respondent


Franklin E. Martin
Smith Moore Leatherwood LLP
Trustee


Stephen E. Culbreth
Culbreth Law Firm, LLP
Counsel for Respondent


James W. Lea, III
The Lea/Schultz Law Firm, P.C.
Counsel for Respondent


A. Root Edmonson
Deputy Counsel
The North Carolina State Bar


Robynn E. Moraites
Lawyer Assistance Program Director
Lawyer Assistance Program's LAP Committee
of the North Carolina State Bar

[END OF CONSENT ORDER]