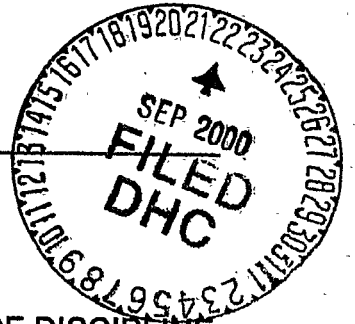


WAKE COUNTY
NORTH CAROLINA

6361
BEFORE THE DISCIPLINARY HEARING COMMISSION
OF THE NORTH CAROLINA STATE BAR
00 DHC 20



THE NORTH CAROLINA STATE BAR,
Plaintiff

v.

DANIEL S. ROBBINS, ATTORNEY,
Defendant

CONSENT ORDER OF DISCIPLINE

This matter came before a Hearing Committee of the Disciplinary Hearing Commission composed of James R. Fox, Chair; t. Paul Messick, Jr. and Robert B. Frantz, pursuant to Section .0114 of the Discipline and Disability Rules of the North Carolina State Bar (hereinafter "Bar Rules"). The defendant, Daniel S. Robbins, represented himself Douglas J. Brocker represented plaintiff. Both parties stipulate and agree to the findings of fact and conclusions of law recited in this consent order and to the discipline imposed. Based upon the consent of the parties the hearing committee hereby enters the following:

FINDINGS OF FACT

1. 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 North Carolina General Statutes and the Rules and Regulations of the North Carolina State Bar.

2. The defendant, Daniel S. Robbins (hereinafter "Robbins"), was admitted to the North Carolina State Bar on September 1, 1974 and was at all times relevant hereto licensed to practice law in North Carolina, subject to the rules, regulations and Rules of Professional Conduct of the North Carolina State Bar.

3. During all times relevant hereto Robbins was actively engaged in the practice of law in the State of North Carolina and maintained a law office in the city of Hickory, Catawba County, North Carolina.

4. Robbins waived his right to a formal hearing.

5. Robbins was properly served with process and the hearing was held with due notice to all parties.

6. A significant portion of Robbins' practice is in the area of real estate law.

7. Between 1997 and 1998, Robbins employed non-lawyer personnel to operate satellite branches of his law office in Asheville and Salisbury.

8. Robbins' non-lawyer employees in the satellite branches performed title searches, conducted loan closings, and stamped his signature on title opinions.

9. No attorney, including Robbins, was regularly in the satellite branches of his office. Between 1997 and 1998, Robbins visited the Asheville office four times. He never visited the Salisbury office.

10. Robbins routinely did not review all title opinions and corresponding title search documentation performed by his non-lawyer employees, and allowed his non-lawyer employees to stamp his signature on title opinions without his review.

11. On approximately 650 occasions, Robbins allowed non-lawyer employees to stamp his signature to the title certifications without personally reviewing the abstracts or any other materials provided along with each proposed title certification.

12. Robbins was available to non-lawyer employees in his satellite offices by fax and telephone to review and assist with matters.

13. Robbins voluntarily closed his satellite offices before the disciplinary investigation began in this matter. The decision to close his office was based, in part, on his review of a prior opinion of the Disciplinary Hearing Commission in a similar matter against another attorney.

Based upon the consent of the parties and the foregoing Findings of Fact, the hearing committee enters the following:

CONCLUSIONS OF LAW

1. All parties are properly before the hearing committee and the committee has jurisdiction over Robbins and the subject matter of this proceeding.

2. The Robbins conduct, as set out in the Findings of Fact above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) as follows:

- (A) By allowing his non-lawyer employees to perform title searches and prepare title opinions without personally reviewing them, Robbins failed to properly or adequately supervise his non-lawyer employees and failed to have in effect measures giving reasonable assurance that the conduct of his non-lawyer employees was compatible with his professional obligations in violation of Revised Rule 5.3(a) & (b).
- (B) By directing and allowing non-lawyers in his offices to stamp his signature on title certifications based on title searches, abstracts and other information that he did not personally review, Robbins failed to properly or adequately supervise the non-lawyers in his office and failed to have in effect measures giving reasonable assurance that the conduct of the non-lawyers in his office was compatible with his professional obligations in violation of Revised Rule 5.5(a) and (b).

Based upon the consent of the parties, the hearing committee also enters the following:

FINDINGS OF FACT REGARDING DISCIPLINE

1. Robbins' misconduct is aggravated by the following factors:

- a. a pattern of misconduct,
- b. multiple offenses, and
- c. substantial experience in the practice of law,

2. Robbins' misconduct is mitigated by the following factors:

- a. absence of a prior disciplinary record,
- b. absence of dishonest motive,
- c. timely good faith efforts to cease conduct once on notice that the State Bar considered his conduct to constitute a violation,
- d. good character and reputation, and
- e. cooperative attitude toward proceedings.

Based upon the foregoing findings of fact and conclusions of law and the findings regarding discipline and based upon the consent of the parties, the hearing committee enters the following:

ORDER OF DISCIPLINE

1. Defendant, Daniel S. Robbins, is hereby suspended from the practice of law for one year, effective 30 days from service of this order upon the defendant. The suspension is STAYED for a period of one year, upon compliance with the following terms and conditions during the one year stayed suspension:

- (a) Robbins shall thoroughly review and properly supervise all work performed by any non-lawyers employed or hired by him. Specifically, Robbins shall take reasonable steps to ascertain that any non-lawyer he utilizes to perform legal services is competent to perform such services and to assure that non-lawyers conduct is otherwise compatible with his professional obligations. Robbins also shall give the non-lawyer appropriate instruction and supervision.
- (b) Robbins shall personally sign all legal documents in his office, including but not limited to title certifications. Under no circumstances shall Robbins permit his signature to be stamped on any legal document. Robbins also shall not execute or certify any title opinions that were prepared by an unsupervised non-lawyer.
- (c) Robbins shall forward to the State Bar a quarterly report certifying that he has complied with conditions (a) & (b) above and all ethics rules and opinions in practicing law in the previous quarter. These reports shall be due no later than October 1, 2000, and January 1, April 1, and July 1, 2001.
- (d) Robbins shall not violate any provisions of the Revised Rules of Professional Conduct.
- (e) Robbins shall not violate any state or federal criminal laws.
- (f) Robbins shall pay the costs of this proceeding as assessed by the Secretary within 30 days of service of this order on him.
- (g) Robbins shall attend 3 hours of continuing legal education ("CLE") on general ethics and the Revised Rules of Professional Conduct during the stayed suspension. These 3

hours of general ethics CLE shall be in addition to all Robbins' normal CLE requirements.

2. If Robbins' suspension is activated, he shall comply with all provisions of 27 N.C. Admin. Code Chapter 1, Subchapter B, § 0125(b) of the N.C. State Bar Discipline & Disability Rules, prior to seeking reinstatement of his license.


Signed by the undersigned hearing committee chair with the consent of the other hearing committee members.

This the 18th day of September 2000.


Hearing Committee Chair

We Consent:


Daniel S. Robbins


Douglas J. Brocker
Deputy Counsel
North Carolina State Bar