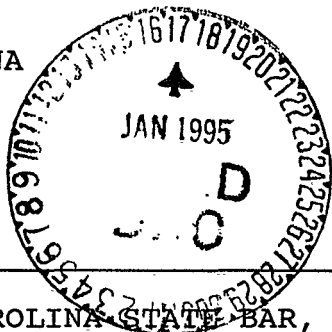


NORTH CAROLINA

WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
94 DHC 16

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

LELAND Q. TOWNS,
Attorney

Defendant

12666
FINDINGS OF FACT AND
CONCLUSIONS OF LAW

This cause came on to be heard and was heard on December 16, 1994 before a hearing committee composed of Richard L. Doughton, chairman; A. James Early III, and Stephen T. Smith. Fern E. Gunn represented the North Carolina State Bar. The defendant, Leland Q. Towns, was represented by Harry H. Harkins Jr. Based upon the admission of the defendant in his answer to the complaint, the stipulations on prehearing conference, and the evidence presented at the hearing, the hearing committee finds the following to be supported by clear, cogent, and convincing evidence:

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, Leland Q. Towns, was admitted to the North Carolina State Bar on October 4, 1984, 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 North Carolina.

3. During all of the periods referred to herein, the defendant was actively engaged in the practice of law in North Carolina and maintained a law office in Wilson, North Carolina.

4. On October 31, 1992, Angelicar D. Williams retained defendant to represent her in a personal injury action.

5. Ms. Williams accepted the insurance company's offer of \$25,000.00 in settlement of her claim.

6. On June 4, 1993, defendant signed Ms. Williams' name to the settlement check and release of claims that he received from the insurance company.

7. On June 4, 1993, Janice Woodard, a nonlawyer employee of defendant, notarized the release purportedly signed by Ms. Williams. Ms. Woodard falsely acknowledged that Ms. Williams personally appeared before her and voluntarily executed the release.

8. Defendant told Ms. Woodard to falsely acknowledge that Ms. Williams appeared before her and executed the release to which defendant signed Ms. Williams' name.

9. Defendant was a notary at the time that he instructed Ms. Woodard to sign the false jurat. However, defendant testified that he was unaware at the time that his and Ms. Woodard's conduct violated the law and Ms. Woodard's oath as a notary.

10. Defendant did not disclose to the insurance company's representative that Ms. Williams had not signed the release and check, but that defendant had signed her name to them.

11. On January 26, 1994, Ms. Williams cashed a check in the amount of \$10,236.38, her share of the settlement proceeds.

Based upon the foregoing Findings of Fact, the hearing committee makes the following:

CONCLUSIONS OF LAW

Defendant's conduct, as set out above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. Section 84-28(b)(2) in that defendant violated the Rules of Professional Conduct as follows:

(a) By not disclosing to the insurance company that Angelicar Williams had not signed the check and release, but defendant had signed Ms. Williams' name to the instruments, defendant has engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 1.2(C).

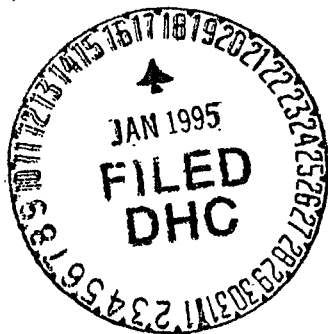
(b) By instructing Janice Woodard, his employee, to falsely acknowledge that Angelicar Williams executed the release in Ms. Woodard's presence, when defendant signed Ms. Williams' name to the release, defendant has violated or attempted to violate the Rules of Professional Conduct, knowingly assisted or induced another to do so, or did so through the acts of another in violation of Rule 1.2(A).

Signed by the undersigned chairman with the full knowledge and consent of all of the other members of the hearing committee, this the 12 day of JANUARY, 1995.



Richard L. Doughton
Chairman

NORTH CAROLINA
WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
94 DHC 16

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

LELAND Q. TOWNS,
Attorney

Defendant

ORDER OF DISCIPLINE

Based upon the Findings of Fact and Conclusions of Law entered in this matter, and further based upon arguments of counsel, the hearing committee composed of Richard L. Doughton, chairman; A. James Early III, and Stephen T. Smith makes additional findings regarding the existence of aggravating and mitigating factors in this case.

The defendant practiced law for nine years and handled over 200 personal injury cases at the time of the incident in question in this disciplinary procedure. Thus his substantial experience in the practice of law is an aggravating factor pursuant to Section 14(W)(1)(i) of the Discipline and Disbarment Procedures of the North Carolina State Bar.

The defendant's full and free disclosure to the hearing committee and cooperative attitude toward the disciplinary proceedings was a mitigating factor. (See Section 14(W)(2)(e) of the Discipline and Disbarment Procedures of the North Carolina State Bar.)

Based upon all the Findings of Fact, the Conclusions of Law, and the aggravating and mitigating factors, the hearing committee enters the following:

ORDER OF DISCIPLINE

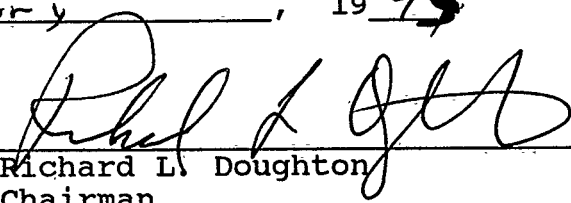
1. The defendant, Leland Q. Towns, is hereby suspended from the practice of law for six months. This suspension is stayed for one year on the following terms and conditions:

- a) During the one-year stayed suspension period, defendant shall not violate any North Carolina or federal laws.
- b) During the one-year stayed suspension period, defendant shall not violate any rules of ethics of the North

Carolina State Bar.

2. Defendant shall pay the costs of this proceeding.

Signed by the undersigned chairman with the full knowledge
and consent of the other members of the hearing committee, this
the 12 day of JANUARY, 19 75


Richard L. Doughton
Chairman