NORTH CAROLINA

WAKE COUNTY

BEFORE THE
FEB 2005CIPETIARY HEARING COMMISSION
OF THE
FILED DHC NORTH CAROLINA STATE BAR
6 BSR 6 & 11 DHC 3

IN THE MATTER OF

Petition for Reinstatement of Robert J. Burford, Attorney CONSENT ORDER
OF
REINSTATEMENT

THIS MATTER is before a Hearing Panel of the Disciplinary Hearing Commission composed of Beverly T. Beal, Chair, William O. King and Michael S. Edwards pursuant to a Petition for Reinstatement filed by Robert J. Burford on 6 December 2016. Petitioner was represented by Mark L. Bibbs. The North Carolina State Bar was represented by Carmen Hoyme Bannon.

Based upon the records of the Disciplinary Hearing Commission and the consent of the parties, the Hearing Panel makes the following:

## FINDINGS OF FACT

- 1. In an Order of Discipline filed 5 January 2012, a hearing panel of the Disciplinary Hearing Commission suspended Burford from the practice of law for two years.
- 2. Burford's suspension was stayed upon compliance with certain conditions, one of which required Burford to disburse funds from his trust account to clients within 90 days of the effective date of the Order of Discipline.
- 3. In a subsequent show-cause proceeding, the DHC determined that Burford had failed to remit the funds to clients as required by the Order of Discipline and that he had engaged in additional violations of the Rules of Professional Conduct during the period of stayed suspension.
- 4. On 10 October 2012, the DHC entered an Order Lifting Stay and Activating Suspension. Pursuant to that order, Burford's two year suspension was activated, effective 23 November 2012.
- 5. At the conclusion of the two year active suspension of his license, Burford was eligible to apply for reinstatement to the practice of law by filing a petition with the Secretary of the North Carolina State Bar. In order to be reinstated to active status, Burford had the burden of establishing the following by clear, cogent, and convincing evidence:

- (a) Compliance with all provisions of 27 NCAC 1B § .0124 within 30 days after service of the Order Lifting Stay and Activating Suspension;
- (b) Compliance with the general provisions for reinstatement listed in 27 N.C.A.C. 1B § .0125(b); and
- (c) Compliance with the conditions set forth in paragraph 2 on pages 7-8 of the original Order of Discipline, including:
  - i. Defendant shall complete six (6) hours of accredited continuing legal education in the area of trust account management by 31 December 2013.
  - ii. Defendant shall . . . comply with all Continuing Legal Education requirements on a timely basis.
- 6. Burford filed a Petition for Reinstatement on 6 December 2016, and the North Carolina State Bar filed a Response to Petition for Reinstatement on 5 January 2017. A hearing before the DHC was scheduled pursuant to the provisions of 27 N.C.A.C. 1B §.0125(b)(7).
- 7. Burford did not submit his license and membership card to the Secretary of the State Bar within 30 days of his suspension, as required by 27 NCAC 1B § .0124. Burford indicates that he did not comply with this requirement because he was unable to locate his law license and State Bar membership card.
- 8. Burford did not file the affidavit regarding the wind-down of his practice required by 27 NCAC 1B § .0124. He did not believe he was required to submit the affidavit because he did not have any active cases at that time,
- 9. Prior to petitioning for reinstatement Burford completed six hours of CLE in the area of trust account management, but he did not complete those hours by the 31 December 2013 deadline set forth in the Order of Discipline.
- 10. At the time he filed his petition for reinstatement, Burford had an outstanding balance due to the State Bar's CLE department. He has now paid that balance,

Based on the foregoing Findings of Fact and with the consent of the parties, the Hearing Panel makes the following

## **CONCLUSIONS OF LAW**

1. All parties are properly before the Disciplinary Hearing Commission and the Commission has jurisdiction over Petitioner, Robert J. Burford, and the subject matter of this proceeding.



- 2. Burford's non-compliance with the requirements for reinstatement described above are technical and *de minimus*. Particularly in light of the fact that he has been actively suspended for considerably longer than the two-year term imposed, these minor non-compliance issues do not warrant denying Burford's petition for reinstatement.
- 3. Burford has substantially satisfied the requirements for reinstatement set out in the Order of Discipline and his license to practice law should therefore be reinstated.

Based upon the foregoing Findings of Fact and Conclusions of Law, and with the consent of the parties, the Hearing Panel enters the following

## ORDER

- 1. Robert J. Burford's Petition for Reinstatement is ALLOWED, and he shall be permitted to resume practicing law effective immediately upon entry of this Order.
- 2. Petitioner is taxed with the costs and administrative fees of this proceeding, which Petitioner shall pay within 90 days of the date of this Order.

Signed by the undersigned Chair with the knowledge and consent of the other members of the Hearing Panel, this 10 day of January, 2017.

BEVERLY T. BEAL, CHAIR DISCIPLINARY HEARING PANEL



## WE CONSENT:

MARK L. BIBBS, Attorney for Petitioner

CARMEN HOYME BANNON, Deputy Counsel North Carolina State Bar