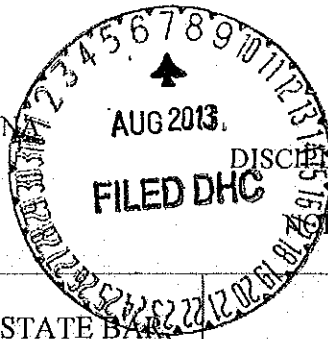


STATE OF NORTH CAROLINA

WAKE COUNTY



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

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

MARSHALL F. DOTSON, III, Attorney,

Defendant

CONSENT ORDER  
OF DISCIPLINE

This matter was considered by a Hearing Panel of the Disciplinary Hearing Commission composed of Walter E. Brock, Jr., Chair, and members Harriett Smalls and Patti Head, pursuant to North Carolina Administrative Code, Title 27, Chapter 1, Subchapter B, § .0114(h). Plaintiff was represented by Mary D. Winstead. Defendant Marshall F. Dotson, III ("Dotson") was represented by T. Keith Black. Both Plaintiff and Defendant stipulate and agree to the findings of fact and conclusions of law recited in this consent order and to the discipline imposed. Dotson has freely and voluntarily stipulated to the foregoing findings of fact and consents to the conclusions of law and entry of the order of discipline. Dotson knowingly, freely, and voluntarily waives any and all right to appeal the entry of this consent order of discipline or to challenge in any way the sufficiency of the findings by consenting to this order.

Based upon the pleadings in this matter, the parties' stipulations of fact, and with the consent of the parties, the Hearing Panel finds by clear, cogent, and convincing evidence the following:

**FINDINGS OF FACT**

1. Plaintiff, the North Carolina State Bar ("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 (Chapter 1 of Title 27 of the North Carolina Administrative Code).

2. Defendant, Marshall F. Dotson, III ("Defendant"), was admitted to the North Carolina State Bar in 1989 and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the laws of the State of North Carolina, the Rules and Regulations of the North Carolina State Bar and the Rules of Professional Conduct.

3. During all or part of the relevant periods referred to herein, Dotson was engaged in the practice of law in the State of North Carolina and maintained a law office in Greensboro, Guilford County, North Carolina and a law office in Asheboro, Randolph County, North Carolina.

4. In August 2009, Defendant began his representation of Ms. Melissa White in divorce, child custody, child support, and equitable distribution matters.

5. On September 16, 2009, in 09 CVD 11746, Defendant filed a complaint for divorce, equitable distribution, child support, child custody, post separation support, alimony, and attorney's fees against Ms. White's husband, Jerry Darnell White.

6. Attorney Afi S. Johnson-Parris represented Mr. White in this matter and filed an answer on his behalf.

7. On or about December 10, 2009, Ms. Johnson-Parris sent a notice to Defendant that a child custody mediation orientation session which the parties were required to attend was scheduled for January 14, 2010.

8. Defendant failed to notify his client, Ms. White, of this orientation session.

9. In February 2010, Ms. White learned that she had missed two custody mediation orientation sessions in January and that if she failed to attend the next session she could be subject to being held in contempt of court.

10. Defendant had not notified Ms. White of either of the scheduled orientation sessions.

11. Previously, on November 16, 2009, the parties and counsel met for a four way conference.

12. At the conference, the parties and their counsel agreed that Ms. Johnson-Parris would provide Defendant with a property description of the parties' home and that Defendant would prepare a quitclaim deed transferring Ms. White's interest in the property to her husband.

13. On November 17, 2009, Ms. Johnson-Parris faxed to Defendant a copy of the deed of trust containing the property description.

14. In April 2010, Ms. Johnson-Parris sent Defendant a fax asking that he forward the quitclaim deed to her so that her client could proceed with selling the home.

15. In a letter dated June 16, 2010, Ms. Johnson-Parris wrote Defendant asking again that he forward the quitclaim deed to her and stating that if she did not receive the quitclaim deed by June 23, 2010, she would have to file a breach of contract action against Ms. White.

16. Defendant did not notify Ms. White of the June 16, 2010 letter from opposing counsel.

17. On or about June 29, 2010, Ms. Johnson-Parris sent Defendant another fax asking that he provide the quitclaim deed at once and again attaching the deed of trust with the property description.

18. On or about June 29, 2010, Ms. White learned from Jerry White that opposing counsel was going to file an action against her if she did not execute the quitclaim deed.

19. On or about June 30, 2010, Ms. White e-mailed Defendant and expressed her concern that the failure to provide the quitclaim deed to opposing counsel made it appear as though Ms. White had not been cooperative when in fact she had not known of opposing counsel's requests for the quitclaim deed.

20. Over the next few weeks, Ms. White repeatedly communicated to Defendant and his office her willingness to sign the quitclaim deed but Defendant did not provide Ms. White with a quitclaim deed for her to sign.

21. On July 22, 2010, Ms. Johnson-Parris amended the answer adding a breach of contract claim against Ms. White for her failure to execute the quitclaim deed.

22. On July 29, 2010, Defendant presented Ms. White with the quitclaim deed for her signature.

23. On or about August 3, 2010, Ms. Johnson-Parris dismissed the breach of contract claim.

24. The parties consented to the entry of a Qualified Domestic Relations Order (hereinafter "QDRO") which provided that Ms. White would receive funds from her husband's 401(k) retirement plan.

25. The QDRO was entered by the court on March 2, 2011.

26. Defendant informed Ms. White on March 2, 2011 that the funds should be transferred shortly.

27. In April and May 2011, Ms. White e-mailed Defendant and his office staff and called Defendant's office numerous times regarding the status of the QDRO.

28. On or about May 5, 2011, Defendant stated in an e-mail that he would check with the Plan Administrator about the delay with the QDRO.

29. Defendant did not communicate to Ms. White the results of any follow up with the Plan Administrator on the status of the QDRO.

30. Under the terms of the QDRO, it was Defendant's responsibility to transmit the QDRO to the Plan Administrator.

31. On or about June 15, 2011, Ms. White contacted the Plan Administrator and learned that the Plan Administrator did not have a copy of the QDRO.

32. After Ms. White informed Defendant's office that the Plan Administrator did not have the QDRO, Defendant's staff transmitted the QDRO to the Plan Administrator on or about June 17, 2011.

33. Previously, on June 23, 2010, Ms. White had sent Defendant an e-mail regarding the need for child support/alimony.

34. Defendant e-mailed Ms. White on June 23, 2010 stating that he would calendar the child support matter as soon as possible.

35. Defendant did not submit a calendar request for the child support matter as he represented he would.

36. On November 1, 2011, the Office of Counsel for the State Bar wrote Defendant asking that he respond by November 14, 2011 to follow-up questions regarding a grievance filed by Ms. White concerning Defendant's representation in this matter.

37. Defendant failed to respond to the follow-up questions by the stated deadline.

38. On November 29, 2011, deputy counsel for the State Bar called Defendant to discuss his failure to respond.

39. Defendant stated that he was on his way to his office where he would have access to the file and would call deputy counsel when he got there.

40. Defendant did not call deputy counsel back as he had said he would do.

41. Defendant did not otherwise address the follow-up questions or his failure to respond to the follow-up questions until he was required to appear at the State Bar pursuant to subpoena.

42. In February 2011, Mr. William Redding retained Defendant to handle legal matters regarding certain real property.

43. Prior to the death of Mr. Redding's mother, he and his sister had each been deeded one-half interest in certain real property in which their mother had a life estate.

44. After his mother's death, Mr. Redding paid Defendant \$750 to perform legal work concerning his interest in this property. In March 2011, Mr. Redding tried

repeatedly to contact Defendant and left messages for Defendant to call him, but Defendant did not return the calls.

45. When his calls were not returned, Mr. Redding went to Defendant's office to attempt to speak with him.

46. Defendant's office staff made an appointment for Mr. Redding to meet with Defendant on March 24, 2011.

47. On March 24, 2011, Mr. Redding met with Defendant.

48. At the March 24, 2011 meeting, Mr. Redding expressed his frustration with Defendant's failure to return his phone calls.

49. At the March 24, 2011 meeting, Defendant told Mr. Redding he would call him at a designated time to discuss the progress in this matter.

50. Defendant did not call Mr. Redding at the designated time as he had represented he would do.

51. On or about March 31, 2011, Mr. Redding called Defendant's office, explained that Defendant had not called him the night before, and left a message for Defendant to call him.

52. On or about April 4, 2011, Mr. Redding called Defendant and Defendant told him he could not talk at that time but would call him back in forty-five minutes.

53. Defendant did not call Mr. Redding on April 4, 2011 as he had represented he would do.

54. Mr. Redding called Defendant's office and left several messages for Defendant to call him but his calls were not returned.

55. On April 19, 2011, Mr. Redding reached Defendant by phone and inquired whether he had made any progress in his legal matter.

56. Defendant informed Mr. Redding that he had made progress and asked that Mr. Redding call him back in a few minutes so he could have the information in front of him.

57. When Mr. Redding called back as Defendant had asked him to do, Defendant stated that he still was not ready to discuss the matter and stated that he would call Mr. Redding back.

58. Defendant did not call Mr. Redding back as he had said he would do.

59. On March 31, 2011, Mr. Redding called Defendant's office and asked for Defendant to call him.

60. Defendant did not call Mr. Redding back.
61. On or about April 26, 2011, Mr. Redding sent Defendant a certified letter asking for a status report on his matter.
62. On or about May 16, 2011, Mr. Redding sent Defendant a certified letter asking for a showing of reasonable progress or a refund and his file.
63. Defendant did not respond to either letter.
64. Defendant's office staff signed for both certified letters.
65. Defendant did not provide Mr. Redding with a refund or his client file.
66. Mr. Redding filed a grievance against Defendant with the North Carolina State Bar.
67. The State Bar opened a grievance file, 11G0796.
68. Defendant responded to the Letter of Notice.
69. On November 29, 2011, deputy counsel for the State Bar called Defendant to discuss this grievance.
70. Defendant stated that he was on his way to his office where he would have access to the file and would call deputy counsel when he arrived at his office.
71. Defendant did not call deputy counsel back as he had said he would do.
72. On November 30, 2011 the State Bar Office of Counsel wrote Defendant asking that he respond by December 8, 2011, to follow-up questions regarding 11G0796.
73. Defendant failed to respond to the follow-up questions by the stated deadline.
74. Defendant did not otherwise address the follow-up questions or his failure to respond to the follow-up questions until January 3, 2012 when he was required to appear at the State Bar pursuant to subpoena.
75. During the time he represented Mr. Redding, Defendant failed to complete the legal work Mr. Redding had paid him to perform.
76. In 2008, Defendant began representing Dr. Venezela Thomas Slade-Hartman in a child custody and child support matter, Venezela Ethel Bessie Thomas-Slade v. Calvin Earl Slade, Guilford County file number 07 CVD 746.
77. On February 11, 2011, Guilford County Child Support Enforcement filed a complaint on behalf of Calvin Earl Slade against Dr. Slade-Hartman seeking an order for child support, Guilford County file number 11 CVD 206.

78. The complaint and summons were served on Dr. Slade-Hartman on February 15, 2011 and she transmitted the documents to Defendant that same day.

79. On March 11, 2011, Defendant filed an application for extension of time to answer.

80. On March 17, 2011, an order was entered allowing Dr. Slade-Hartman until April 16, 2011 to serve her answer or otherwise plead.

81. Defendant failed to serve an answer or otherwise plead by April 16, 2011.

82. As a result of Defendant's failure to timely answer, Guilford County Child Support Enforcement filed a Motion for Entry of Default on April 29, 2011.

83. Defendant filed an answer on Dr. Slade-Hartman's behalf on April 29, 2011.

84. During the time that Defendant represented Dr. Slade-Hartman, he:

- a. failed to return phone messages from Dr. Slade-Hartman;
- b. told Dr. Slade-Hartman that he would call her at specific times and then failed to do so; and
- c. failed to attend scheduled meetings at his office with Dr. Slade-Hartman.

85. As a result of Defendant's failure to timely file the answer in 11 CVD 206 and the communication problems with Defendant, Dr. Slade-Hartman retained new counsel to represent her in 11 CVD 206 and 07 CVD 746.

86. Dr. Slade-Hartman's new attorney was able to resolve the matters in 11 CVD 206 and an order for child support was entered on or about August 16, 2011.

87. Between May 2011 and April 2012, Dr. Slade-Hartman made numerous requests of Defendant for her client file, but Defendant failed to provide her with her file.

88. Dr. Slade-Hartman's new counsel also made several requests of Defendant for the client file, but Defendant failed to provide the client file to Dr. Slade-Hartman's attorney.

89. On April 12, 2012, Dr. Slade-Hartman's new counsel sent Defendant a fax emphasizing the need for Defendant to provide the client file to Dr. Slade-Hartman.

90. On April 19, 2012, a consent order resolving the issues of custody and support was entered in 07 CVD 746.

91. At the time the consent order was entered, Defendant had still not provided Dr. Slade-Hartman with her file.

92. Defendant did not comply with the repeated requests for the client file until August 2012, when he provided Dr. Slade-Hartman with part of the file.

93. Defendant never provided Dr. Slade-Hartman with her complete file which included original pay stubs and receipts she had delivered to Defendant.

94. Mr. Redding's, Dr. Slade-Hartman's and Ms. White's opinions of, and trust in, attorneys and the legal profession have been damaged.

95. Defendant's conduct created a great deal of unnecessary stress for his clients.

Based upon the consent of the parties and the foregoing stipulated Findings of Fact, the Hearing Panel enters the following:

### **CONCLUSIONS OF LAW**

1. All parties are properly before the Hearing Panel and the Panel has jurisdiction over Defendant and the subject matter of this proceeding.

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

- (a) By failing to ensure that the QDRO was transmitted to the Plan Administrator, failing to follow up on Ms. White's inquiries about the status of the QDRO with the Plan Administrator, failing to request calendaring of the child support matter, and failing to have Ms. White execute the quitclaim deed until a breach of contract claim was filed, Defendant failed to handle Ms. White's case with reasonable diligence and promptness in violation of Rule 1.3;
- (b) By failing to notify Ms. White of the mediation orientation sessions and by failing to timely respond to Ms. White's telephone calls and e-mails and failing to keep Ms. White informed about the status of the QDRO, Defendant failed to keep his client reasonably informed about the status of the matter in violation of Rule 1.4(a)(3), and failed to promptly comply with reasonable requests for information in violation of Rule 1.4(a)(4);
- (c) By failing to respond in a timely manner to the State Bar's request for additional information, Defendant knowingly failed to respond to a lawful demand for information from a disciplinary authority in violation of Rule 8.1(b);
- (d) By failing to return Mr. Redding's calls, failing to call Mr. Redding at times Defendant said he would, and failing to respond to Mr. Redding's letters, Defendant failed to keep the client reasonably informed about the status of the matter in violation of Rule 1.4(a)(3) and failed to promptly



comply with reasonable requests for information in violation of Rule 1.4(a)(4);

- (e) By failing to comply with Mr. Redding's request for his file, Defendant failed to take steps to the extent reasonably necessary to protect a client's interests, such as surrendering papers and property to which the client is entitled in violation of Rule 1.16(d);
- (f) By failing to respond in a timely manner to the State Bar's request for additional information, Defendant knowingly failed to respond to a lawful demand for information from a disciplinary authority in violation of Rule 8.1(b);
- (g) By failing to do the legal work Mr. Redding had paid him to perform, Defendant failed to act with reasonable diligence and promptness in representing a client in violation of Rule 1.3;
- (h) By failing to timely file the answer on behalf of Dr. Slade-Hartman, Defendant failed to act with reasonable diligence and promptness in representing his client in violation of Rule 1.3;
- (i) By failing to respond to Dr. Slade-Hartman's telephone calls, failing to call her at appointed times, and failing to attend scheduled meetings, Defendant failed to keep his client reasonably informed about the status of the matter in violation of Rule 1.4(a)(3) and failed to promptly comply with reasonable requests for information in violation of Rule 1.4(a)(4); and
- (j) By failing, upon termination of representation, to comply with Dr. Slade-Hartman's requests for her file, Defendant failed to take steps to the extent reasonably necessary to protect a client's interests, such as surrendering papers and property to which the client was entitled in violation of Rule 1.16(d).

Upon the consent of the parties, the Hearing Panel also finds by clear, cogent, and convincing evidence the following:

#### **ADDITIONAL FINDINGS REGARDING DISCIPLINE**

1. In 05 DHC 51, Defendant entered into a consent order of discipline and was given a 1 year suspension that was stayed for 2 years, for similar misconduct.
2. Individuals who retain attorneys trust that their attorneys will communicate with them about their legal matters in a timely and professional manner.
3. Defendant has, at times, failed to recognize the stress his failure to communicate in a timely manner has caused his clients.

4. Defendant demonstrated a lack of communication and lack of attention to matters with the State Bar.

5. During the pendency of this action, Defendant has sought psychological counseling.

6. Defendant has been diagnosed with Major Depressive Disorder, severe, with anxious distress.

7. Attorneys in the areas where Defendant practices regard him as a very knowledgeable and committed advocate for his clients.

8. As a result of these grievances, Defendant has closed his Greensboro office and is no longer taking cases in Greensboro.

9. Defendant has acknowledged that he did not respond in an appropriate manner to many of his clients' complaints and has admitted many of the allegations in the complaint.

Based on the Findings of Fact and Conclusions of Law above and the additional Findings of Fact Regarding Discipline, the Hearing Panel makes the following:

#### **CONCLUSIONS REGARDING DISCIPLINE**

1. The Hearing Panel has carefully considered all of the different forms of discipline available to it. In addition, the Hearing Panel has considered all of the factors enumerated in 27 N.C.A.C. 1B § .0114(w)(1) of the Rules and Regulations of the North Carolina State Bar and concludes the following factors warrant suspension of Defendant's license:

- (a) Intent of Defendant to commit acts where harm or potential harm is foreseeable;
- (b) Elevation of Defendant's own interest above that of his clients;
- (c) Negative impact of Defendant's actions on client's or public's perception of the profession;
- (d) Negative impact of Defendant's actions on the administration of justice;
- (e) Impairment of the clients' ability to timely achieve the goals of the representation; and
- (f) Negative effect of Defendant's conduct on third parties.

2. The Hearing Panel has considered all of the factors enumerated in 27 N.C.A.C. 1B § .0114(w)(2) of the Rules and Regulations of the North Carolina State

Bar and concludes that none of the factors mandating that disbarment should be considered is present.

3. The Hearing Panel has considered all of the factors enumerated in 27 N.C.A.C. 1B § .0114(w)(3) of the Rules and Regulations of the North Carolina State Bar and concludes the following factors are applicable in this matter:

- (a) Prior disciplinary offenses;
- (b) A pattern of misconduct;
- (c) Multiple offenses;
- (d) Effect of any personal or emotional problems on the conduct in question - During the first half of 2011, Defendant was under tremendous personal and emotional stress;
- (e) Effect of any physical or mental disability on the conduct in question- Defendant has recently been diagnosed with major depressive disorder – severe with anxious distress and other health problems;
- (f) Substantial experience in the practice of law; and
- (g) No letter of warning issued to Defendant within the three years immediately preceding the filing of this complaint.

4. The Hearing Panel has considered issuing an admonition, reprimand or censure but concludes that such discipline would not be sufficient discipline because of the gravity of the harm and potential harm to the clients. The Panel further concludes that such discipline would fail to acknowledge the seriousness of the offenses committed by Defendant and send the wrong message to attorneys regarding the conduct expected of members of the Bar in this State.

5. The Hearing Panel has considered lesser alternatives and concludes that suspension is necessary to ensure Defendant complies with necessary conditions to avoid significant harm or the potential for significant harm to clients.

6. For these reasons, the Hearing Panel finds that an order imposing discipline short of a suspension of Defendant's law license would not be appropriate.

Based upon the foregoing findings of fact and conclusions of law and the findings of fact and conclusion regarding discipline, and based upon the consent of the parties, the Hearing Panel enters the following:

## ORDER OF DISCIPLINE

1. The license to practice law in the State of North Carolina of Defendant Marshall Dotson is hereby suspended for five years effective thirty days from the date this Order of Discipline is served upon him.
2. Defendant shall submit his license and membership card to the Secretary of the North Carolina State Bar no later than thirty days following service of this order on Defendant.
3. Defendant is taxed with the administrative fees and the costs of this action. These costs include deposition costs as allowed by statute, which are found to be reasonable and necessary expenses in this case. Defendant shall pay the costs within sixty days of service of the statement of costs upon him.
4. Defendant shall comply with the wind down provisions contained in 27 N.C.A.C. 1B §.0124. Defendant shall file an affidavit with the Secretary of the North Carolina State Bar within ten days of the effective date of this Order of Discipline certifying he has complied with the wind down rule.
5. Within fifteen days of the effective date of this Order, Defendant will provide the State Bar with a street address and a mailing address at which clients seeking return of their files and records in Defendant's possession or control may obtain such files and records and at which the State Bar may serve any notices or other documents upon him.
6. After the completion of one year of active suspension of his license, Defendant may petition for a stay of the balance of the suspension upon filing a verified petition with the Secretary of the North Carolina State Bar at least thirty days before any proposed effective date of the stay as provided in 27 N.C.A.C. 1B § .0125. The remaining term of Defendant's suspension may be stayed only if Defendant establishes by clear, cogent and convincing evidence the following:
  - (a) That Defendant has been continuously in treatment with a psychologist and psychiatrist approved in advance by the North Carolina State Bar Office of Counsel and that he has complied with all treatment recommendations of his treating psychologist and psychiatrist, including but not limited to the recommendations made by Dr. Monica Dew in her written recommendations dated July 10, 2013 and the recommendations made by Dr. Kim D. Dansie in her July 9, 2011 letter;
  - (b) That Defendant has provided the State Bar with a quarterly report due by January 1, April 1, July 1, and October 1 each year of the suspension from the treating psychologist and the treating psychiatrist which addresses any change(s) and the reasons for the change(s) from the recommended treatment in the previous quarter;

- (c) Both the psychologist and psychiatrist have certified under oath, that in their professional opinion, Defendant is no longer symptomatically depressed and does not suffer from any mental or physical condition which significantly impairs his professional judgment, performance, or competence;
- (d) That Defendant has attached to his reinstatement petition the sworn statements referred to in paragraph 6(c) from the two mental health professionals along with releases signed by Defendant authorizing and instructing the mental health professionals to discuss their evaluations of Defendant with, and to release their medical records relating to Defendant to, a representative of the Office of Counsel;
- (e) That Defendant has kept the North Carolina State Bar Membership Department advised of his current business and home addresses and notified the Bar of any change in address within ten days of such change;
- (f) That Defendant has responded to all communications from the North Carolina State Bar within thirty days of receipt or by the deadline stated in the communication, whichever is sooner, and has participated in good faith in the State Bar's fee dispute resolution process for any petition pending or received after the effective date of this Order;
- (g) That Defendant has not violated the Rules of Professional Conduct or the laws of the United States or any state or local government during his suspension;
- (h) That Defendant has, within 10 days of the date of this order, reimbursed William Redding in the amount of \$750;
- (i) That Defendant has submitted an affidavit to the State Bar within ten days of service of this order certifying that he will not seek to collect any additional monies from Dr. Venezela Slade-Hartman or Melissa White for representation on the matters that are the subject of the complaint in this matter;
- (j) That if Defendant proposes to practice law as a sole practitioner if the stay is granted, he has made arrangements for a member in good standing with the State Bar who practices law in the county where he proposes to practice and who has been approved by the State Bar, to serve as a practice monitor; and that the selected monitor has agreed to so serve and has agreed to submit monthly reports to the Office of Counsel of the State Bar;
- (k) That Defendant has developed a written policies and procedures manual for his office staff which has been approved by the practice monitor and

which includes procedures to ensure compliance with the Rules of Professional Conduct; and

- (l) That Defendant has otherwise complied with the requirements of 27 N.C.A.C. 1B, §.0125(b).

7. If Defendant successfully seeks a stay of the suspension of his law license, such stay will continue in force only as long as he complies with the following conditions:

- (a) Defendant shall keep the North Carolina State Bar Membership Department advised of his current business and home addresses;
- (b) Defendant shall respond to all communications from the North Carolina State Bar within thirty days of receipt or by the deadline stated in the communication, whichever is sooner, and participate in good faith in the State Bar's fee dispute resolution process for any petition pending or received during the stay;
- (c) Defendant shall not violate the Rules of Professional Conduct or the laws of the United States or any state or local government ;
- (d) Defendant shall timely comply with all State Bar membership and continuing legal education requirements and shall pay all fees and costs assessed by the applicable deadline;
- (e) In the event that the stay is granted and Defendant does not actively engage in the practice of law in any manner, whether in private practice, public service, as corporate counsel, or in any other form, Defendant shall notify the State Bar by the first day of the next calendar quarter (January 1, April 1, July 1, and October 1) and thereafter by January 1, April 1, July 1, and October 1 each year of the stayed suspension by written communication under oath, that Defendant has not so engaged in the practice of law during the preceding three months;
- (f) In the event that, during the stay, Defendant does actively engage in the practice of law in any manner, whether in private practice, public service, as corporate counsel, or in any other form, Defendant shall notify the State Bar prior to engaging in such practice, by written communication under oath, that Defendant intends to become so engaged, and state when, where, and under what circumstances Defendant intends to practice;
- (g) Defendant must limit his practice to one law office and the practice of law to only one county;

which includes procedures to ensure compliance with the Rules of Professional Conduct; and

- (l) That Defendant has otherwise complied with the requirements of 27 N.C.A.C. 1B, §.0125(b).

7. If Defendant successfully seeks a stay of the suspension of his law license, such stay will continue in force only as long as he complies with the following conditions:

- (a) Defendant shall keep the North Carolina State Bar Membership Department advised of his current business and home addresses;
- (b) Defendant shall respond to all communications from the North Carolina State Bar within thirty days of receipt or by the deadline stated in the communication, whichever is sooner, and participate in good faith in the State Bar's fee dispute resolution process for any petition pending or received during the stay;
- (c) Defendant shall not violate the Rules of Professional Conduct or the laws of the United States or any state or local government ;
- (d) Defendant shall timely comply with all State Bar membership and continuing legal education requirements and shall pay all fees and costs assessed by the applicable deadline;
- (e) In the event that the stay is granted and Defendant does not actively engage in the practice of law in any manner, whether in private practice, public service, as corporate counsel, or in any other form, Defendant shall notify the State Bar by the first day of the next calendar quarter (January 1, April 1, July 1, and October 1) and thereafter by January 1, April 1, July 1, and October 1 each year of the stayed suspension by written communication under oath, that Defendant has not so engaged in the practice of law during the preceding three months;
- (f) In the event that, during the stay, Defendant does actively engage in the practice of law in any manner, whether in private practice, public service, as corporate counsel, or in any other form, Defendant shall notify the State Bar prior to engaging in such practice, by written communication under oath, that Defendant intends to become so engaged, and state when, where, and under what circumstances Defendant intends to practice;
- (g) Defendant must limit his practice to one law office and the practice of law to only one county;

- (h) In the event Defendant moves to another county or accepts employment in a county other than the county in which he is currently practicing, he must notify the State Bar in advance of this occurrence, wind down his practice in the county in which he is currently practicing, and continue to limit his practice to only one county;
- (i) Defendant must enter into a written fee agreement with every client (except in criminal cases) and the fee agreement must state with specificity the legal work Defendant is undertaking to perform;
- (j) Unless Defendant is on secure leave pursuant to Rule 26 of the General Rules of Practice for the Superior and District Courts, Defendant must personally respond to communications from his clients within twenty-four hours or direct a member of his staff to provide clients a time when Defendant will respond and in that case, Defendant shall respond within forty-eight hours and in no event shall Defendant fail to personally respond within forty-eight hours;
- (k) In the event Defendant is on secure leave, he must leave messages on all of his voice mail boxes and e-mail accounts informing the caller/correspondent when he will return from secure leave and must return all calls within forty-eight hours of that time;
- (l) Upon request of any client, Defendant must, in accordance with Rule 1.16(c) of the Rules of Professional Conduct, provide the client with his/her file within forty-eight hours of the request;
- (m) Defendant must remain in treatment with his psychologist and psychiatrist and comply with any recommendations of these mental health professionals;
- (n) Defendant must provide the State Bar with a quarterly report due by January 1, April 1, July 1, and October 1 each year from the treating psychologist and the treating psychiatrist which addresses whether Defendant is in compliance with the treatment recommendations, whether there is any change(s) in the recommendations and if so, the reasons for the change(s) from the recommended treatment in the previous quarter;
- (o) Defendant must limit his hours working as recommended by his mental health professionals;
- (p) If Defendant does actively engage in the practice of law, Defendant must meet monthly with his practice monitor to whom he shall report the status of all current client matters, and provide any information the monitor deems reasonably necessary to ensure that Defendant is diligently handling all client matters. Beginning the first day of the next calendar quarter (January 1, April 1, July 1, and October 1) following the effective

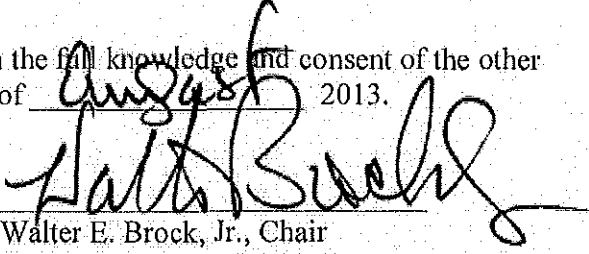


date of the stay and thereafter on every January 1, April 1, July 1, and October 1 during the stayed suspension, Defendant will deliver to the Office of Counsel written reports signed by the monitor confirming that the meetings are occurring, that Defendant is reporting on the status of Defendant's client matters to the monitor, and that the practice monitor is satisfied with the status of such client matters. Defendant must pay all costs associated with the monitor arrangement; and

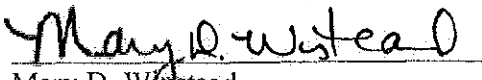
- (q) Defendant must limit his caseload in accordance with the advice of his practice monitor and may not undertake to represent clients in domestic relations cases without the express approval of the practice monitor.

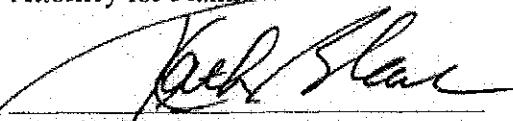
8. If Defendant does not seek a stay of the active portion of the suspension or if some part of the suspension is stayed and thereafter the stay is revoked, Defendant must demonstrate by clear, cogent, and convincing evidence that he has complied with the conditions set out in paragraphs 6(a) through (l) above before his license to practice law will be reinstated.

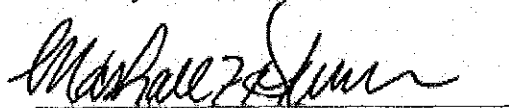
Signed by the undersigned Chair with the full knowledge and consent of the other hearing panel members, this the 17<sup>th</sup> day of August, 2013.

  
Walter E. Brock, Jr., Chair  
Disciplinary Hearing Panel

Agreed and consented to by:

  
Mary D. Winstead  
Attorney for Plaintiff

  
T. Keith Black  
Attorney for Defendant

  
Marshall F. Dotson, III  
Defendant