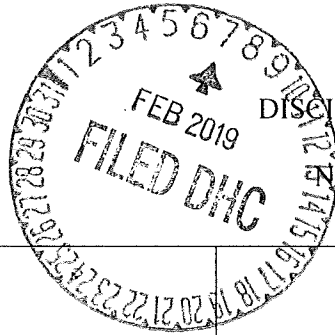


NORTH CAROLINA

WAKE COUNTY



BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR

18 DHC 50

IN RE: H. TRADE ELKINS, Attorney

ORDER  
OF  
INTERIM SUSPENSION

THIS CAUSE was considered by the Chair of the Disciplinary Hearing Commission upon the North Carolina State Bar's ("State Bar") Motion for Order of Interim Suspension. Leonor Bailey Hodge represented the State Bar. H. Trade Elkins' ("Elkins") did not file a response to the motion. Pursuant to 27 N.C. Admin. Code 1B.0115(1)(4) this matter was decided on the basis of the written submissions. Based upon the motion, the certified copy of the judgment in Elkins' criminal case, and the Affidavit of Service, and pursuant to 27 N.C. Admin. Code 1B.0119(b), the undersigned makes the following:

#### FINDINGS OF FACT

1. Elkins was licensed to practice law in North Carolina on 18 August 2000 and is and was at all times referred to herein, an attorney at law, subject to the laws of North Carolina and the rules, regulations and Rules of Professional Conduct of the North Carolina State Bar.
2. The current address of record for Elkins with the North Carolina State Bar is 228 6th Avenue East, Suite 1B, Hendersonville, NC 28792.
3. Elkins was administratively suspended from the practice of law on 25 September 2017.
4. On 14 June 2018, Elkins pled guilty to one count of wire fraud in violation of 18 U.S.C. § 1343, a class C felony. Judgment was entered in the United States District Court, Western District of North Carolina by the Honorable Martin Reidinger on 9 July 2018.
5. The State Bar's Motion for Order of Interim Suspension was properly filed with the clerk of the commission. A certified copy of the judgment entered in the case in which Elkins' entered his guilty plea was attached to the State Bar's motion.
6. Elkins was served with the Motion for Order of Interim Suspension, including the attached copy of the judgment, on 6 December 2018.
7. Elkins was sentenced to twenty-four (24) months of imprisonment and ordered to make restitution in the amount of \$545,738.90. Elkins will be placed on supervised release for the term of two years upon his release from imprisonment.
8. Elkins is presently an inmate incarcerated at the United States Federal Penitentiary McCreary in Kentucky.

9. The offense to which Elkins pled guilty is a criminal offense showing professional unfitness as defined by 27 N.C. Admin. Code 1B .0103(17).

10. Elkins' misconduct, as set forth in the Factual Basis attached to the State Bar's motion, caused harm to the victims of his fraud and to the profession.

11. More than ten days have passed since the motion was served on Elkins.

12. Elkins has not filed a response to the motion.

13. Interim suspension is warranted.

Based upon the foregoing findings of fact, the undersigned makes the following:

### **CONCLUSIONS OF LAW**

1. All parties are properly before the Chair of the Disciplinary Hearing Commission and the Chair has jurisdiction over Elkins and the subject matter of this proceeding.

2. The crime of which Elkins was convicted is a criminal offense showing professional unfitness as defined in 27 N.C. Admin. Code 1B.0103(17) and qualifies as a proper basis for entry of an order of interim suspension.

3. Based on the nature of the conviction and the attendant harm to Elkins' clients and the legal profession, entry of an order of interim suspension is warranted.

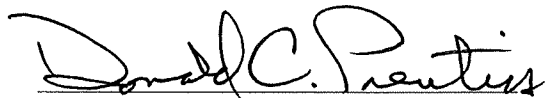
Based upon the foregoing findings of fact and conclusions of law, the undersigned Chair of the Disciplinary Hearing Commission enters the following:

### **ORDER**

1. The State Bar's Motion for Order of Interim Suspension is hereby GRANTED.

2. The license to practice law in North Carolina of H. Trade Elkins a.k.a. Howard Trade Elkins, is hereby SUSPENDED until the conclusion of all disciplinary proceedings relating to Elkins' felony conviction for wire fraud in the United States District Court, Western District of North Carolina and the conduct underlying such conviction.

This the 7 day of February, 2019.

  
Donald C. Prentiss, Chair  
Disciplinary Hearing Commission