

STATE OF NORTH CAROLINA
WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
15 DHC 21

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

CONSENT ORDER OF
DISCIPLINE

CASSANDRA DAWN SKERRETT,
Attorney,

Defendant

This matter was considered by a Hearing Panel of the Disciplinary Hearing Commission composed of Joshua W. Willey, Jr., Chair, and members William O. King and Randy Moreau, pursuant to North Carolina Administrative Code, Title 27, Chapter 1, Subchapter B, § .0114(h) of the North Carolina State Bar Discipline and Disability Rules. Plaintiff was represented by Barry S. McNeill, Deputy Counsel. Defendant, Cassandra Dawn Skerrett ("Defendant" or "Skerrett"), was represented by David Freedman of Crumpler, Freedman, Parker & Witt, Winston-Salem, North Carolina. 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. Defendant 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. Defendant freely and voluntarily waives any and all right to appeal the entry of this consent order of discipline.

Based upon the pleadings in this matter, the parties' stipulations of fact, and with the consent of the parties, the Hearing Panel hereby enters 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 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, Cassandra Dawn Skerrett ("Skerrett" or "Defendant"), was admitted to the North Carolina State Bar on August 18, 1990, 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, Skerrett was engaged in the practice of law in the State of North Carolina in Hendersonville, Henderson County, North Carolina.

4. Gene Carswell ("Mr. Carswell") is the President of ACC Construction, Inc. ("ACC"), and GHC Land Development, L.L.C. ("GHC").

5. Through ACC and GHC, Mr. Carswell owned, developed, and built residential homes on the lots in the Rebecca's Pond subdivision in Hendersonville, North Carolina.

6. Mr. Carswell also owned a property at 705 Oakland Street ("Oakland Street") in Hendersonville, North Carolina, which had an apartment upstairs and offices downstairs.

7. Mr. Carswell's office was located in one of the downstairs offices of the Oakland Street property.

8. In June of 2009, Mr. Carswell rented the upstairs apartment and a downstairs office to Defendant, and Defendant agreed, as rent, to pay Mr. Carswell's second mortgage on the Oakland Street property in the amount of approximately \$1,600 per month.

9. Defendant moved her residence and office to Mr. Carswell's Oakland Street property on or about July 15, 2009.

10. Mr. Carswell and Defendant agreed that Defendant would share Mr. Carswell's office manager, Ellie Ray ("Ms. Ray"), to work for both Mr. Carswell and Defendant.

11. Mr. Carswell furnished the Oakland Street property offices with two computers, with Defendant sharing the main office computer with Ms. Ray and using the other computer as her law practice computer.

12. Prior to Mr. Carswell's office sharing arrangement with Defendant, ACC had brought a lawsuit against Robert and Dana Mangum ("Mangums"), and contemplated filing additional lawsuits against Christopher and Susan Wall ("Walls"), and Constance Smigiel ("Smigiel"), who had invested in building homes in the Rebecca's Pond subdivision.

13. Mr. Carswell and Defendant agreed that Defendant would represent Mr. Carswell and ACC in ACC's lawsuits against the Walls, Mangums, and Smigiel, and would do so on a contingency basis of 25%.

14. Defendant filed ACC's lawsuit against the Walls and Smigiel in July 2009, and Defendant made an appearance as ACC's counsel in the Mangums' lawsuit.

15. Defendant terminated Ms. Ray in or about February 2010, but Ms. Ray continued to work for Mr. Carswell.

16. In May 2010, Defendant ceased paying Mr. Carswell's second mortgage and changed the locks on the doors of the Oakland Street property.

17. ACC's and GHC's business and QuickBooks financial records were stored on the computer being utilized by Defendant, and were password protected.

18. On July 19, 2010, at 9:50 a.m., Mr. Carswell terminated Defendant as his and ACC's attorney by email communication to Defendant, and Defendant acknowledged receipt of the electronic e-mail communication the same date at 1:16 p.m.

19. Thereafter, on July 19, 2010, at approximately 4:30 p.m., Defendant filed notices of voluntary dismissal without prejudice in the Mangums' and Smigiel's lawsuits, and a notice of voluntary dismissal with prejudice in the Walls' lawsuit.

20. The notices of voluntary dismissal referenced in Paragraph 19 above were filed by Defendant after she had been terminated as Mr. Carswell's and ACC's attorney, were filed without Mr. Carswell's knowledge or permission, and were filed by Defendant knowing that she had been terminated as Mr. Carswell's and ACC's attorney.

21. Defendant never moved to withdraw from her appearances in the Walls', Mangums', and Smigiel's lawsuits.

22. In reliance on the notice of voluntary dismissal with prejudice filed by Defendant in the Walls' lawsuit, the opposing party dismissed its counterclaim and third party claim against ACC.

23. Because of Defendant's conduct, Mr. Carswell and ACC subsequently, through their successor counsel, were forced to move for relief from the voluntary dismissal with prejudice filed by Defendant in the Walls' lawsuit.

24. Following a court hearing at which Defendant testified, on October 4, 2010 the court granted relief from the voluntary dismissal with prejudice filed by Defendant in the Walls' lawsuit, as well as the opposing party's dismissal of its counterclaim and third party claim.

25. Mr. Carswell evicted Defendant from the Oakland Street property for nonpayment of rent.

26. In vacating the Oakland Street property, Defendant took both of the computers which had been purchased by Mr. Carswell and his businesses.

27. Mr. Carswell demanded that Defendant return both of the computers, but Defendant insisted that Mr. Carswell had donated the computers to her law practice.

28. On September 6, 2010, Mr. Carswell filed a police report concerning the computers taken by Defendant, but Defendant was never criminally prosecuted for taking the computers.

29. Following termination as Mr. Carswell's and ACC's attorney, and without Mr. Carswell's knowledge or consent, Defendant knowingly gained access to and reviewed Mr. Carswell's personal and business files, including the ACC's and GHC's business and QuickBooks financial records, which were stored on one or more of the computers taken from the Oakland Street property.

30. Defendant did not divulge or reveal any confidential and privileged information gained from her access to and review of Mr. Carswell's personal and business files on the computers.

31. Brian Sentelle ("Mr. Sentelle") received a workers' compensation settlement totaling \$140,000.

32. Mr. Sentelle had Internal Revenue Service ("IRS") and North Carolina Department of Revenue tax liens against him at the time he received the settlement funds referenced in Paragraph 31 above.

33. Mr. Sentelle wanted to avoid the IRS being able to levy against his settlement funds to satisfy his IRS tax obligation.

34. In July 2009, Mr. Sentelle informed Defendant about the anticipated settlement funds, his tax liens and his desire that the IRS not be able to levy against the settlement funds.

35. Mr. Sentelle asked Defendant to deposit the settlement funds into Defendant's trust account.

36. Defendant agreed to accept Mr. Sentelle's settlement funds and deposit the same into her trust account.

37. On September 2, 2009, Defendant deposited \$100,000 of Mr. Sentelle's settlement funds into her firm's trust account at the Mountain 1st Bank & Trust (account number ending in -0793) ("firm's trust account").

38. On September 12, 2009, Defendant deposited an additional \$25,949 of Mr. Sentelle's settlement funds into her firm's trust account.

39. Mr. Sentelle claimed that, as to the remaining \$14,051 of his settlement funds, in early September 2009 he gave Defendant approximately \$10,000 in cash, including funds to negotiate a settlement with the IRS and approximately \$2,000 in payment to Defendant for representation of him on earlier misdemeanor criminal charges and a contempt proceeding for violating a domestic violence protection order obtained by a former girlfriend.

40. No documentation exists to confirm that Mr. Sentelle gave Defendant the approximately \$10,000 in cash referenced in Paragraph 39 above.

41. On September 12, 2009, Mr. Sentelle executed a Power of Attorney form authorizing Defendant to represent him in negotiations with the IRS concerning his tax liens.

42. On or about September 12, 2009, Mr. Sentelle moved to and lived for a time in Florida.

43. When Mr. Sentelle needed funds, he would contact Defendant and make a request for the funds.

44. Because Mr. Sentelle did not have a checking account, Defendant would withdraw the requested amount of cash from the trust account and wire the funds to Mr. Sentelle.

45. Defendant informed Mr. Sentelle that the only fee associated with his withdrawals would be the bank's wiring fees.

46. Unknown to Mr. Sentelle, Defendant charged Mr. Sentelle a \$100 administrative fee each time she withdrew cash to wire money to Mr. Sentelle.

47. From September 15, 2009 to October 5, 2009, Defendant or her office assistant initiated seven (7) separate wire transfers of funds to Mr. Sentelle, and on each occasion Defendant charged Mr. Sentelle a \$100 administrative fee without his knowledge or consent.

48. On October 5, 2009, at Defendant's direction, Ms. Ray set up and transferred \$96,000 of Mr. Sentelle's settlement funds from the firm's trust account into a new trust account for Mr. Sentelle's benefit, the "Brian Sentelle Trust Account" at the Mountain 1st Bank & Trust (account number ending in -6489).

49. The Brian Sentelle Trust Account referenced in Paragraph 48 above was mistakenly set up as a savings account rather than a business checking account.

50. From October 15, 2009 to November 18, 2009, Defendant or Ms. Ray initiated at least ten (10) withdrawals to Mr. Sentelle from the Brian Sentelle Trust Account, and on each occasion Defendant charged Mr. Sentelle a \$100 administrative fee without his knowledge or consent.

51. Because the Brian Sentelle Trust Account had been mistakenly set up as a savings account, as referenced in Paragraph 49 above, all of the financial transactions referenced in Paragraph 50 above were drawn on the account as cash transactions.

52. In November 2009, Mr. Sentelle became involved in a fight and was charged with criminal trespass, assault, and communicating threats.

53. On November 20, 2009, Defendant withdrew \$2,000 from Mr. Sentelle's entrusted funds without Mr. Sentelle's knowledge or consent.

54. Because the Brian Sentelle Trust Account had been mistakenly set up as a savings account, as referenced in Paragraph 49 above, Defendant's withdrawal of the \$2,000 referenced in Paragraph 53 above was drawn on the account as a cash transaction.

55. After he learned about the unauthorized disbursements, Mr. Sentelle discharged Defendant and requested a refund of all the funds remaining in his trust account.

56. Defendant informed Mr. Sentelle that she would not refund the \$2,000 fee referenced in Paragraph 53 above because it was a non-refundable flat fee for representing him on the criminal charges referenced in Paragraph 52 above.

57. Mr. Sentelle disputed the fee and demanded that Defendant close his trust account and return the balance of his money.

58. Defendant did not represent Mr. Sentelle or perform any legal services for Mr. Sentelle on the criminal charges referenced in Paragraph 52 above.

59. Defendant did not refund the \$2,000 fee to Mr. Sentelle.

60. Defendant closed the Brian Sentelle Trust Account on November 27, 2009 and arranged for Mr. Sentelle to pick up a check for the balance of \$74,633.80 from the bank.

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 accessing Mr. Carswell's personal and business files on the computers without Mr. Carswell's authorization, Defendant committed criminal acts that reflect adversely on her honesty, trustworthiness or fitness as a lawyer in violation of Rule 8.4(b), and engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c);

b) By filing the notices of voluntary dismissal without Mr. Carswell's permission, Defendant acted without her client's consent in violation of Rule 1.2(a), intentionally prejudiced her client in violation of Rule 8.4(g), failed to protect her client's interests upon termination of the

representation in violation of Rule 1.16(d), and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d);

- c) By failing to move to withdraw from representation of Mr. Carswell and ACC, Defendant failed to seek the court's permission to withdraw from the representation in violation of Rule 1.16(a)(3);
- d) By taking Mr. Sentelle's entrusted settlement funds as administrative fees or as a nonrefundable flat fee without authorization, Defendant committed a criminal act that reflects adversely on her honesty, trustworthiness or fitness as a lawyer in violation of Rule 8.4(b), and Defendant engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c);
- e) By charging Mr. Sentelle a nonrefundable flat fee without performing any legal services for him and without refunding any unearned fees to Mr. Sentelle, Defendant charged and collected a clearly excessive fee in violation of Rule 1.5(a); and,
- f) By making cash withdrawals from a trust account that she maintained for Mr. Sentelle, Defendant made cash withdrawals from the trust account in violation of Rules 1.15-2(h) and/or Rule 1.15-2(i).

3. The evidence is conflicting and there is no clear, cogent and convincing evidence that Defendant willfully took and converted Mr. Carswell's computers.

4. There is no clear, cogent and convincing evidence that Defendant deposited Mr. Sentelle's settlement funds initially into her trust account and eventually into a separate trust account in order to assist Mr. Sentelle in tax evasion of the IRS.

Upon the consent of the parties, the Hearing Panel also enters the following:

Findings of Fact Regarding Discipline

1. Defendant has no prior disciplinary record concerning her license to practice law in North Carolina.

2. Defendant cooperated with the State Bar's investigation and has been responsive to the State Bar's inquiries.

3. Defendant's taking of Mr. Sentelle's entrusted settlement funds as administrative fees (totaling \$1,700) or as a nonrefundable flat fee (\$2,000) was without authorization and constituted misdemeanor criminal acts or a low level felony.

4. Defendant has expressed remorse for her actions and professional misconduct.

5. Defendant previously served as an elected District Court Judge.

6. The Hearing Panel has carefully considered all of the different forms of discipline available to it, including admonition, reprimand, censure, suspension, and disbarment, in considering the appropriate discipline to impose in this case.

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 With Respect To Discipline

1. The Hearing Panel has carefully considered all of the different forms of discipline available to it.

2. 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) Defendant intended to cause the resulting harm or potential harm;
- (C) Circumstances reflecting Defendant's lack of honesty, trustworthiness, or integrity;
- (E) Defendant's actions had a negative impact on the client's or public's perception of the legal profession;
- (F) Defendant's actions had a negative impact on the administration of justice;
- (G) Impairment of the client's ability to achieve the goals of the representation; and,
- (H) Defendant's conduct had negative effect on third parties.

3. The Hearing Panel has considered all of the disbarment 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 Defendant's misconduct involves acts of dishonesty or misappropriation which invoke the findings of 27 N.C.A.C. 1B §.0114(w)(2)(A) and 27 N.C.A.C. 1B §.0114(w)(2)(C).

4. 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) Defendant's lack of prior disciplinary offenses;
- (G) Defendant engaged in multiple offenses;
- (K) Defendant's full and free disclosure to the hearing panel and cooperative attitude toward the proceedings;

- (P) Defendant's remorse and efforts to repay all sums;
- (Q) Defendant's good character and reputation; and
- (S) Defendant's degree of experience in the practice of law

5. 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 misconduct at issue and the harm or potential harm Defendant's misconduct caused to the public, the administration of justice, and the legal profession.

6. The Hearing Panel also has considered the disbarment factors under 27 N.C.A.C. 1B §.0114(w)(2)(A) and 27 N.C.A.C. 1B §.0114(w)(2)(C), but concludes that neither of these factors warrant disbarment in order to protect the public in this case.

7. For these reasons, this Hearing Panel finds that an order imposing discipline short of suspension of Defendant's law license would not adequately protect the public, the legal profession, or the administration of justice for the following reasons:

- a) The factors under 27 N.C.A.C. 1B §.0114(w)(1) and (w)(3) that are established by the evidence are of a nature that support imposition of suspension as the appropriate discipline; and,
- b) Entry of less serious discipline would fail to acknowledge the seriousness of the offenses Defendant committed and would send the wrong message to prosecutors, attorneys, and the public regarding the conduct expected of members of the Bar in this State.

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. Defendant, Cassandra Dawn Skerrett, is hereby suspended from the practice of law for four years, effective 30 days from service of this order upon Defendant.

2. Defendant shall submit her license and membership card to the Secretary of the North Carolina State Bar no later than 30 days following the effective date of this Order.

3. Defendant shall comply with the wind down provisions contained in 27 N.C. Admin. Code 1B § .0124 of the Rules and Regulations of the North Carolina State Bar, including promptly disbursing any entrusted funds currently remaining in her firm's trust account to its rightful owner(s).

4. Defendant shall file an affidavit with the Secretary of the North Carolina State Bar within 10 days of the effective date of this Order, certifying she has complied with the wind down rule.

5. Within 15 days of the effective date of this Order Defendant shall provide the State Bar with an address and telephone number at which clients seeking return of files can communicate with Defendant and obtain such files, and Defendant shall promptly return all files to her clients upon request.

6. Defendant is taxed with the costs and administrative fees of this action as assessed by the Secretary. Defendant shall be served with a statement of costs and fees. Defendant shall pay the amount assessed within thirty days of service of the statement of costs and fees upon her.

7. Two years from the effective date of this Order, Defendant may file a verified petition for a stay of the remaining period of her suspension demonstrating by clear, cogent and convincing evidence that, in addition to complying with the general provisions for reinstatement contained in 27 N.C. Admin. Code 1B § .0125 of the Rules and Regulations of the North Carolina State Bar, Defendant has complied during her suspension with the following conditions:

- (a) Defendant timely submitted her annual Continuing Legal Education ("CLE") report form to the CLE Department of the North Carolina State Bar each year of the suspension and contemporaneously sent a copy of the CLE report form to the Office of Counsel of the State Bar to document compliance with the conditions of the stay. "Timely" means by the date specified by the CLE department as the date by which members must submit their annual report forms to avoid assessment of a \$75.00 late filing penalty. Defendant must ensure the Office of Counsel receives a copy of her annual CLE report form no later than 15 days after it is due to the CLE department of the State Bar each year;
- (b) In addition to her annual requirement of 12 hours of CLE and within the next 24 months following the effective date of her suspension, Defendant shall complete an additional six (6) hours of CLE, approved in advance by the Office of Counsel, related to law office management;
- (c) Defendant properly wound down her law practice and complied with the terms of 27 N.C. Admin. Code 1B § .0124 of the Rules and Regulations of the North Carolina State Bar;
- (d) Within 15 days of the effective date of this Order Defendant provided the State Bar with an address and telephone number at which clients seeking return of files could communicate with Defendant and obtain such files, and that Defendant promptly returned all files to her clients upon request;
- (e) Defendant kept the Membership Department of the State Bar informed of her current information for her physical address (not a Post Office box), telephone number, and e-mail address throughout the period of her suspension;

- (f) Defendant accepted all certified mail from the State Bar sent to the address on record with the Membership Department of the North Carolina State Bar throughout the period of her suspension;
- (g) Defendant responded to all letters of notice and requests for information from the North Carolina State Bar by the deadline stated therein with full and complete responses and all requested documentation throughout the period of her suspension;
- (h) Defendant has come into compliance with any outstanding continuing education or membership obligations at the time of the filing of her petition for reinstatement;
- (i) Defendant did not violate any of the Rules of Professional Conduct in effect during the period of her suspension;
- (j) Defendant did not violate any laws of the State of North Carolina or of the United States during the period of her suspension; and
- (k) Defendant paid all costs and fees of this proceeding as assessed by the Secretary within thirty days of service of the statement of costs and fees upon her.

8. The procedures of 27 N.C. Admin. Code Chapter 1B, Section .0125(b) shall govern Defendant's petition for a stay of the remainder of the suspension of her law license.

9. Defendant may file a petition seeking a stay of the remaining period of her suspension and demonstrating compliance with the conditions stated in Paragraph 7 above at any time after 30 days prior to the end of the second year of the four year suspension, but the stay shall not be lifted and Defendant shall not be reinstated until, at the earliest, the end of that second year of the four year suspension.

10. If the State Bar does not file an objection to Defendant's petition for a stay of the remainder of her suspension as described in 27 N.C. Admin. Code Chapter 1B, Section .0125(b)(6), then pursuant to Section .0125(b)(5) the Secretary shall put into effect the stay of the remaining period of suspension provided for in this Order by reinstating Defendant to active status subject to the terms, conditions, and requirements of this Order of Discipline, with Defendant's active status contingent upon continued compliance with the terms of this Order. Such stay will continue in force only as long as Defendant continues to comply with all conditions in this Order, including the conditions set out in paragraph 12 below.

11. If the State Bar files an objection to Defendant's petition for a stay of the remainder of her suspension as described in 27 N.C. Admin. Code Chapter 1B, Section .0125(b)(6), then pursuant to Section .0125(b)(7) the Secretary shall refer the matter to the Chair of the Disciplinary Hearing Commission (DHC). The Chair of the DHC shall appoint a hearing panel and set the matter for hearing as described in Section .0125(b)(7).

The Chair of the DHC shall appoint as members of the hearing panel the members entering this Order if practicable.

12. If Defendant is granted a stay of her suspension, the stay of her suspension will remain in effect only if Defendant complies, and continues to comply, with the following conditions:

- (a) Defendant shall arrange for an active member of the North Carolina State Bar to serve as her law practice monitor. Defendant's practice monitor shall be an attorney in good standing who practices law in Defendant's judicial district and who has been approved by the Office of Counsel. The monitor will supervise all client matters and will ensure that Defendant handles all client matters in a timely fashion, including, but not limited to, promptly responding to her clients and diligent pursuit of her clients' matters. Defendant shall meet once a month with her monitoring attorney, report the status of all current client matters to the monitor, cooperate with the monitoring attorney, and provide any information the monitoring attorney deems reasonably necessary to ensure that Defendant is properly and timely handling all client matters. The monitor will submit written quarterly reports of this supervision to the Office of Counsel, such reports due on the following dates as they occur during the stay of this suspension: January 15, April 15, July 15, and October 15. Defendant bears the responsibility of ensuring the monitoring attorney sends a written report each quarter to the Office of Counsel as described above. This monitoring will occur for the duration of any stay of this suspension. Defendant will pay the cost, if any, charged by the monitor for this supervision. Defendant must make the arrangements for this monitoring attorney and supply the Office of Counsel with a letter from the monitoring attorney confirming his or her agreement to perform the duties listed above;
- (b) Defendant shall cooperate with the Office of Counsel and make appropriate arrangements for an alternate monitoring attorney if needed during any stay of her suspension;
- (c) Defendant kept the Membership Department of the State Bar informed of her current information for her physical address (not a Post Office box), telephone number, and e-mail address throughout the period of her stay of suspension;
- (d) Defendant accepted all certified mail from the State Bar sent to the address on record with the Membership Department of the North Carolina State Bar throughout the period of her stay of suspension;
- (e) Defendant responded to all letters of notice and requests for information from the North Carolina State Bar by the deadline stated therein with full and complete responses and all requested documentation throughout the period of her stay of suspension;

(f) Defendant did not violate any of the Rules of Professional Conduct in effect during the period of her suspension; and,

(g) Defendant did not violate any laws of the State of North Carolina or of the United States during the period of her suspension.

13. If Defendant is granted a stay of her suspension, Defendant's obligations under this Order end four years from the effective date of the Order provided there are no motions or show cause proceedings pending alleging lack of compliance with the conditions of the stay of the suspension. Pursuant to 27 N.C. Admin. Code 1B § .0114(x) of the Rules and Regulations of the North Carolina State Bar, the DHC retains jurisdiction until all conditions of the stay of the suspension have been met. If a motion or show cause proceeding alleging lack of compliance with the conditions for the stay of the suspension is pending when the period of the stay of the suspension would otherwise have terminated, the DHC retains the jurisdiction and ability to lift the stay of the suspension and activate any remaining suspension time in whole or in part if it finds that any of the conditions of the stay have not been met. The stay of the suspension and Defendant's obligation to comply with the conditions for the stay will continue until resolution of any pending motion or show cause proceeding.

14. If an order staying any period of this suspension is entered and the Defendant fails to comply with any one or more of the conditions stated in Paragraph 12 above, then the stay of the suspension of her law license may be lifted as provided in 27 N.C. Admin. Code 1B § .0114(x) of the Rules and Regulations of the North Carolina State Bar.

15. If the stay of the suspension is lifted and the suspension is activated for any reason, Defendant may apply for reinstatement after serving the activated suspension by filing an application for reinstatement demonstrating by clear, cogent, and convincing evidence the following:

(a) Compliance with the general provisions for reinstatement listed in 27 N.C. Admin. Code 1B § .0125 of the Rules and Regulations of the North Carolina State Bar; and

(b) Compliance with the conditions set out in Paragraph 12 (a) – (e) above.

16. If Defendant does not seek a stay of any active period of her four year suspension, Defendant must provide in her application for reinstatement clear, cogent, and convincing evidence of the following:


(a) Compliance with the general provisions for reinstatement listed in 27 N.C. Admin. Code 1B § .0125 of the Rules and Regulations of the North Carolina State Bar; and

(b) Compliance with the conditions set out in Paragraph 7 (a) – (k) above.

17. The Disciplinary Hearing Commission will retain jurisdiction of this matter pursuant to 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0114(x) of the North Carolina State Bar Discipline and Disability Rules throughout the period of the suspension.

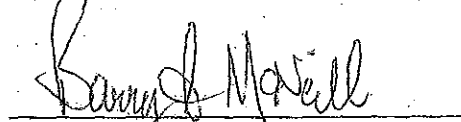
Signed by the undersigned Hearing Panel Chair with the consent of the other Hearing Panel members.

This the 15th day of December 2015.




Joshua W. Willey, Jr., Chair
Disciplinary Hearing Panel


Agreed and consented to by:



Barry S. McNeill
Attorney for Plaintiff



Cassandra Dawn Skerrett
Defendant



David Freedman
Attorney for Defendant Skerrett