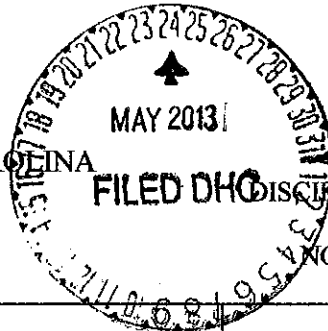


STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
11 DHC 17

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

DEBORAH L. WILLIAMS, Attorney,

Defendant

CONSENT ORDER

Defendant, Deborah L. Williams ("Williams" or "Defendant"), was ordered to appear and show cause why the stay of the suspension imposed by the Order of Discipline entered in this case on 21 November 2011 should not be lifted and the suspension activated. This matter was considered by a Hearing Panel of the Disciplinary Hearing Commission composed of Harriett T. Smalls, Chair, Walter E. Brock, Jr., and Patti Head pursuant to 27 N.C. Admin. Code 1B § .0114(x). Plaintiff, the North Carolina State Bar ("State Bar" or "Plaintiff") was represented by Brian P.D. Oten. Defendant represented herself. Defendant waives a formal hearing in this matter and both parties stipulate and consent to the findings of fact and conclusions of law recited in this order and to the disposition imposed. By consenting to the entry of this order, Defendant waives any right to appeal this consent order or to challenge it in any way.

Based upon the pleadings and the consent of the parties, the Hearing Panel hereby finds by the greater weight of the evidence the following

FINDINGS OF FACT

1. On 21 November 2011, the DHC entered an Order (hereinafter "Order of Discipline") finding that Williams had violated the Rules of Professional Conduct in several respects.
2. The Order of Discipline suspended Williams' license to practice law for one year and stayed the suspension for three years on condition that Williams comply with the requirements set out in the Order of Discipline.
3. The Order of Discipline was served on Williams on 30 November 2011.
4. Williams has failed to comply with a number of the conditions imposed on the stay of the suspension of her license, listed as follows:

- a. Williams failed to complete twelve (12) hours of continuing legal education ("CLE") in the area of trust account management as required by paragraph 2(a) of the Order of Discipline;
- b. Williams failed to retain a certified public accountant ("CPA"), approved in advance by the Office of Counsel, to audit her RBC and First Citizens trust accounts as required by paragraph 2(c) of the Order of Discipline;
- c. Williams failed to retain a certified public accountant ("CPA"), approved in advance by the Office of Counsel, to audit her new trust account (as required by paragraph 2(b) of the Order of Discipline) on a quarterly basis to ensure compliance with the Rules of Professional Conduct and failed to provide the Office of Counsel with any quarterly report from the CPA as required by paragraph 2(f) of the Order of Discipline;
- d. Williams failed to timely comply with the yearly CLE requirements imposed by the North Carolina State Bar as required by paragraph 2(k) of the Order of Discipline. Williams' failure to comply with her yearly CLE requirements resulted in her being administratively suspended on 8 October 2012 for failure to do the following:
 - i. Williams failed to complete 3 of the required 12 hours of CLE for the year 2011; and
 - ii. Williams failed to pay attendance and other administrative fees totaling \$292.00;
- e. Williams failed to pay all costs and administrative fees of the disciplinary proceeding as assessed by the Secretary within 30 days of service of the statement of costs as required by paragraph 2(n) of the Order of Discipline. The statement of costs was mailed to Williams on 23 November 2011 and was not returned to the State Bar's offices. Williams failed to pay costs and administrative fees in the amount of \$894.84; and
- f. Williams failed to accept all certified mail from the North Carolina State Bar as required by paragraph 2(l) of the Order of Discipline. On 11 September 2012, the State Bar sent Williams a letter via certified mail informing Williams of her various deficiencies in complying with the Order of Discipline. The 11 September 2012 certified mailing was returned to the State Bar in October marked "vacant - unable to forward." Additionally, after Williams failed to pay the costs and administrative fees as described above, the Clerk of the Disciplinary Hearing Commission sent Williams the statement of costs via certified mail on 26 September 2012 and 9 October 2012. Both certified mailings were returned "unclaimed - unable to forward."

Based upon the foregoing 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, Deborah L. Williams, and over the subject matter of this proceeding.

2. Williams failed to comply with the following conditions of the stay of her suspension contained in the Order of Discipline:

- a. That she complete twelve hours of continuing legal education in the area of trust account management, approved in advance by the Office of Counsel, during the first year of the stayed suspension as required by paragraph 2(a) of the Order of Discipline;
- b. That she retain a CPA, approved in advance by the Office of Counsel, to audit her RBC and First Citizens trust accounts and provide the State Bar with monthly reports on the audit's progress as required by paragraph 2(c) of the Order of Discipline;
- c. That she retain a CPA, approved in advance by the Office of Counsel, to audit her new trust account on a quarterly basis and to provide the State Bar with quarterly reports confirming Williams' and the new trust account's compliance with the Rules of Professional Conduct as required by paragraph 2(f) of the Order of Discipline;
- d. That she timely comply with all continuing legal education requirements as required by paragraph 2(k) of the Order of Discipline;
- e. That she pay all costs and administrative fees resulting from this disciplinary proceeding as assessed by the Secretary as required by paragraph 2(n) of the Order of Discipline; and
- f. That she accept all certified mail from the State Bar and timely respond to all requests for information as required by paragraph 2(l) of the Order of Discipline.

3. Such violations warrant activation of the suspension imposed by the Order of Discipline with conditions imposed upon Williams' reinstatement after the period of active suspension is over.

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

ORDER

1. The stay of Defendant's one-year suspension is lifted and the suspension is activated. Pursuant to Rule .0124(c) of the North Carolina State Bar Discipline and

Disability Rules, this order and the one-year suspension imposed herein are effective 30 days after service of this order upon Defendant.

2. Williams shall submit her license and membership card to the Secretary of the North Carolina State Bar no later than thirty (30) days following the date that this Order is served upon her. Williams shall comply with the wind down provisions contained in Rule .0124 of the North Carolina State Bar Discipline and Disability Rules, located at 27 N.C. Admin. Code 1B § .0124.

3. At the end of the one-year active period of suspension, Williams may apply for reinstatement by filing a petition with the DHC in accordance with the North Carolina State Bar Discipline and Disability Rules and by showing by clear, cogent, and convincing evidence that she has complied with the following conditions for reinstatement:


- (a) That she has complied with the general provisions for reinstatement listed in 27 N.C. Admin. Code 1B § .0125 of the North Carolina State Bar Discipline & Disability Rules;
- (b) That she has completed twelve (12) hours of continuing legal education in the area of trust account management approved in advance by the Office of Counsel of the North Carolina State Bar. In addition, that she has satisfied any deficit that exists in fulfillment of her obligations to attend continuing legal education courses as required by 27 N.C. Admin. Code 1D § .1518 and satisfied any other outstanding continuing legal education requirements;
- (c) That she has opened a new trust account at a bank of her choice out of which all transactions involving entrusted funds shall be handled from the date of reinstatement forward and that she has ceased all use of her RBC and First Citizens trust accounts identified in the Order of Discipline;
- (d) That, within ninety (90) days of entry of this Order, she retained a certified public accountant ("CPA"), approved in advance by the Office of Counsel, who audited her RBC and First Citizens trust accounts in a timely fashion;
- (e) That the CPA provided the State Bar with a written final audit report identifying the beneficial owners of all funds in the accounts and the amounts of all funds in each account for the benefit of each beneficial owner, and confirming that Defendant's trust accounts comply with the Rules of Professional Conduct;
- (f) That, within ninety (90) days of the CPA completing the audit of Williams' RBC and First Citizens trust accounts, she disbursed all identified client funds existing in her RBC and First Citizens trust accounts to their beneficial owner(s);

- (g) That she complied with Rule 1.15-2(q) regarding all unidentified funds existing in her RBC and First Citizens trust accounts and complied with Chapter 116B of the General Statutes within sixty (60) days of being statutorily permitted to escheat funds to the State;
- (h) That she closed her RBC and First Citizens trust accounts within thirty (30) days of her final disbursement of funds from them;
- (i) That she has retained a CPA to assist her in maintaining proper trust account records and reconciling her new trust account for a period of one year after returning to active practice, and that she has instructed the CPA to report any irregularities or deficiencies concerning Williams' maintenance of any trust account to the Office of Counsel;
- (j) That she has paid all outstanding membership dues and Client Security Fund assessments and that there is no deficit in her fulfillment of any obligation of membership;
- (k) That she has kept the North Carolina State Bar membership department advised of her current physical home and business addresses and telephone numbers, and that she has accepted all certified mail from the North Carolina State Bar and responded to all letters of notice and requests for information from the North Carolina State Bar by the deadlines stated in the communication or within fifteen (15) days of receipt of such communication, whichever is later;
- (l) That she has not violated any state or federal laws or any provisions of the Rules of Professional Conduct; and
- (m) That she has paid all costs and administrative fees associated with this case as assessed by the Secretary.


22nd Signed by the Chair with the consent of the other Hearing Panel members, this the day of May, 2013.


Harriett T. Smalls, Chair
Disciplinary Hearing Panel

CONSENTED TO BY:



Brian P.D. Oten


Deborah L. Williams

Deputy Counsel
North Carolina State Bar
Counsel for Plaintiff

Defendant