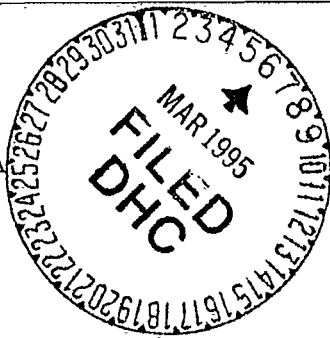


WAKE COUNTY



5756

vs.

REGINA A. MOORE, ATTORNEY
Defendant

CONSENT
ORDER OF DISCIPLINE

BASED UPON the Findings of Fact and Conclusions of Law and the consent of all parties, the Hearing Committee composed of Maureen Demarest Murray, Chair; Richard L. Doughton, Esq. and Stephen Huntley upon the evidence and arguments presented, the committee finds the following aggravating and mitigating factors:

AGGRAVATING FACTORS

1. Substantial experience in the practice of law.

MITIGATING FACTORS

1. Absence of a prior disciplinary record.
2. Prior to the entering of this Order, Defendant refunded to Terry and Frank Harrison \$2,500, which was the portion of the fee which she was paid.

Based upon the Findings of Fact and Conclusions of Law and the above aggravating and mitigating factors, the committee hereby enters this

ORDER OF DISCIPLINE

1. Defendant is hereby CENSURED.
2. Defendant is taxed with the costs of this proceeding.

Signed by the Chair of the hearing committee with the full knowledge and consent of all parties and the other members of the hearing committee this the 23rd day of February, 1995.

Maureen Demarest Murray
Maureen Demarest Murray, Chair
Disciplinary Hearing Committee

CONSENTED TO BY:

Regina A. Moore
Regina A. Moore
Defendant, Pro se

Harriet P. Tharrington
Harriet P. Tharrington
Attorney for the Plaintiff

#326

NORTH CAROLINA
WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
95 DHC 24

THE NORTH CAROLINA STATE BAR,)
Plaintiff)
vs.)
REGINA A. MOORE, ATTORNEY)
Defendant)

FINDINGS OF FACT
AND
CONCLUSIONS OF LAW

This matter coming before a hearing committee of the Disciplinary Hearing Commission composed of Maureen Demarest Murray, Chair, Richard L. Doughton, Esq. and Stephen Huntley; with the Defendant acting pro se, and Harriet P. Tharrington representing the North Carolina State Bar; and pursuant to Section 14(8) of Article IX of the Rules and Regulations of the North Carolina State Bar; and it appearing that both parties have agreed to waive a formal hearing in this matter; and it further appearing that both parties stipulate and agree to the following Findings of Fact and Conclusions of Law recited in this Consent Order and to the discipline imposed, the Hearing Committee therefore enters the following:

FINDINGS OF FACT

1. The North Carolina 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 promulgated thereunder.

2. Regina A. Moore (hereafter, defendant) was admitted to the North Carolina State Bar on September 17, 1973 and was at all times relevant hereto an attorney at law licensed to practice in North Carolina subject to the rules, regulations, and Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.

3. During all times relevant hereto, defendant was actively engaged in the practice of law in the State of North Carolina and maintained a law office in the Williamston, North Carolina.

4. In March of 1993, Arthur Frank Harrison, Jr. (hereafter, Harrison) and his wife, Terry Harrison, hired defendant and her law partner, Curtis Rodgers, to represent Harrison in an appeal of a federal criminal conviction to the Fourth Circuit of Appeals.

5. In March of 1993, defendant and Rodgers were paid \$5,000 to represent Harrison in the appeal. Moore received \$2,500 of the \$5,000.

6. In May 1993 Harrison was sentenced to prison and notice of appeal was given.

7. In September 1993, Harrison and his wife, Terry Harrison, discharged defendant and Rodgers as Harrison's attorneys and requested a refund of the unused portion of the \$5,000.00 and an accounting of the time defendant and Rodgers spent on Harrison's case.

8. Defendant failed to provide the Harrisons with a refund of any amount of the \$5,000.00

9. Defendant failed to provide the Harrisons with an accounting of the time the attorneys expended on Harrison's case.

10. The Harrisons hired Jeffrey Miller of Greenville to pursue Harrison's appeal. Miller requested from defendant and Rodgers all documents in the file.

11. Defendant and Rodgers provided the Harrisons with the transcript and the documents associated with the Motion for Release Pending Trial. No other documents were provided.

BASED UPON the foregoing Findings of Fact, the hearing committee makes the following:

CONCLUSIONS OF LAW

The conduct of Defendant, as set forth above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. Section 84-28(b) (2) in that Defendant violated the Rules of Professional Conduct as follows:

(a) By failing to render an appropriate accounting of the time defendant expended in the utilization of the \$5,000 fee on Arthur Frank Harrison, Jr.'s behalf, defendant violated Rule 10.2(D).

(b) By failing to promptly refund the unused portion of the \$5,000.00 fee paid in advance by Mr. and Mrs. Harrison, defendant violated Rule 2.8(A) (3).

(c) By retaining the \$5,000 paid to defendant for a federal appeal when defendant and her law partner, Curtis Rodgers, had performed minimal work on the appeal before being discharged, defendant violated Rule 2.6(A).

Signed by the undersigned chairman with the full knowledge
and consent of the other hearing committee members, this the
23rd day of February, 1995.

Maureen Demarest Murray
Maureen Demarest Murray, Chairman
Hearing Committee

CONSENTED TO BY:

Regina A. Moore
Regina A. Moore
Defendant, pro se

Harriet P. Tharrington
Harriet P. Tharrington
Attorney for the Plaintiff

#326

STATE OF NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
95 DHC 24

THE NORTH CAROLINA STATE BAR

vs.

REGINA A. MOORE,
ATTORNEY AT LAW

CENSURE

This public censure is issued to you pursuant to Section 14 (H) of the Discipline and Disbarment Procedures of the North Carolina State Bar and the Consent Order of the Disciplinary Hearing Committee of the Disciplinary Hearing Commission entered on the 23rd day of February 1995, which order was based on stipulated Findings of Fact and Conclusions of Law.

In March of 1993, Arthur Frank Harrison, Jr. hired you and your law partner, Curtis Rodgers, to represent him in an appeal of a federal criminal conviction to the Fourth Circuit of Appeals. Harrison paid you and Rodgers a total of \$5,000 to represent him on appeal. You received \$2,500 of the \$5,000. In May 1993, Harrison was sentenced to prison and notice of appeal was given. In September 1993, Harrison discharged you and Rodgers as his attorneys and requested an accounting of the money you had earned and a refund of the unused portion. You failed to provide Harrison with a refund or an accounting of the time you had expended on the case.

Harrison hired Jeffrey Miller of Greenville to pursue his appeal. Miller requested that you provide him with all documents in the file. The only document you provided Miller was the transcript of the trial and a copy of a Motion for Release Pending Trial.

By failing to render an appropriate accounting of the time you expended in Harrison's case, you violated Rule 10.2(D) of the Rules of Professional Conduct. Secondly, by failing to promptly refund the unused portion of the \$5,000 fee paid in advance by Harrison, you violated rule 2.8(A)(3). Finally, by retaining the money paid to you for a federal appeal when you and your law partner, Curtis Rodgers, had performed minimal work on the appeal before being discharged, you violated Rule 2.6(A).

The committee found as mitigating factors the following: (1) you had no prior disciplinary record; and, (2) prior to the entering of the Order of Discipline in this case, you refunded to Harrison \$2,500 which was your portion of the fee. The only aggravating factor found by the committee was that you had

substantial experience in the practice of law.

You are hereby censured by the North Carolina State Bar for your violation of the Rules of Professional Conduct. The Disciplinary Hearing Committee trusts that you will ponder this censure, recognize the error that you have made, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession. This censure should serve as a strong reminder and inducement for you to weigh carefully in the future your responsibility to the public, your clients, your fellow attorneys and the courts, to the end that you demean yourself as a respected member of the legal profession whose conduct may be relied upon without question.

Signed by the undersigned chair with the full knowledge and consent of the other members of the hearing committee, this the 16th day of March, 1995.

Maureen Demarest Murray
Maureen Demarest Murray, Chair
Disciplinary Hearing Committee

#76