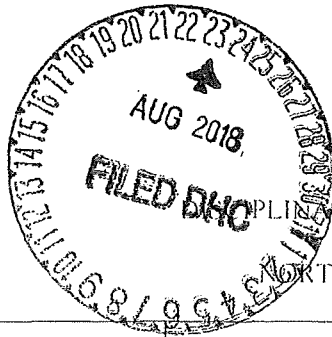


STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
18 DHC 9

THE NORTH CAROLINA STATE BAR.

Plaintiff

v.

THOMAS S. HICKS, Attorney,

Defendant

CONSENT ORDER OF DISCIPLINE

This matter was considered by a Hearing Panel of the Disciplinary Hearing Commission composed of R. Lee Farmer, Chair, and members N. Hunter Wyche, Jr., and Christopher R. Bruffey, pursuant to North Carolina Administrative Code, Title 27, Chapter 1, Subchapter B, § .0115(i). Plaintiff, the North Carolina State Bar, was represented by Carmen Bannon. Defendant, Thomas S. Hicks, represented himself. Plaintiff and Defendant stipulate and agree to the findings of fact and conclusions of law recited in this Order and to the discipline imposed. Defendant freely and voluntarily stipulates to the findings of fact and consents to the conclusions of law and entry of the order of discipline. Defendant freely and voluntarily waives his right to appeal this Consent Order of Discipline.

Based upon the pleadings in this matter and the consent of the parties, the Hearing Panel hereby enters the following:

FINDINGS OF FACT

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

2. Defendant, Thomas S. Hicks, was admitted to the North Carolina State Bar in 1980 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. Hicks was properly served with the summons and complaint in this matter.

4. Prior to 4 May 2016, Defendant was engaged in the practice of law in the State of North Carolina and maintained a law office in Wilmington, New Hanover County, North Carolina. From 4 May 2016 through the present, Defendant has been suspended from the practice of law pursuant to the DHC's Order of Discipline in 15 DHC 16.

5. In December 2015, Lorraine McCallister paid Hicks \$1,500.00 to represent her in a trespassing dispute with her neighbors. They agreed that Hicks would begin by sending a letter to the neighbors.

6. Hicks did not write the letter to McCallister's neighbors.

7. On 25 January 2016, McCallister emailed Hicks and terminated the representation. McCallister asked Hicks for her file and a refund of \$1,300.00.

8. Hicks did not respond to McCallister's email, did not provide her file, and did not refund any of the fees McCallister had paid.

9. On 8 February 2016, McCallister filed a Petition for Resolution of Disputed Fee (hereafter "fee dispute") with the North Carolina State Bar.

10. Hicks was served with notice of McCallister's fee dispute on 10 February 2016.

11. The notice provided that Hicks was required to respond to the fee dispute within fifteen days of receipt of the notice. Hicks failed to respond to McCallister's fee dispute within fifteen days.

12. As a result of Hicks's failure to respond to the notice of McCallister's fee dispute, the State Bar opened grievance file number 16G0235.

13. Hicks was served with the Letter of Notice in file 16G0235 on 23 June 2016.

14. The Letter of Notice provided that Hicks was required to respond within fifteen days. Hicks failed to respond to the Letter of Notice within fifteen days, and did not request an extension of time to respond.

15. On 18 July 2016, the State Bar sent Hicks a follow up letter reminding him that his response to file 16G0235 was overdue and asking him to respond no later than 25 July 2016.

16. Hicks failed to respond by 25 July 2016, and did not request an extension of time to respond.

17. Hicks's response to the Letter of Notice in file 16G0235 was not received by the State Bar until 14 November 2016.

18. On 13 January 2017, the Chair of the Grievance Committee issued a subpoena in file 16G0235 that required Hicks to appear and produce documents on 3 February 2017. Hicks was served with the subpoena on 17 January 2017.

19. Hicks failed to comply with the subpoena: He did not appear at the State Bar or produce the requested documents on 3 February 2017.

20. Hicks subsequently made arrangements to appear at the State Bar on 9 February 2017. When he appeared at the State Bar on 9 February 2017, Hicks did not produce all of the subpoenaed documents.

21. Hicks appeared at the State Bar on 9 February 2017 accompanied by counsel. During the interview, Hicks's counsel stated that Hicks would produce the remaining documents identified in the subpoena.

22. The State Bar contacted Hicks's counsel by email on 8 March 2017 and again by letter on 22 March 2017 to request the remaining documents that had been subpoenaed. Hicks never produced those documents.

23. Hicks did not refund McCallister's fees until 10 March 2017.

24. In 2015, Matthew Wilson paid Hicks \$2,000.00 to represent him on two charges of DWI and several related traffic offenses.

25. Neither Hicks nor Wilson was present in court on 14 March 2016, when one of Wilson's matters was scheduled to be heard. Wilson was called and failed, and the court issued an order for his arrest and an order of bond forfeiture.

26. On 22 March 2016, Wilson was arrested for failure to appear, spent more than two days in jail, and had to forfeit a \$500.00 appearance bond.

27. Wilson filed a grievance against Hicks, which was assigned file number 16G0507.

28. Hicks was served with the Letter of Notice in file 16G0507 on 9 February 2017.

29. The Letter of Notice provided that Hicks was required to respond within fifteen days. Hicks failed to respond to the Letter of Notice within fifteen days, and did not request an extension of time to respond.

30. On 8 March 2017 and again on 22 March 2017, the State Bar sent follow-up correspondence to Hicks's counsel reminding him that Hicks's response to the Letter of Notice in file 16G0507 was overdue.

31. Hicks's response to the Letter of Notice in file 16G0507 was not received by the State Bar until 10 April 2017.

32. In July 2013, Alice Rozier ("Rozier") hired Hicks to represent her son, Thurman Rozier, Jr. ("Thurman"), in seeking relief from his federal criminal sentence.

33. On 31 July 2013, Rozier paid Hicks \$5,000.00 to research whether Thurman was entitled to relief.

34. In March 2014, Rozier paid Hicks an additional \$10,000.00 to file a motion seeking relief from Thurman's sentence and—if necessary—to appeal any adverse ruling to the Fourth Circuit.

35. After conducting research and meeting with Thurman in prison, Hicks notified Rozier in 2015 that he was ready to file the motion on Thurman's behalf.

36. Hicks did not file the motion.

37. On 24 April 2016, Hicks notified Thurman that his license to practice law had been suspended.

38. Rozier subsequently called Hicks several times to request Thurman's file.

39. Hicks did not return Rozier's calls.

40. On 23 May 2016, Rozier wrote to Hicks, requesting a refund of fees and the return of Thurman's file.

41. Hicks did not respond to Rozier's letter.

42. Hicks never refunded any portion of the fees paid by Rozier.

43. Hicks did not provide Thurman's file to Thurman or Rozier.

44. On 1 June 2016, Rozier filed a fee dispute with the North Carolina State Bar.

45. The State Bar attempted to serve Hicks with notice of Rozier's fee dispute by certified mail to his address of record with the State Bar, but Hicks failed to pick up the notice and it was returned unclaimed.

46. Because the fee dispute mediator was unable to contact Hicks, the State Bar opened grievance file number 16G0767 to address Rozier's allegations.

47. Hicks was served with the Letter of Notice in file 16G0767 on 29 November 2016.

48. The Letter of Notice provided that Hicks was required to respond within fifteen days. Hicks did not respond to the Letter of Notice within fifteen days, nor did he request an extension of time to respond.

49. On 30 December 2016, the State Bar sent Hicks a follow-up letter reminding him that his response to the Letter of Notice in 16G0767 was late and directing him to respond no later than 9 January 2017.

50. Hicks did not respond by 9 January 2017, nor did he request an extension of time to respond.

51. When Hicks was interviewed at the State Bar on 9 February 2017, he acknowledged receiving the Letter of Notice in file 16G0767 but stated he "didn't get around to" responding.

52. On 8 March 2017 and again on 22 March 2017, the State Bar sent follow-up correspondence to Hicks's counsel reminding him that Hicks's response to the Letter of Notice in file 16G0767 was overdue.

53. Hicks's response to the Letter of Notice in file 16G0767 was not received by the State Bar until 10 April 2017.

54. In May 2015, Jeffrey Gibson paid Hicks a \$5,000.00 flat fee to seek a DVPO and handle his separation and divorce.

55. Hicks filed the motion for DVPO and prepared a separation agreement and child custody agreement, which were signed by both parties. Hicks advised Gibson he would be able to file an action for divorce after the couple had been separated for one year.

56. In April 2016, Hicks notified Gibson that his license to practice law had been suspended and therefore Gibson needed to obtain another lawyer to handle the divorce.

57. Gibson retrieved his file and requested a partial refund from Hicks.

58. Hicks did not refund any portion of Gibson's fee.

59. Gibson had to hire and pay subsequent counsel to complete his divorce.

60. On 2 November 2016, Gibson filed a fee dispute with the North Carolina State Bar.

61. Hicks was served with notice of Gibson's fee dispute on 18 November 2016.

62. The notice provided that Hicks was required to respond to the fee dispute within fifteen days of receipt of the notice. Hicks failed to respond to the notice of Gibson's fee dispute within fifteen days.

63. On 15 December 2016, 19 December 2016, and again on 20 December 2016, the fee dispute mediator called Hicks and left voicemails regarding his overdue response to Gibson's fee dispute. Hicks did not respond to the mediator's voicemails.

64. As a result of Hicks's failure to respond to the notice of Gibson's fee dispute, the State Bar opened grievance file number 16G1380.

65. Hicks was served with the Letter of Notice in file 16G1380 on 9 February 2017.

66. The Letter of Notice provided that Hicks was required to respond within fifteen days. Hicks failed to respond to the Letter of Notice within fifteen days, and did not request an extension of time to respond.

67. On 8 March 2017 and again on 22 March 2017, the State Bar sent follow-up correspondence to Hicks's counsel reminding him that Hicks's response to the Letter of Notice in file 16G1380 was overdue.

68. Hicks's response to the Letter of Notice in file 16G1380 was not received by the State Bar until 10 April 2017.

69. In July 2015, Gene Pulley III paid Hicks \$5,000.00 to represent him in seeking to have his police certification released by the Training and Standards Commission.

70. Pulley had prevailed in a prior administrative hearing regarding the release of his certification, but that decision was reversed by the Industrial Commission. Hicks was hired to seek judicial review in Superior Court.

71. Hicks indicated that he wanted to review the transcript from the prior hearing in which the Administrative Law Judge had ruled in Pulley's favor.

72. Over the next seven months Pulley contacted Hicks several times to inquire about the status of his case. Hicks told Pulley he was awaiting the transcript.

73. Eventually, Hicks stopped returning Pulley's phone calls.

74. In May 2016, Hicks's law license was suspended and he could not represent Pulley at the hearing on his petition for judicial review.

75. After Hicks's license was suspended, Pulley called Hicks numerous times to request a partial refund of fees.

76. Hicks did not return Pulley's calls, and did not refund any portion of the fees paid by Pulley.

77. Pulley hired replacement counsel at additional expense.

78. In the fall of 2016, Pulley's subsequent counsel asked Hicks to issue a partial refund of \$3,000.00 to help Pulley pay his legal fees. Hicks refused to refund any of the fees paid by Pulley.

79. Pulley filed a grievance against Hicks, which was assigned file number 17G0191.

80. Hicks was served with the Letter of Notice in file 17G0191 on 29 March 2017.

81. The Letter of Notice provided that Hicks was required to respond within fifteen days. Hicks failed to respond to the Letter of Notice within fifteen days, and did not request an extension of time to respond.

82. On 31 May 2017, Hicks was served with a follow up letter regarding his lack of response to the Letter of Notice in file 17G0191.

83. Hicks never responded to the Letter of Notice in file 17G0191.

84. In July 2015, Robert Bullard paid Hicks a \$10,000.00 flat fee to represent him in litigation related to a real estate transaction.

85. In December 2015, Bullard terminated the representation.

86. On 29 April 2016, Bullard sent Hicks an email requesting that Hicks provide an invoice for the work he had performed, and refund the unearned portion of the \$10,000.00 Bullard had paid.

87. On 5 May 2016, Hicks responded to Bullard's email, stating that he would "provide the information and make arrangements to repay [Bullard] what [they] agree[d] was] necessary."

88. On 30 June 2016, after hearing nothing further from Hicks, Bullard emailed Hicks again to ask if he had been able to determine what would constitute "reasonable and customary" fees for the work he had performed.

89. Hicks did not respond to Bullard's 30 June 2016 email.

90. On 31 October 2016, Bullard again emailed Hicks to ask if he had come up with a reasonable refund amount.

91. Hicks did not respond to Bullard's 31 October 2016 email.

92. Hicks did not refund any of the fees paid by Bullard.

93. On 10 January 2017, Bullard filed a fee dispute with the North Carolina State Bar.

94. Hicks was served with the notice of Bullard's fee dispute on 1 February 2017.

95. The notice provided that Hicks was required to respond to the fee dispute within fifteen days of receipt of the notice. Hicks failed to respond to the notice of Bullard's fee dispute within fifteen days.

96. As a result of Hicks's failure to respond to the notice of Bullard's fee dispute, the State Bar opened grievance file number 17G0237.

97. Hicks was served with the Letter of Notice in file 17G0237 on 31 May 2017.

98. The Letter of Notice provided that Hicks was required to respond within fifteen days. Hicks never responded to the Letter of Notice in file 17G0237.

99. In May 2015, Hubert and Patsy Lewis paid Hicks \$3,000.00 to represent their daughter in a criminal matter.

100. The Lewises subsequently notified Hicks that they wanted to terminate the representation and requested a partial refund of fees.

101. Hicks did not refund any portion of the fees the Lewises had paid.

102. In February 2017, the Lewises filed a fee dispute with the North Carolina State Bar.

103. Hicks was served with the notice of the Lewises' fee dispute on 6 March 2017.

104. The notice provided that Hicks was required to respond to the fee dispute within fifteen days of receipt of the notice. Hicks failed to respond to the notice of the Lewises' fee dispute within fifteen days.

105. As a result of Hicks's failure to respond to the notice of the Lewises' fee dispute, the State Bar opened grievance file number 17G0311.

106. On 10 April 2017, Hicks provided a belated response to the Lewises' fee dispute.

107. On 31 May 2017, Hicks was served with a follow-up letter from the State Bar, which notified him that his belated response to the fee dispute would be treated as a response to the grievance, and requested additional information about file 17G0311.

108. Hicks never responded to the 31 May 2017 follow-up letter in 17G0311.

Based upon the consent of the parties and 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 Hearing Commission has jurisdiction over Defendant and the subject matter of this proceeding.
2. Defendant's conduct, as set out in the Findings of Fact above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. §§ 84-28(b)(2) and (b)(3) in that Defendant violated § 84-28(b)(3) and the Rules of Professional Conduct in effect at the time of his actions as follows:
  - (a) By failing to provide the services McCallister hired him to perform, Defendant failed to act with reasonable diligence and promptness on behalf of a client in violation of Rule 1.3;
  - (b) By failing to respond to McCallister's email requesting her file and a refund, Defendant failed to respond to a client's reasonable request for information in violation of Rule 1.4(a);
  - (c) By failing to promptly provide McCallister with her file and failing to refund the unearned fee for more than a year after McCallister terminated the representation, Defendant failed to take reasonably practicable steps to protect a client's interests upon termination of the representation in violation of Rule 1.16(d);
  - (d) By failing to respond to the notice of McCallister's fee dispute, Defendant failed to participate in good faith in the fee dispute resolution process in violation of Rule 1.5(f);
  - (e) By failing to respond as required to the Letter of Notice in file 16G0235 and failing to comply with a Grievance Committee subpoena, Defendant failed to comply with lawful requests for information from a disciplinary authority in violation of Rule 8.1(b);
  - (f) By failing to respond as required to the Letter of Notice in file 16G0507, Defendant failed to comply with a lawful request for information from a disciplinary authority in violation of Rule 8.1(b);



- (g) By failing to file the motion seeking to modify Thurman's sentence, Hicks failed to act with reasonable diligence of behalf of a client in violation of Rule 1.3;
- (h) By receiving \$10,000.00 to perform a specific legal service for Thurman and then failing to provide that service, Defendant collected a clearly excessive fee in violation of Rule 1.5(a);
- (i) By failing to return Thurman's client file and failing to refund unearned fees, Defendant failed to take reasonably practicable steps to protect a client's interests upon termination of the representation in violation of Rule 1.16(d);
- (j) By failing to respond as required to the Letter of Notice in file 16G0767, Defendant failed to comply with a lawful request for information from a disciplinary authority in violation of Rule 8.1(b);
- (k) By failing to complete the legal service for which Gibson paid and failing to promptly refund the unearned portion of the fee, Defendant failed to take reasonably practicable steps to protect a client's interest upon termination of the representation in violation of Rule 1.16(d);
- (l) By failing to respond to the notice of Gibson's fee dispute, Defendant failed to participate in good faith in the fee dispute resolution process in violation of Rule 1.5(f);
- (m) By failing to respond as required to the Letter of Notice in file 16G1380, Defendant failed to comply with a lawful request for information from a disciplinary authority in violation of Rule 8.1(b);
- (n) By not returning Pulley's phone calls, Defendant failed to keep his client reasonably informed about the status of the matter and failed to comply with a client's reasonable requests for information in violation of Rule 1.4(a);
- (o) By receiving \$5,000.00 to perform specific legal services for Pulley and then failing to complete those services, Defendant collected a clearly excessive fee in violation of Rule 1.5(a);
- (p) By refusing to refund the unearned portion of fees paid by Pulley, Defendant failed to take reasonably practicable steps to protect a client's interests upon termination of the representation in violation of Rule 1.16(d);
- (q) By failing to respond to the Letter of Notice in file 17G0191, Defendant failed to comply with a lawful request for information from a disciplinary authority in violation of Rule 8.1(b);
- (r) By failing to refund the unearned portion of Bullard's fee, Defendant failed to protect a client's interest upon termination of the representation in violation of Rule 1.16(d);

- (s) By failing to respond as required to the notice of Bullard's fee dispute, Defendant failed to participate in good faith in the fee dispute resolution process in violation of Rule 1.5(f);
- (t) By failing to respond to the Letter of Notice in file 17G0237, Defendant failed to comply with a lawful request for information from a disciplinary authority in violation of Rule 8.1(b);
- (u) By failing to timely respond to the notice of the Lewises' fee dispute, Defendant failed to participate in good faith in the fee dispute resolution process in violation of Rule 1.5(f); and
- (v) By failing to respond to the State Bar's follow-up letter in file 17G0311, Defendant failed to comply with a lawful request for information from a disciplinary authority in violation of Rule 8.1(b).

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

ADDITIONAL FINDINGS REGARDING DISCIPLINE

1. The findings of fact in paragraphs 1 –108 above are reincorporated as if set forth herein.
2. Defendant has been licensed to practice law for more than 35 years.
3. Defendant has prior professional discipline. He was:
  - (a) Admonished by the Grievance Committee in October 2006 for lack of diligence and failure to communicate,
  - (b) Suspended from practice by the DHC in March 2016 for trust account mismanagement, misuse of interest on escrowed funds, and dishonest statements, among other things, and
  - (c) Reprimanded by the Grievance Committee in July 2016 for failure to communicate and failure to protect a client's interests upon termination.
4. Defendant's misconduct involves repeated failure to participate in the self-regulatory processes of the profession. Self-regulation of the legal profession depends upon lawyers' cooperation and participation. Defendant's persistent refusal to meaningfully participate in the self-regulatory process interferes with the State Bar's ability to regulate its members and undermines the profession's privilege to remain self-regulating.
5. In multiple instances, Defendant received payment of fees from clients, failed to perform (or complete) the services for which he was hired, and did not promptly refund unearned fees. In so doing, Defendant elevated his own pecuniary interests above the interests of his clients and caused foreseeable financial harm to his clients. This course of action impaired the clients'

ability to achieve the goals of the representation and reflects that Defendant acted with selfish motive.

6. Defendant's conduct harmed his clients' perception of the legal profession, making them less likely to trust lawyers in the future due to their experience with Defendant.

7. In early 2016, when Defendant was defending against the prior DHC action and winding down his practice, he was also contending with the dissolution of his marriage and a dispute over child custody. Soon after the 2016 DHC proceeding, he experienced the death of a sibling. These personal and emotional stressors contributed to the misconduct described herein.

8. Defendant has been cooperative with this disciplinary proceeding, and voluntarily participated in a settlement conference in an effort to resolve this matter.

9. Defendant understands that he is entitled to counsel and acknowledges that he had an opportunity to seek counsel, but freely and voluntarily elected to proceed *pro se* and agree to the terms of this Consent Order of Discipline.

10. Defendant acknowledges and agrees that, as a condition of this Consent Order of Discipline, Defendant voluntarily waives his right to petition for a stay of the suspension imposed in 15 DHC 16. Defendant acknowledges and agrees that his license to practice law will remain suspended for the entire five year period of suspension imposed therein, and that the additional suspension imposed in this Order will not begin to run until the expiration of the five year suspension imposed in 15 DHC 16.

11. 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 upon the Findings of Fact, Conclusions of Law, Additional Findings Regarding Discipline, and the consent of the parties, the Hearing Panel makes the following

#### ADDITIONAL CONCLUSIONS REGARDING DISCIPLINE

1. The Hearing Panel has carefully considered all of the different forms of discipline available to it and has considered all of the factors enumerated in 27 N.C. Admin. Code 1B .0116(f).

2. The Hearing Panel concludes that the following factors from Rule .0116(f)(1) warrant consideration of suspension of Defendant's license:

- (a) intent of the defendant to commit acts where the harm or potential harm is foreseeable;
- (b) elevation of the defendant's own interest above that of the client;
- (c) negative impact of defendant's actions on client's or public's perception of the profession;

- (d) impairment of the client's ability to achieve the goals of the representation; and
- (e) multiple instances of failure to participate in the legal profession's self-regulation process.

3. The Hearing Panel has considered all of the factors enumerated in Rule .0116(f)(2) and concludes that none of the factors requiring consideration of disbarment are applicable.

4. The Hearing Panel has considered all of the factors enumerated in Rule .0116(f)(3) and concludes the following factors are applicable:

- (a) prior disciplinary offenses in this state;
- (b) a pattern of misconduct;
- (c) multiple offenses;
- (d) effect of any personal or emotional problems on the conduct in question;
- (e) cooperative attitude toward the proceedings; and
- (f) degree of experience in the practice of law.

5. The Hearing Panel has considered admonition, reprimand and censure as potential discipline but finds that any sanction less than suspension would fail to acknowledge the seriousness of the offenses committed by Defendant.

6. In light of Defendant's disciplinary history and the significant harm to clients and the profession resulting from Defendant's conduct, the Hearing Panel concludes that no discipline short of suspension of Defendant's license will adequately acknowledge the seriousness of the offenses Defendant committed and send the proper message to attorneys and the public regarding the conduct expected of members of the Bar of this State.

7. Defendant should be taxed with the administrative fees and costs of this action.

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

#### ORDER OF DISCIPLINE

1. Defendant's law license is hereby suspended for three years, effective immediately upon the expiration of the five-year suspension imposed by the Order of Discipline in 15 DHC 16.

2. It is the intent of this Order that the three-year suspension of Defendant's license to practice law in the State of North Carolina is a second, independent order of suspension to run consecutively to the five year suspension imposed upon him in 15 DHC 16, such that Defendant is ineligible to petition for reinstatement for eight years from the effective date of Defendant's suspension imposed in 15 DHC 16.

3. Within 30 days after service of this Order, Defendant shall provide the State Bar's Office of Counsel with an address and telephone number at which clients seeking return of files can communicate with Defendant and obtain their files.

4. Defendant shall promptly return client files in his possession, custody, or control to clients within five days after receiving a client's request for the file. Defendant will be deemed to have received a client's request for his or her file three days after the date the request is sent if the request is sent to the address Defendant provides to the State Bar pursuant to paragraph 3, above.

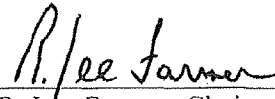
5. At the conclusion of the additional three-year suspension, Defendant may petition for reinstatement to active practice by filing a verified petition with the Secretary of the North Carolina State Bar. Defendant may file a petition for reinstatement up to 30 days prior to the end of the suspension but shall not be reinstated prior to the end of the additional three-year suspension period. In addition to complying with the general provisions for reinstatement listed in 27 N.C. Admin. Code 1B §.0129(b), to be eligible for reinstatement Defendant must demonstrate by clear, cogent, and convincing evidence that during the period of suspension he complied with the following conditions:

- (a) Prior to petitioning for reinstatement, Defendant shall pay the administrative fees and costs of this proceeding as assessed by the Secretary of the State Bar;
- (b) Defendant shall keep the North Carolina State Bar membership department advised of her current physical home and business addresses and telephone numbers, and shall notify the membership department within ten days of any change in contact information;
- (c) Defendant shall accept all certified mail from the North Carolina State Bar and respond to all letters of notice and requests for information from the North Carolina State Bar by the deadline stated in the communication;
- (d) Defendant shall timely comply with State Bar membership and continuing legal education requirements;
- (e) Defendant shall pay any fees and costs assessed by the State Bar and the Client Security Fund by the applicable deadline;
- (f) Defendant shall participate fully and timely in the State Bar's fee dispute resolution program when notified of any petitions for resolution of disputed fees; and
- (g) Defendant shall not violate the Rules of Professional Conduct or any state or federal laws other than minor traffic violations during the period of suspension.

6. The Disciplinary Hearing Commission will retain jurisdiction of this matter throughout the suspension and until all of the conditions referenced in paragraph 5 above are satisfied.

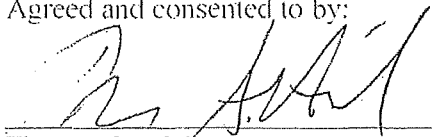
Signed by the undersigned Hearing Panel Chair with the consent of the other Hearing Panel members.

This the 23<sup>rd</sup> day of August, 2018.

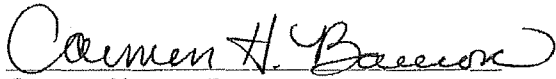


R. Lee Farmer, Chair  
Disciplinary Hearing Panel

Agreed and consented to by:



Thomas S. Hicks



Carmen Hoyne Bannon  
Attorney for Plaintiff