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STATE OF NORTH CAROLINA
WAKE COUNTY

BEFORE THE SECRETARY
OF THE
NORTH CAROLINA STATE BAR
97 BSR 3

THE NORTH CAROLINA STATE BAR
Plaintiff

v.

CLARENCE C. MALONE, JR
Defendant

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) ORDER OF REINSTATEMENT
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THIS MATTER is before the Secretary of the North Carolina State Bar pursuant to a Petition for Reinstatement filed by Clarence C. Malone, Jr., on March 11, 1997.

Based upon a review of the records of the North Carolina State Bar, the Secretary makes the following:

1. A hearing committee of the Disciplinary Hearing Commission of the North Carolina State Bar entered an order dated Jan. 8, 1996, in which Petitioner's license to practice law in North Carolina was suspended for a period of five years. The order further provided that up to four years of the suspension could be stayed upon certain conditions.

2. On Jan. 19, 1996, Petitioner gave notice of appeal to the N.C. Court of Appeals and sought a temporary stay of the order of discipline. The Court of Appeals granted a temporary stay in an order dated Feb. 19, 1996.

3. By order dated Feb. 27, 1996, the N.C. Court of Appeals denied Petitioner's petition for writ of supersedeas but directed that the temporary stay would remain in effect until March 29, 1996.

4. On March 20, 1996, Petitioner withdrew his notice of appeal to the N.C. Court of Appeals. On the same date, he filed a notice of appeal with the Durham County Superior Court along with an ex parte motion seeking a stay of the order of discipline pending the conclusion of the appeal.

5. On April 16, 1996, the Court of Appeals entered an order, which in effect, restored the Jan. 8, 1996 order of discipline.

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6. Petitioner's attempt to appeal the DHC's order of discipline in the Durham County Superior Court proved unsuccessful and the appellate courts ultimately denied any relief from the order of discipline. No additional appeals remaining pending respecting this matter.

7. Petitioner has alleged that he has not practiced law since April 16, 1996

8. The records of the N.C. State Bar reflect that Petitioner has not paid his 1997 mandatory State Bar dues.

BASED UPON the foregoing Findings of Fact, the Secretary makes the following:

CONCLUSIONS OF LAW

1. The Petitioner, Clarence C. Malone, Jr. has completed the one year active suspension of his law license, as required by the order of discipline entered in 95 DHC 11.

2. The remaining conditions and provisions of the order of discipline entered in 95 DHC 11 remain effective and are binding on all parties thereto.

3. Petitioner is entitled to resume the practice of law in North Carolina, subject to the remaining terms and conditions of the order of discipline in 95 DHC 11.

4. This order does not affect the State Bar's ability to pursue any disciplinary charges against Petitioner which may be now pending or which may arise in the future.

5. Petitioner must tender payment of his 1997 annual membership dues in the amount of \$175 to the N.C. State Bar prior to resuming the practice of law.


THEREFORE, pursuant to § .0125 of the Discipline & Disbarment Rules of the N.C. State Bar, it is hereby ORDERED:

1. Clarence C. Malone, Jr., is hereby reinstated to the practice of law in North Carolina as of April 17, 1997 or the date on which his 1997 membership dues are received by the N.C. State Bar, whichever is later.

2. Nothing in this order shall affect the N.C. State Bar's right to proceed with any pending or future disciplinary claims against Petitioner.

3. Petitioner remains subject to all of the provisions of the order of discipline set out in 95 DHC 11.

This the 17th day of April, 1997.



L. Thomas Lunsford II, Secretary
The N.C. State Bar