



IN RE REINSTATEMENT PETITION OF)
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 EDWIN A. PETERS)

This matter came on to be heard and was heard on February 15, 2013 by a hearing panel of the Disciplinary Hearing Commission composed of M. H. Hood Ellis, Chair, Renny W. Deese and Joseph Barlow Herget; with the petitioner proceeding *pro se* and A. Root Edmonson representing the North Carolina State Bar. Based upon the oral stipulations of the parties, the evidence presented at the hearing and the arguments made by the parties, the hearing panel makes the following:

1. Edwin A. Peters ("Peters") was licensed to practice law in North Carolina on April 2, 2005.

2. On April 18, 2007, Peters filed an affidavit surrendering his license to practice law with the NC State Bar in which he admitted misappropriating at least \$8,281.85 of his clients' funds.

3. On April 20, 2007, Peters was disbarred by order of the Council.

4. On November 15, 2012, Peters filed a Petition for Reinstatement with supporting documents and affidavits that resulted in this hearing.

5. Prior to filing his petition, Peters had published a notice of his intent to seek reinstatement in the Fall 2012 issue of the *State Bar Journal*.

6. Peters notified the NC State Bar, the “complainant” in his disciplinary case, of his intent to seek reinstatement.

7. Peters was never charged or convicted of a criminal offense related to his misappropriation and, thus, never lost his citizenship.

8. On April 23, 2007, Peters filed an affidavit with the Disciplinary Hearing Commission showing that he had properly wound his practice down.

9. Peters complied with the Council's April 20, 2007 order.
10. No court entered any order relating to the matter that resulted in Peters' disbarment.
11. Peters did not engage in the unauthorized practice of law during his disbarment.
12. The Client Security Fund did not disburse any funds to any of Peters' clients as a result of Peters' misconduct.
13. Peters reimbursed the money missing from his trust account contemporaneously with the October 2007 order entered in Wake County Superior Court disbursing the funds that had been frozen in Peters' trust account.
14. Peters paid all dues, Client Security Fund assessments and CLE fees owed to the NC State Bar prior to commencement of the hearing.
15. Peters accepted responsibility for the misconduct that resulted in his disbarment and was remorseful.
16. Peters had several loyal friends who testified as to Peters' character. At least two of those friends had not had sufficient contact with Peters since his disbarment to offer evidence of whether Peters' character had reformed. One friend testified that he did not think that Peters' misconduct showed that Peters had bad character that needed reforming. All who testified on his behalf believed that Peters' misconduct was an aberration from Peters' normal character.
17. Peters spoke to youth groups in Wake County about his experience. He reached out to other organizations, such as his law school alma mater, but got no responses.
18. Beginning in 2009, Peters was involved in domestic litigation in Wake County District Court with his ex-wife. During that litigation, the following occurred:
 - (a) On September 14, 2011, an Order of Equitable Distribution was entered.
 - (b) On September 21, 2011, Peters entered Notice of Appeal from that order.
 - (c) At 4:47 p.m. pm October 4, 2011, Peters filed a document with the Court entitled Transcript Order for Appeal that indicated that Peters was contracting with the court reporter to prepare a transcript of the equitable distribution hearing and was tendering a check to the court reporter for \$200.00 as a deposit and partial payment toward the costs of the transcript.
 - (d) Peters signed a Certificate of Service attached to the Transcript Order for Appeal indicating that he was serving his wife, his wife's attorney, and the court reporter with the filed document.
 - (e) Because of other circumstances that developed the following day, Peters had to use the \$200.00 for another purpose and did not send the court reporter the \$200.00. Also, Peters did not mail the Transcript Order for Appeal to any of the intended recipients listed in the Certificate of Service.

- (f) Although Peters knew he had not sent the \$200.00 to the court reporter, he did not file anything with the Court to correct the inaccuracies in the Transcript Order for Appeal or its Certificate of Service prior to a motion for sanctions that was filed by opposing counsel.

19. Peters failed to offer proof that he understands the current Rules of Professional Conduct.

20. Peters asked the panel to make any recommendation for reinstatement contingent upon his receiving a passing grade on the North Carolina Bar Exam and the MPRE to satisfy his burden of proving competence and learning in the law.

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

CONCLUSIONS OF LAW

1. Peters published notice of his intent to seek reinstatement in compliance with § .0125(a) (3) (A).
2. Peters notified the affected parties of his intent to seek reinstatement in compliance with § .0125(a) (3) (B).
3. Peters' misappropriation of his clients' funds was a serious offense that requires a strong showing of a reformed character.
4. Peters has not proven by clear and convincing evidence that he has reformed and presently possesses the moral character required for admission to practice law in this state taking into account the gravity of the misconduct which resulted in his disbarment. Therefore, Peters has not satisfied his burden pursuant to § .0125(a) (3) (C).
5. Because he has not demonstrated a reformed character to his community, Peters' reinstatement to the practice of law will be detrimental to the integrity and standing of the bar and to the administration of justice and to the public's interest. Therefore, Peters has not satisfied his burden pursuant to § .0125(a) (3) (D).
6. Peters' never lost his citizenship. Therefore, Peters has satisfied his burden pursuant to § .0125(a) (3) (E).
7. Peters wound down his law practice after his disbarment in compliance with § .0125(a) (3) (F).
8. Peters complied with all applicable orders of the Council in compliance with § .0125(a) (3) (G).
9. No court entered any order relating to the matter that resulted in Peters' disbarment.

Therefore, Peters has satisfied his burden pursuant to § .0125(a) (3) (H).

10. Peters did not engage in the unauthorized practice of law during his disbarment in compliance with § .0125(a) (3) (I).

11. Peters engaged in conduct during his domestic litigation that may have been grounds for discipline under G.S. § 84-28(b) by failing to send documents to recipients as shown on his certificate of service. Therefore, Peters has not satisfied his burden pursuant to § .0125(a) (3) (J).

12. Peters has failed to prove that he understands the current Rules of Professional Conduct. Therefore, Peters has not satisfied his burden pursuant to § .0125(a) (3) (K).

13. The Client Security Fund did not disburse any funds to any of Peters' clients as a result of Peters' misconduct. Therefore, Peters has satisfied his burden pursuant to § .0125(a) (3) (L).

14. Peters reimbursed the money missing from his trust account. Therefore, Peters has satisfied his burden pursuant to § .0125(a) (3) (M).

15. Peters paid all dues and fees owed to the North Carolina State Bar in compliance with § .0125(a) (3) (N).

16. Peters chose to rely on his passing a future North Carolina Bar Exam and the MPRE as his method of satisfying his burden pursuant to § .0125(a)(4).

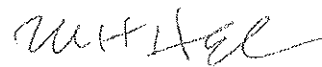
BASED UPON the foregoing Findings of Fact and Conclusions of Law, the hearing committee enters the following Order:

1. The hearing panel considered all of the evidence offered at Peters' reinstatement hearing and recommends to the Council that Peters' petition for reinstatement to the practice of law in North Carolina be denied.

2. If Peters chooses not to ask the Council to review the decision of this hearing panel, this order will constitute the final order in this matter.

3. If the Council reviews the decision of this hearing panel and chooses to reinstate Peters, Peters' reinstatement should be conditioned upon his successful completion of a written bar examination administered by the North Carolina Board of Law Examiners.

Signed on this the 18th day of March, 2013 with the knowledge and consent of the other members of the panel.



M. H. Hood Ellis, Chair
Disciplinary Hearing Panel