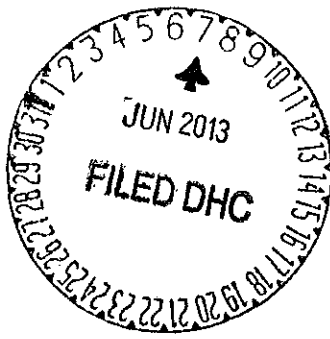


NORTH CAROLINA
WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
13 DHC 2

THE NORTH CAROLINA STATE BAR,
Plaintiff

v.

WILLIAM E. BROWN, Attorney,
Defendant

)
)
) FINDINGS OF FACT,
) CONCLUSIONS OF LAW, AND
) ORDER OF DISCIPLINE
)
)
)

This matter came before a hearing panel of the Disciplinary Hearing Commission composed of Fred M. Morelock, Chair, Harriett Smalls, and Patti Head; with A. Root Edmonson representing the North Carolina State Bar and the Defendant not appearing and not represented by counsel. Based upon the facts deemed admitted based upon the defendant's default, the panel finds the following facts were established by clear, cogent and convincing evidence:

FINDINGS OF FACT

1. The plaintiff, the North Carolina State Bar ("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. The defendant, William E. Brown (hereinafter "Brown"), was admitted to the North Carolina State Bar on August 20, 1993, and was at all times referred to herein, 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 the time relevant to this complaint, Brown actively engaged in the private practice of law in the State of North Carolina and maintained a law office in Fayetteville, Cumberland County, North Carolina.

4. On July 19, 2010, the Disciplinary Hearing Commission of the State Bar entered an Order of Discipline pursuant to which Brown was subject to a three-year stayed suspension of his license to practice law.

5. In February 2007, Varonica Morrison ("Morrison") retained Brown to represent her.

6. On September 15, 2010, Morrison filed a Petition for Resolution of Disputed Fee ("fee dispute") against Brown with the State Bar. Morrison's fee dispute was assigned file number 10FD0541.

7. The State Bar sent a notice of Morrison's fee dispute to Brown's Fayetteville office on September 15, 2010. Brown received this letter by certified mail on September 16, 2010.

8. The July 19, 2010 Order of Discipline contained a provision requiring Brown to respond to any communication from the State Bar by the deadline stated in the communication.

9. Brown was required to respond within fifteen days of receipt of the notice of fee dispute, as specified in the notice. Brown failed to timely respond to the notice of fee dispute.

10. The State Bar sent Brown a second notification of Morrison's fee dispute by regular mail on October 8, 2010, noting his failure to respond to the fee dispute and requesting a response by October 15, 2010.

11. Brown submitted a document to the State Bar by fax on October 12, 2010, purporting to be a response to the Morrison fee dispute.

12. On October 12, 2010, the State Bar sent Brown, by fax, a follow-up letter indicating that his October 12, 2010 submission was insufficient and requesting specific information about Brown's representation of Morrison.

13. On October 19, 2010, the State Bar sent Brown, by regular mail, a third notification of Morrison's fee dispute, noting his failure to respond to the fee dispute and requesting a response by October 26, 2010.

14. Brown failed to respond to the October 19, 2010 letter.

15. On November 5, 2010, the State Bar opened a grievance file against Brown for failure to participate in the fee dispute resolution process concerning Morrison's fee dispute. This grievance was assigned file number 10G1148.

16. The State Bar issued a letter of notice to Brown on January 3, 2011, advising him that a grievance had been filed against him. Brown received the letter of notice regarding the Morrison matter by certified mail on January 5, 2011.

17. Brown was required to respond within fifteen days of receipt of the letter of notice. He failed to respond.

18. On January 28, 2011, the State Bar sent Brown a follow-up letter that noted his failure to respond to the letter of notice and requested a response by February 14, 2011.

19. On February 2, 2011, Brown sent a written request to the State Bar for an additional thirty (30) days to respond to the grievance in the Morrison matter.

20. On February 4, 2011, the State Bar sent Brown a letter indicating that he had until March 1, 2011, to file his response, though it would still be considered late.

21. Brown filed a response to the Morrison matter on February 28, 2011.

22. In March 2007, Jackie R. Godwin, Jr. ("Godwin, Jr.") retained Brown to file a child custody action on his behalf.

23. Godwin, Jr. paid Brown \$900.00 of his quoted \$1,000.00 flat fee for the representation.

24. As of July 2010, Brown had not filed a custody action on Godwin, Jr.'s behalf.

25. On August 24, 2010, Godwin, Jr. filed a fee dispute against Brown with the State Bar. Godwin, Jr.'s fee dispute was assigned file number 10FD0494.

26. The State Bar sent a notice of Godwin, Jr.'s fee dispute to Brown's Fayetteville office on August 24, 2010. Brown received this letter by certified mail on a date that was not noted on the return receipt.

27. Brown was required to respond within fifteen days of receipt of the notice of fee dispute, as specified in the notice. Brown failed to timely respond to the notice of fee dispute.

28. The State Bar sent Brown a second notification of Godwin, Jr.'s fee dispute by regular mail on September 16, 2010. Brown failed to respond to the second notice.

29. The State Bar sent Brown a third notification of Godwin, Jr.'s fee dispute by electronic mail on September 23, 2010.

30. Brown was required to respond to the third notice before September 30, 2010. Brown failed to respond to the third notice.

31. On October 1, 2010, the State Bar opened a grievance file against Brown for failure to participate in the fee dispute resolution process concerning Godwin, Jr.'s fee dispute. This grievance was assigned file number 10G1004.

32. The State Bar issued a letter of notice to Brown on October 7, 2010, advising him that a grievance had been filed against him. Brown received the letter of notice regarding the Godwin, Jr. matter by certified mail on October 8, 2010.

33. Brown was required to respond within fifteen days of receipt of the letter of notice. He failed to respond.

34. On November 1, 2010, the State Bar sent Brown a follow-up letter that noted his failure to respond to the letter of notice and requested a response by November 12, 2010. Despite this reminder, Brown failed to respond to the State Bar's letter of notice regarding the Godwin, Jr. matter.

35. Brown was appointed by the Cumberland County District Court to represent Norman K. Petit ("Petit") in a juvenile matter.

36. On May 21, 2010, Petit filed a grievance against Brown with the State Bar. Petit's grievance was assigned file number 10G0500.

37. The State Bar issued a letter of notice to Brown on August 25, 2010, advising him that a grievance had been filed against him. Brown received the letter of notice regarding the Petit matter by certified mail on August 26, 2010.

38. Brown was required to respond within fifteen days of receipt of the letter of notice. He failed to respond.

39. On September 28, 2010, the State Bar sent Brown a follow-up letter that noted his failure to respond to the letter of notice and requested a response by October 13, 2010.

40. Brown filed a response to the letter of notice in the Petit matter on October 12, 2010.

41. On June 7, 2010, Angie Crumpler ("Crumpler") retained Brown to represent her in a personal injury matter arising out of a car accident on May 24, 2010.

42. Crumpler signed a contingent fee agreement containing language entitling Brown to 33 1/3 % of all amounts recovered on Crumpler's behalf.

43. On July 14, 2010, Brown sent a letter to Progressive Insurance indicating that he represented Crumpler and requesting that payment of the maximum allowable med pay benefits be forwarded to him on Crumpler's behalf.

44. The July 19, 2010 Order of Discipline contained a provision that, as of the effective date of the Order, August 25, 2010, Brown was to terminate representation of all female clients and not meet with, consult with, talk with, or in any other way interact with any woman as a client or prospective client.

45. On September 14, 2010, Progressive Universal Insurance Company issued a check ("med pay check"), payable to Angie Crumpler and the Law Office of William Brown, for \$1,000.00 of medical payments coverage.

46. Brown received the med pay check from Progressive in September or October 2010.

47. On October 7, 2010, Brown requested that Crumpler meet him at a bank.

48. Brown did not deposit the med pay check into a trust account.

49. In Crumpler's presence at the bank, Brown cashed the med pay check and gave \$650.00 to Crumpler and retained \$350.00 in payment of a 33% contingent fee.

50. On April 29, 2011, the State Bar received notification that Brown had received a check on Crumpler's behalf after the date he was to have ceased representing female clients.

51. On May 8, 2011, after learning that the State Bar was sending an investigator to speak with Crumpler, Brown contacted Crumpler and asked her to tell the investigator that Brown had done nothing wrong and that she did not want to speak with the investigator.

52. On May 9, 2011, the State Bar opened a grievance file against Brown concerning the Crumpler matter. This grievance was assigned file number 11G0559.

53. The State Bar issued a letter of notice to Brown on October 27, 2011, advising him that a grievance had been filed against him. Brown received the letter of notice regarding the Crumpler matter by certified mail on October 28, 2011.

54. Brown was required to respond within fifteen days of receipt of the letter of notice. He failed to respond.

55. On December 22, 2011, the State Bar sent Brown a follow-up letter that noted his failure to respond to the letter of notice and requested a response by January 13, 2012.

56. Brown provided a response dated January 11, 2012 that was received by the State Bar on January 17, 2012.

57. In his response to the letter of notice, Brown represented that Crumpler had received the med pay check from Progressive and brought it to Brown.

58. Brown further represented in his written response that he charged Crumpler \$250.00, not \$350.00.

59. Brown further represented in his written response that his conversation with Crumpler about the State Bar investigator had occurred in July 2011, not May 2011.

60. By follow-up letter dated January 23, 2012, the State Bar asked Brown to describe the basis for his contentions that Crumpler had received the check initially, that he had charged

Crumpler \$250.00, and that his conversation with Crumpler about the State Bar investigator occurred in July 2011.

61. Brown failed to respond to the January 23, 2012 letter.

62. Virginia D. Akins ("Akins") is a former client of Brown's.

63. On August 19, 2010, Akins filed a fee dispute against Brown with the State Bar. Akins's fee dispute was assigned file number 10FD0481.

64. The State Bar sent a notice of Akins's fee dispute to Brown's Fayetteville office on August 19, 2010. Brown received this letter by certified mail on August 20, 2010.

65. Brown was required to respond within fifteen days of receipt of the notice of fee dispute, as specified in the notice. Brown failed to respond to the notice of fee dispute.

66. The State Bar sent Brown a second notification of Akins's fee dispute by regular mail on September 16, 2010. Brown failed to respond to the second notice.

67. The State Bar sent Brown a third notification of Akins's fee dispute by electronic mail on September 23, 2010.

68. Brown was required to respond to the third notice before September 30, 2010. Brown failed to respond to the third notice.

69. On October 1, 2010, the State Bar opened a grievance file against Brown for failure to participate in the fee dispute resolution process concerning Akins's fee dispute. This grievance was assigned file number 10G1005.

70. The State Bar issued a letter of notice to Brown on October 7, 2010, advising him that a grievance had been filed against him. Brown received the letter of notice regarding the Akins matter by certified mail on October 8, 2010.

71. Brown was required to respond within fifteen days of receipt of the letter of notice. He failed to respond.

72. On November 1, 2010, the State Bar sent Brown a follow-up letter that noted his failure to respond to the letter of notice and requested a response by November 12, 2010.

73. Brown filed a response to the November 1, 2010 follow-up letter on November 5, 2010.

74. On November 10, 2010, the State Bar sent Brown a follow-up letter requesting copies of all client files pertaining to Brown's representation of Akins. As specified in the letter, Brown was to provide the files by November 29, 2010.

75. Brown did not provide any of the requested documentation until December 22, 2010.

76. Jackie Godwin, Sr. ("Godwin, Sr.") is a former client of Brown's.

77. On September 8, 2010, Godwin, Sr. filed a fee dispute with the State Bar. Godwin's fee dispute was assigned file number 10FD0531.

78. The State Bar sent a notice of Godwin, Sr.'s fee dispute to Brown's Fayetteville office on September 9, 2010. Brown received this letter by certified mail on September 10, 2010.

79. Brown was required to respond within fifteen days of receipt of the notice of fee dispute, as specified in the notice. Brown failed to respond to the notice of fee dispute.

80. The State Bar sent Brown a second notification of Godwin, Sr.'s fee dispute by regular mail on October 19, 2010, noting his failure to respond to the fee dispute and requesting a response by October 26, 2010. Brown failed to respond to this letter.

81. In June 2006, Leon Carr ("Carr") retained Brown to file a civil action against the Public Works Department of Fayetteville.

82. By April 5, 2007, Carr finished paying Brown the \$1,000.00 flat fee Brown had quoted for the representation.

83. As of 2011, Brown had not filed a civil action on Carr's behalf.

84. Monika R. Woodson ("Woodson") retained Brown to handle a custody matter.

85. On December 28, 2011, Woodson filed a grievance against Brown with the State Bar. The grievance was assigned file number 11G1476.

86. The State Bar issued a letter of notice on March 28, 2011, advising him that a grievance had been filed against him. The mail was returned stamped "Return to Sender, Unclaimed, Unable to Forward."

87. The State Bar sent notification of the grievance to the Sheriff of Cumberland County on May 3, 2012 to be served on Brown. Brown was served with the letter of notice by the Sheriff on May 8, 2012, but failed to respond.

88. In April 2010, Gregory and Brenda Green ("the Greens") retained Brown to handle an adoption matter.

89. Brown quoted a total fee of \$3,000 plus costs, \$2,000 of which would be a nonrefundable upfront fee. The Greens paid Brown \$2,000.00 on April 2, 2010.

90. Brown did not file for an adoption on the Greens' behalf and did not file a motion to terminate parental rights.

93. On October 25, 2011, the Greens filed a fee dispute against Brown with the State Bar. The Greens' fee dispute was assigned file number 11FD0543.

94. The State Bar sent notice of the Greens' fee dispute to Brown by certified mail to his office address on October 25, 2011. The mail was returned stamped "Unclaimed."

95. The State Bar sent notice of the Greens' fee dispute to Brown by certified mail to his home address on November 28, 2011. Brown received this letter by certified mail on a date that was not noted on the return receipt.

96. Brown was required to respond within fifteen days of receipt of the notice of fee dispute, as specified in the notice. Brown failed to respond to the notice of fee dispute.

97. On December 22, 2011, the State Bar opened a grievance file against Brown for failure to participate in the fee dispute resolution process concerning the Greens' fee dispute. This grievance was assigned file number 11G1475.

98. The State Bar issued a letter of notice to Brown at his former office address on January 11, 2012, advising him that a grievance had been filed against him. The letter of notice was resent to Brown's home address on March 13, 2012. Brown received the letter of notice regarding the Greens' matter by certified mail on March 14, 2012. Brown failed to respond.

99. On April 10, 2012, the State Bar sent Brown a follow-up letter that noted his failure to respond to the letter of notice and gave him an extension to April 23, 2012 to respond. Brown failed to respond.

100. Brown finally responded to the letter of notice regarding the Greens' matter on June 8, 2012.

101. On June 20, 2012, the State Bar sent Brown a follow-up letter asking him to provide further information and additional responses to specific questions within ten days. Brown failed to respond.

102. In September 2009, Antonio Palmer ("Palmer") retained Brown to file a civil action.

103. Palmer paid Brown's \$1,000 fee in two installments.

104. Brown prepared the complaint and sent it to Palmer to review. Palmer returned the complaint with suggested changes four months later. Brown made the changes and returned the complaint to Palmer. Palmer failed to return the complaint, so Brown did not file it.

105. On September 29, 2011, Palmer filed a fee dispute against Brown with the State Bar. Palmer's fee dispute was assigned file number 11FD0509.

106. On September 29, 2011, the State Bar sent notice of Palmer's fee dispute to Brown by certified mail to his office address. Brown received this letter by certified mail on a date that was not noted on the return receipt.

107. Brown was required to respond within fifteen days of receipt of the notice of fee dispute, as specified in the notice. Brown failed to respond to the notice of fee dispute.

108. The State Bar sent Brown a second notification of Palmer's fee dispute by regular mail on October 28, 2011 to his last known address. Brown failed to respond to the second notice.

109. On November 10, 2011, the State Bar opened a grievance file against Brown for failure to participate in the fee dispute resolution process concerning Palmer's fee dispute. This grievance was assigned file number 12G1320.

110. The State Bar issued a letter of notice to Brown on November 22, 2011, advising him that a grievance had been filed against him. Early attempts to serve Brown with the November letter of notice failed.

111. On December 5, 2011, the State Bar issued another letter of notice to Brown advising him that a grievance had been filed against him by Palmer. Brown was served with the December 5, 2011 letter of notice by certified mail on December 6, 2011. Brown failed to respond.

112. On January 31, 2012, the State Bar sent Brown a follow-up letter that noted his failure to respond to the letter of notice and requested a response by February 13, 2012. Brown failed to respond.

113. On March 9, 2012, the State Bar served a subpoena duces tecum on Brown by the Cumberland County Sheriff.

114. On March 12, 2012, Brown provided a response to the Palmer grievance.

115. On June 20, 2012, the State Bar sent Brown a follow up letter asking him to respond to specific questions concerning the Palmer matter. Brown failed to respond.

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

CONCLUSIONS OF LAW

1. Brown was served with a Summons and the Complaint filed herein and with notice of the time and place of the hearing of this matter. All parties are properly before the hearing panel of the Disciplinary Hearing Commission and the hearing panel has jurisdiction over Brown and the subject matter.

2. Brown's conduct, as set out above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(a) & (b)(2) in that Brown violated the Rules of Professional Conduct in effect at the time as follows:

- a. By failing to respond to each of the State Bar's written notices of the fee disputes filed by Morrison, Godwin, Jr., Atkins, Godwin, Sr., the Greens, and Palmer, Brown failed to participate in good faith in the fee dispute resolution process in violation of Rule 1.5(f);
- b. By failing to provide a timely responses to each of the following: the January 3, 2011 letter of notice in 10G1148 (Morrison); the October 1, 2010 letter of notice and the November 1, 2010 follow-up letter in 10G1004 (Godwin, Jr.); the August 25, 2010 letter of notice in 10G0500 (Petit); the October 27, 2011 letter of notice and the January 23, 2012 follow-up letter in 11G0559 (Crumpler); the October 7, 2010 letter of notice and the November 10, 2010 request for information in 10G1005 (Akins); the letter of notice served upon Brown by the Sheriff of Cumberland County on May 8, 2012 in 11G1476 (Woodson); the January letter of notice served on Brown on March 17, 2012 and the June 20, 2012 request for information in 11G1475 (the Greens); the December 5, 2011 letter of notice and June 20, 2012 request for information in 12G1320 (Palmer), Brown failed to respond to lawful inquiries of a disciplinary authority in violation of Rule 8.1(b) and N.C. Gen. Stat. § 84-28(b)(3);
- c. By failing to file a custody action on Godwin, Jr.'s behalf or a civil action on Carr's behalf, Brown failed to act with reasonable diligence and promptness in representing his clients in violation of Rule 1.3;
- d. By collecting fees from Godwin, Jr. and Carr and failing to perform the legal services for which Godwin, Jr. and Carr paid the fees, Brown collected clearly excessive fees in violation of Rule 1.5(a);
- e. by taking a contingent fee from Crumpler's med pay check, Brown charged a clearly excessive fee in violation of Rule 1.5(a);
- f. by cashing Crumpler's med pay check rather than depositing it in a trust account, Brown failed to deposit mixed funds intact in violation of Rule 1.15(2)(g);

- g. by attempting to prevent Crumpler from speaking to the State Bar investigator, Brown engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d);

Based upon the foregoing Findings of Fact and Conclusions of Law and the evidence presented at the hearing, the Hearing Panel hereby makes by clear, cogent and convincing evidence the following:

ADDITIONAL FINDINGS OF FACT REGARDING DISCIPLINE

1. On February 26, 2008, the Chair of the Grievance Committee reprimanded Brown for, among other things, failing to promptly respond to a grievance filed by his client. In that reprimand, Brown was warned: "in order for the disciplinary system to work, lawyers must cooperate by responding promptly to grievances that are filed against them."
2. On August 26, 2010, Brown was again reprimanded by a different Chair of the Grievance Committee for, among other things, failing to respond to a client's fee dispute and failing to promptly respond to the State Bar's requests for information in two clients' matters.
3. In an order filed on July 19, 2010 in 09 DHC 33, a hearing panel of the Disciplinary Hearing Commission suspended Brown's license for three years, but stayed the suspension on certain conditions, for inappropriate conduct of a sexual nature with three female clients.
4. In an order filed on March 23, 2011 in 09 DHC 33, the same hearing panel activated at least six months of Brown's suspension for failing to comply with certain of the conditions of the stay, including failing to respond promptly to the State Bar's requests for information during grievance investigations.
5. Brown has not sought reinstatement from the suspension imposed in 09 DHC 33.
6. Brown's continued failure to respond promptly to fee disputes and letters of notice and follow-up inquiries in grievance investigations has demonstrated a complete disregard for the legal profession's self-regulation process.
7. Brown's failure to file a custody action on Godwin, Jr.'s behalf, a civil action on Carr's behalf, and an adoption or termination of parental rights action on behalf of either of the Greens, after being paid to do so, caused significant harm to Godwin, Jr., Carr and the Greens and compromised their ability to accomplish the goals of the representation.

Based on the foregoing Findings of Fact, Conclusions of Law and Additional Findings of Fact Regarding Discipline, the Hearing Panel enters the following:

CONCLUSIONS OF LAW REGARDING DISCIPLINE

1. The Hearing Panel has considered all of the factors contained in 27 N.C.A.C. 1B § .0114(w)(1), the Rules and Regulations of the State Bar, and concludes that the following factors that warrant suspension or disbarment are present:
 - a. intent of Brown to commit acts where the harm or potential harm is foreseeable;
 - b. elevation of Brown's own interest above that of the client;
 - c. negative impact of Brown's actions on his clients' and the public's perception of the profession;
 - d. impairment of Brown's clients' ability to achieve the goals of the representation; and
 - e. multiple instances of failure to participate in the legal profession's self-regulation process.
2. The Hearing Panel has considered all of the factors contained in 27 N.C.A.C. 1B § .0114(w)(2), the Rules and Regulations of the State Bar, and concludes no factors that warrant disbarment are present.
3. The Hearing Panel has considered all of the factors enumerated in 27 N.C.A.C. 1B § .0114(w)(3), the Rules and Regulations of the State Bar, and concludes that the following are applicable in this matter:
 - a. prior disciplinary offenses;
 - b. a selfish motive;
 - c. indifference to making restitution;
 - d. a pattern of misconduct;
 - e. multiple offenses;
 - f. having almost 18 years of experience in the practice of law when the misconduct found herein began.
4. Brown caused significant harm to Godwin, Jr., Carr and the Greens for failing to perform the legal services for which they paid him and caused significant harm to his

clients listed herein when he failed to participate in getting disputes resolved concerning whether he had earned the fees that they had paid him.

5. Brown caused significant harm to the legal profession and particularly to the legal profession's self-regulation process.
6. The Hearing Panel has considered all lesser sanctions including: censure, reprimand and admonition, and finds that discipline less than suspension would not adequately protect the public from future misconduct by Brown for the following reasons:
 - a. the protection of the public requires that Brown not be permitted to return to the practice of law until he can demonstrate that he has the physical and mental capacity and the determination to place the interest of his clients above his own;
 - b. the protection of the public and the legal profession requires that Brown not be permitted to return to the practice of law until he can demonstrate respect for the legal profession's self-regulation process that will ensure prompt compliance with future requests for information from the State Bar; and
 - c. entry of an order imposing less serious discipline would fail to acknowledge the seriousness of the offenses Brown committed and would send the wrong message to lawyers and the public regarding the conduct expected of members of the Bar of this State;

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

ORDER OF DISCIPLINE

1. Defendant, William E. Brown, is hereby suspended from the practice of law in North Carolina for a period of three years.
2. In addition to the conditions set out in paragraph 5 on pages 11 and 12 of the July 19, 2010 Order of Discipline in 09 DHC 33, reinstatement of Brown's license to practice law in North Carolina is conditioned upon Brown proving by clear, cogent and convincing evidence that he has satisfied the following conditions:
 - (a) Brown must engage a psychiatrist acceptable to the Office of Counsel of the State Bar for a complete evaluation that will help determine whether Brown suffers from a mental, psychological, emotional, or other condition, an addiction, or any other circumstance, factor or characteristic that impairs his professional judgment, performance, or competence as an attorney. The evaluation shall be performed at Brown's sole expense.

- (b) Brown shall provide to the Office of Counsel and to the psychiatrist who conducts the evaluation required by paragraph 2(a) a written direction and authorization for the psychiatrist to prepare and provide to the Office of Counsel a written report describing the testing and evaluation conducted by the psychiatrist, describing the psychiatrist's conclusions, including any diagnoses or prognoses, and detailing all recommendations the psychiatrist makes for treatment, counseling, further evaluation, medication or any other remedial action.
- (c) Brown must comply with all recommendations the psychiatrist makes for treatment, counseling, medication, further evaluation or any other remedial action, all of which shall be at Brown's sole expense.
- (d) No sooner than six months and no later than 3 months prior to filing a petition for reinstatement, Brown shall provide to the Office of Counsel and to the psychiatrist a written direction and authorization for the psychiatrist to prepare and provide to the Office of Counsel a written report detailing:
 - (1) Brown's compliance with the recommendations for treatment, counseling, medication, further evaluation or any other remedial action;
 - (2) That Brown is not presently suffering from a mental or physical condition which significantly impairs his professional judgment, performance, or competence;
 - (3) That Brown has the physical and mental capacity and the determination to place the interest of his clients above his own; and
 - (4) That Brown has demonstrated respect for the legal profession's self-regulation process such that he can be expected to promptly comply with all future requests for information from the State Bar.
- (e) For all clients who have already filed fee dispute petitions or who file fee dispute petitions during any period of suspension imposed by this Order, Brown must resolve such fee disputes either through the State Bar's fee dispute resolution program or through independent mediation or arbitration, at his own expense.
- (f) During the period of suspension, Brown shall timely respond to every request for information made by the State Bar.
- (g) Prior to filing a petition for reinstatement, Brown must pay in full the administrative fees and costs assessed by the Secretary in this action and in 09DHC33.

3. When petitioning for reinstatement, Brown must verify in his petition that he has fulfilled each of the conditions listed above and the conditions contained in paragraph 5 on pages 11 and 12 of the July 19, 2010 Order of Discipline in 09 DHC 33. If Brown has not been able to locate any former client who had filed a fee dispute, he must detail in his petition for reinstatement all efforts he made to locate the client. Brown must attach to his petition for reinstatement a written release authorizing the psychiatrist he engaged pursuant to paragraphs 2 (a)-(d) above to speak to the Office of Counsel of the State Bar so that the State Bar may obtain information regarding Brown's compliance with the those provisions.

7th Signed by the Chair with the consent of the other members of the Hearing Panel this the
day of June 2013.



Fred M. Morelock, Chair
Hearing Panel