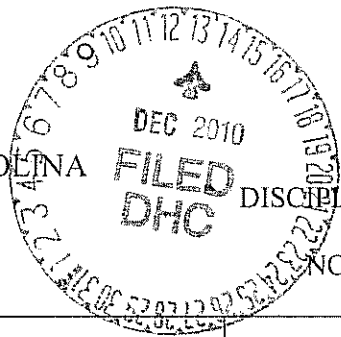


STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE  
 DISCIPLINARY HEARING COMMISSION  
 OF THE  
 NORTH CAROLINA STATE BAR  
 10 DHC 20

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

JEANNE PLOWDEN HALL, Attorney,

Defendant

CONSENT ORDER OF DISCIPLINE

This matter came before a hearing panel of the Disciplinary Hearing Commission composed of C. Colon Willoughby, Jr., Chair, Steven D. Michael and Karen B. Ray. Leonor Bailey Hodge represented Plaintiff. Defendant was represented by Dudley A. Witt and David Freedman. Defendant waives a formal hearing. The parties stipulate and agree to the findings of fact and conclusions of law recited in this consent order. The parties consent to the discipline imposed by this order. By consenting to entry of this order, Defendant knowingly, freely and voluntarily waives her right to appeal this consent order or to challenge in any way the sufficiency of the findings.

Based on the foregoing and on the consent of the parties, the Hearing Panel hereby makes by clear, cogent and convincing evidence the following:

#### FINDINGS OF FACT

1. Plaintiff, the North Carolina State Bar (hereinafter "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. Defendant, Jeanne Plowden Hall (hereinafter "Defendant"), was admitted to the North Carolina State Bar on July 31, 1986 and is, 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 times relevant herein, Defendant actively engaged in the practice of law in the State of North Carolina and maintained a law office in Brevard, Transylvania County, North Carolina.

4. In or about January 2007, Defendant represented Ray and Cheryl Ostrowski (“the Ostrowskis”) in defense of breach of contract claims brought against them by Cardinal Building Systems, LLC (“Cardinal Building”) in a lawsuit in Transylvania County entitled Cardinal Building Systems, LLC v. Ostrowski (hereinafter referred to as the “Lawsuit”).

5. Cardinal Building filed a complaint against the Ostrowskis on 6 February 2007. The complaint alleged that the Ostrowskis breached a residential construction contract. The complaint consisted of 28 paragraphs of averments to which the Ostrowskis were required to answer.

6. In response to the complaint filed by Cardinal Building, on 28 March 2007 Defendant filed on behalf of the Ostrowskis a 494 paragraph, 72 page document entitled Answer, Motions, Affirmative Defenses, Counterclaims, Third Party Complaints (hereinafter referred to as “the Ostrowski pleading”).

7. All of the tort claims presented in the Ostrowski pleading were frivolous and were signed, filed and interposed for improper reasons.

8. Defendant knowingly disregarded N. C. Rule of Civil Procedure 8 when she filed the Ostrowski pleading.

9. Much of the Ostrowski pleading was non-responsive to the Complaint and raised frivolous issues without basis in law and fact.

10. In the Ostrowski pleading, Defendant asserted the defense of express waiver claiming that the arbitration clause of the contract had been waived.

11. Defendant’s assertion of the defense of express waiver was frivolous.

12. In the Ostrowski pleading, Defendant purported to assert the defense of “unconscionable” which upon information and belief Defendant intended as an assertion that the building contract was an unconscionable contract.

13. Defendant’s assertion of the defense of “unconscionable” was frivolous.

14. Defendant asserted a “fraud” counterclaim against Cardinal Building claiming that Cardinal Building (i) “made false representations outside of contract, to Defendants [the Ostrowskis] as to necessary expertise, competency, resources and abilities to properly perform the construction services for this large investment by Defendants [the Ostrowskis] in this high-end ‘Al Platt’ home” and (ii) that these representations “were reasonably calculated to deceive Defendants [the Ostrowskis]” (“Fraud Counterclaim No. 2”).

15. Fraud Counterclaim No. 2 was dismissed by the arbitration panel pursuant to N.C. Rule of Civil Procedure 12(b)(6).

16. Defendant's assertion of Fraud Counterclaim No. 2 was without basis in fact and was frivolous.

17. In the Ostrowski pleading, Defendant asserted a "fraud" counterclaim alleging that Cardinal Building (i) "made false representations, outside of contract, to Defendants [the Ostrowskis] as to the proper construction of all particular tasks and phases of the project" and (ii) "intentionally provided such false information to Defendants [the Ostrowskis] and were reasonably calculated to deceive Defendants [the Ostrowskis]" ("Fraud Counterclaim No. 3").

18. Fraud Counterclaim No. 3 was dismissed by the arbitration panel pursuant to N.C. Rule of Civil Procedure 12(b)(6).

19. Defendant's assertion of Fraud Counterclaim No. 3 was without basis in fact and was frivolous.

20. In the Ostrowski pleading, Defendant asserted a "fraud" counterclaim alleging that Cardinal Building (i) "made false representations, outside of contract, to Defendants [the Ostrowskis] as to the fact that, after they stated that they would not complete the project in or around May of 2006, they would put in place all proper resources necessary to properly correct and construction [*sic*] the home and that they would so properly correct and construct" and (ii) "intentionally provided such false information to Defendants [the Ostrowskis] and were reasonably calculated to deceive Defendants [the Ostrowskis]" ("Fraud Counterclaim No. 4").

21. Fraud Counterclaim No. 4 was dismissed by the arbitration panel pursuant to N.C. Rule of Civil Procedure 12(b)(6).

22. Defendant's assertion of Fraud Counterclaim No. 4 was without basis in fact and was frivolous.

23. In the Ostrowski pleading, Defendant asserted a "fraud" counterclaim alleging that Cardinal Building "made false representations, outside of contract, to Defendants [the Ostrowskis] as to facts as to proper construction and other matters related to the completion of the project" and (ii) "intentionally provided such false information to Defendants [the Ostrowskis] and were reasonably calculated to deceive Defendants [the Ostrowskis]" ("Fraud Counterclaim No. 5").

24. Fraud Counterclaim No. 5 was dismissed by the arbitration panel pursuant to N.C. Rule of Civil Procedure 12(b)(6).

25. Defendant's assertion of Fraud Counterclaim No. 5 was without basis in fact and was frivolous.

26. In the Ostrowski pleading, Defendant asserted purported claims of gross negligence alleging that Cardinal Building “grossly breached these duties [of professional care] by grossly, recklessly and/or intentionally performing significantly deficient construction services as specifically stated herein and did so with gross, reckless and/or intentional disregard to Plaintiffs [*sic*] and their property.”

27. Defendant claimed that “these gross breaches of duties, were each proximate causes of significant damages to Defendants [the Ostrowskis] in an amount in excess of \$10,000 and entitle Defendants [the Ostrowskis] to punitive damages.”

28. The arbitration panel concluded that the allegations of gross negligence as pled did not support punitive damages and therefore treated the allegations of gross negligence as claims of simple negligence.

29. The evidence did not show that Cardinal Building was grossly negligent and the evidence did not support the imposition of punitive damages on a gross negligence theory.

30. Defendant’s claim for punitive damages on a theory of gross negligence was without basis in fact and was frivolous.

31. In the Ostrowski pleading, Defendant asserted a claim of slander of title by filing of statutory lien alleging in part that Cardinal Building maliciously served and filed a false claim of lien against the Ostrowski property.

32. When Defendant asserted this purported claim, Defendant knew that the evidence did not support a claim of slander of title by filing of statutory lien.

33. Defendant’s counterclaim of slander of title by filing of statutory lien was dismissed by the arbitration panel pursuant to N.C. Rule of Civil Procedure 12(b)(6).

34. Defendant’s assertion of the counterclaim of slander of title by filing of statutory lien was without basis in fact and was frivolous.

35. In the Ostrowski pleading, Defendant asserted a claim of abuse of process.

36. When Defendant asserted this purported claim, Defendant knew that the evidence did not support a claim of abuse of process.

37. Defendant’s counterclaim of abuse of process was dismissed by the arbitration panel pursuant to N.C. Rule of Civil Procedure 12(b)(6).

38. Defendant’s assertion of the counterclaim of abuse of process was without basis in fact and was frivolous.

39. On 10 April 2007, Cardinal Building responded to the Ostrowskis' counterclaims with a motion to dismiss pursuant to Rule 12 of the North Carolina Rules of Civil Procedure.

40. On 3 May 2007, Defendant filed on behalf of the Ostrowskis a Motion for Default pursuant to Rule 55 of the North Carolina Rules of Civil Procedure.

41. The 10 April 2007 motion to dismiss previously filed by Cardinal Building changed the time period for Cardinal Building to file its answer. Pursuant to N.C. Rule of Civil Procedure 12(a)(1), instead of having 30 days from service to file its answer to the counterclaims, Cardinal Building had 20 days from notice of the court's action on its motion to dismiss within which to file an answer.

42. At the time Defendant filed the Motion for Default, no action had yet been taken on Cardinal Building's motion to dismiss and hence the time for Cardinal Building to answer the counterclaims had not yet expired. Therefore, Cardinal Building had not yet failed to plead in response to the counterclaims as required for default judgment under Rule 55 of the North Carolina Rules of Civil Procedure.

43. Defendant's Motion for Default was frivolous and without basis in law and fact.

44. Defendant knowingly disregarded N. C. Rule of Civil Procedure 55 when she filed the Motion for Default on behalf of the Ostrowskis.

45. In or about May 2007, Defendant informed the court and opposing counsel of her need to restrict her court appearances for medical reasons.

46. After sending this initial communication, Defendant instructed her non-lawyer assistant to send to the court copies of letters from her medical providers in support of her efforts to have cases removed or withheld from the upcoming trial calendar. Defendant instructed her non-lawyer assistant to send these letters from medical providers without copying opposing counsel on the transmittal letter to the court.

47. Defendant also instructed her non-lawyer assistant to contact the trial court administrator on her behalf seeking to confirm that no hearings would be scheduled in the Lawsuit (as well as other pending matters in which Defendant represented a party).

48. Defendant's office had this email communication with the trial court administrator without copying opposing counsel on this communication and therefore without giving opposing counsel notice and opportunity to be heard on the issue of scheduling in the Lawsuit.

49. On 20 February 2007 Cardinal Building filed a motion for sanctions in arbitration alleging that Cardinal Building had been unfairly prejudiced by the Ostrowskis' failure to timely designate an arbitrator.

50. Cardinal Building's motion for sanctions in arbitration was denied.

51. On 21 May 2007, Cardinal Building filed a motion for sanctions against Defendant and her clients under N.C. Rule of Civil Procedure 11 alleging that Defendant frivolously filed a Motion for Default.

52. On 17 July 2007, Cardinal Building filed a motion for sanctions under N.C. Rule of Civil Procedure 11 alleging that Defendant frivolously filed a Motion for More Definitive Statement.

53. Counsel for Cardinal Building informed Defendant that he would have Cardinal Building's motions for sanctions heard at the close of arbitration.

54. On 18 December 2007, Cardinal Building filed an "Objection and Motion for Sanctions in Arbitration" with the arbitration panel.

55. Cardinal Building's Objection and Motion for Sanctions included a list of all of the events that provided the bases for the motions for sanctions that Cardinal Building had previously filed as well as those events that provided the bases for a motion for sanctions that Cardinal Building had yet to file. Although this pleading included the list of all of Defendant's conduct that Cardinal Building argued supported the imposition of sanctions, Cardinal Building limited its sanction request in the Objection and Motion for Sanctions to a request for sanctions for Defendant's failure to organize and index the Ostrowskis' arbitration hearing exhibits.

56. The arbitration panel denied Cardinal Building's Objection and Motion for Sanctions in Arbitration.

57. The arbitration panel also ruled on other requests for sanctions and attorneys' fees.

58. The arbitration panel denied all requests made to it for attorneys' fees and sanctions.

59. On 17 March 2008, Cardinal Building filed another motion for sanctions against both Defendant and the Ostrowskis pursuant to N.C. Rule of Civil Procedure 11 and N.C. Gen. Stat. § 1D-45 for: filing a frivolous pleading in response to the complaint, making unfounded and frivolous objections to arbitration and arbitrator, unfounded and frivolous purported joinder of third party defendants, unfounded and frivolous motion for entry of default, and unfounded and frivolous motion for more definitive statement.

60. Counsel for Cardinal Building requested hearing on its various motions for sanctions.

61. Defendant filed a brief in response to Cardinal Building's 17 March 2008 motion for sanctions.

62. In her brief, Defendant represented to the court that all of the issues raised by Cardinal Building in its motions for sanctions had “already been heard and adjudicated and denied.” Defendant made similar representations at a 31 March 2008 hearing before the Honorable J. Marlene Hyatt.

63. There was evidence to support Defendant’s statements that Cardinal Building’s motions for sanctions had already been heard and denied because the arbitrators considered the issues that were raised in Cardinal Building’s motions for sanctions when they considered Cardinal Building’s Objection and Motion for Sanctions in Arbitration.

64. At the 31 March 2008 hearing on Cardinal Building’s motions for sanctions, Defendant bombarded the court with documents and arguments that did not address the issue of which requests for sanctions had already been heard and denied by the arbitration panel. Defendant failed to direct the court to that evidence that showed that requests for attorneys’ fees and sanctions had been previously heard and denied by the arbitration panel.

65. Defendant failed to provide the court with the evidence that showed that requests for attorneys’ fees and sanctions had been previously heard and denied by the arbitration panel though this evidence existed and was known to Defendant at the time of the hearing before Judge Hyatt.

#### CONCLUSIONS OF LAW

1. All parties are properly before the Hearing Panel and the Panel has jurisdiction over Defendant, Jeanne Plowden Hall, and over the subject matter.

2. Defendant’s conduct, as set forth in the Findings of Fact above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-24(b)(2) in that Defendant violated the Rules of Professional Conduct as follows:

- a. By representing to the court that certain motions for sanctions had already been “heard and adjudicated and denied” without providing the court with any basis upon which to conclude that this statement was true and instead bombarding the court with documents and arguments that did not address this issue, Defendant engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d);
- b. By filing the Ostrowski pleading and by filing the 3 May 2007 Motion for Default, Defendant knowingly disobeyed an obligation under the rules of the tribunal in violation of Rule 3.4(c) and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d);

- c. By asserting defenses and counterclaims without basis in fact and by filing a Motion for Default, Defendant brought a proceeding and asserted and controverted an issue therein that was frivolous and without a basis in law and fact in violation of Rule 3.1; and
- d. By instructing her non-lawyer assistant to have written communication with the court without simultaneously providing a copy to opposing counsel and by causing the trial court administrator to be contacted on her behalf without copying opposing counsel, Defendant communicated *ex parte* with a judge or other official in violation of Rule 3.5(a)(3), was responsible for the conduct of her non-lawyer assistant in violation of Rule 5.3(c), and failed to make reasonable efforts to ensure that her non-lawyer assistant's conduct was compatible with Defendant's professional obligations in violation of Rule 5.3(b).

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

#### FINDINGS OF FACT REGARDING DISCIPLINE

1. Defendant's clients' legal fees were needlessly increased by Defendant's misconduct.
2. The length of time required to litigate the Lawsuit was needlessly extended by Defendant's misconduct.
3. Defendant's misconduct resulted in court resources being diverted away from hearing the disputes of the parties and those of parties to other litigation matters so that the issue of whether Defendant should be sanctioned could be heard.
4. Judge Hyatt entered an order against Defendant and her clients and awarded Cardinal Building \$30,000 in sanctions.
5. The Ostrowskis sold the house that was the subject of the Lawsuit. The closing lawyer maintained in escrow a portion of the sales proceeds from the sale of the Ostrowskis' house for use to satisfy the sanction award in order to protect the buyers of the house from any potential claim that the sanction award constituted a lien on the house. The closing lawyer paid the \$30,000 sanction award from the funds he held in escrow for the Ostrowskis.
6. Defendant did not reimburse the Ostrowskis for their payment of the sanction award though she states that discounts that she gave the Ostrowskis on their legal fees were given to offset their payment of sanctions.



7. At the conclusion of the Lawsuit, the Ostrowskis' faith in the legal system was greatly diminished as a result of Defendant's misconduct.

8. Defendant's primary care physician diagnosed Defendant with post traumatic stress disorder in May 2007. It is unclear whether Defendant still suffers from this disorder.

9. Defendant has no prior discipline.

10. Defendant cooperated with the State Bar during its investigation and prosecution of this case.

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

#### CONCLUSIONS REGARDING DISCIPLINE

1. The Hearing Panel has carefully considered all of the different forms of discipline available to it, including admonition, reprimand, censure and suspension. In addition, the Hearing Panel has considered all of the factors contained in 27 N.C.A.C. 1B § .0114(w)(1) of the Rules and Regulations of the State Bar and finds that the following factors warrant suspension of Defendant's license:

- a. negative impact of the defendant's actions on clients' and public's perception of the profession;
- b. impairment of the client's ability to achieve the goals of the representation;
- c. negative impact of the defendant's actions on the administration of justice; and
- d. effect of defendant's conduct on third parties.

2. The Hearing Panel has also considered all of the factors enumerated in 27 N.C.A.C. 1B § .0114(w)(2) of the Rules and Regulations of the North Carolina State Bar and concludes no factors are present in this instance that would warrant disbarment.

3. The Hearing Panel has also considered all of the factors enumerated in 27 N.C.A.C. 1B § .0114(w)(3) of the Rules and Regulations of the North Carolina State Bar and concludes the following factors are applicable in this matter:

- a. pattern of misconduct;

- b. multiple offenses;
- c. experience in the practice of law;
- d. the absence of prior disciplinary offenses; and
- e. full and free disclosure to the Hearing Panel and cooperative attitude toward the proceedings.

4. Defendant's conduct caused harm to her clients by needlessly increasing the length and cost of her clients' defense of the Lawsuit.

5. Defendant's conduct caused harm to her clients because it provided a basis for sanctions to be imposed against Defendant and her clients, which sanctions were paid by her clients.

6. Defendant's conduct caused significant harm to the legal profession in that her actions bring the legal profession into disrepute.

7. The Hearing Panel has considered lesser alternatives and finds that a censure, reprimand or admonition would be insufficient discipline because of the negative effect of Defendant's misconduct on the administration of justice, the harm to Defendant's clients and the potential harm to the legal profession caused by Defendant's conduct.

8. The Hearing Panel finds that discipline short of suspension would not adequately protect the public for the following reasons:

- a. Defendant's conduct caused significant harm to the administration of justice by diverting court resources away from hearing her clients' matter and other litigants' matters so that the issue of whether Defendant should be sanctioned could be considered; and
- b. Entry of an order imposing less severe discipline would fail to acknowledge the seriousness of the misconduct and would send the wrong message to attorneys and the public about the conduct expected of members of the Bar of this State.

9. The Hearing Panel finds and concludes that the public will be adequately protected by suspension of Defendant's law license, stayed with conditions imposed upon Defendant designed to ensure protection of the public and Defendant's continued compliance with the Rules of Professional Conduct.

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

#### ORDER OF DISCIPLINE

1. The law license of Defendant, Jeanne Plowden Hall, is hereby suspended for two (2) years effective from the date this Order of Discipline is served upon her. The period of suspension is stayed for two (2) years as long as Defendant complies and continues to comply with the following conditions:
  - a. Within forty-five (45) days of the date that this order is served upon her, Defendant shall obtain a complete psychological examination by a licensed psychologist or psychiatrist approved by the Office of Counsel of the State Bar. Defendant shall be solely responsible for the cost of this psychological examination. Before undertaking this psychological examination, Defendant shall first submit the name and credentials of this proposed medical provider to the Office of Counsel for approval, which approval shall not be unreasonably withheld.
  - b. Defendant shall direct the medical provider who performs the psychological examination to provide to the Office of Counsel a report summarizing the results of his or her psychological examination of Defendant. This report shall include the diagnosis, prognosis, treatment recommendations and treatment plan for Defendant. The report of Defendant's psychological examination shall be provided to the Office of Counsel within thirty (30) days of completion of Defendant's psychological examination. Defendant shall be solely responsible for all costs associated with preparing this report.
  - c. Defendant shall comply with all treatment recommendations and any treatment plan made by the medical provider who performs Defendant's psychological examination.
  - d. Defendant shall direct her treating mental health care providers to provide quarterly reports to the Office of Counsel describing in detail Defendant's current treatment regimen, compliance with treatment recommendations, and prognosis and treatment plan for the next three months. The first such report shall be submitted to the Office of Counsel ninety (90) days from the date that the report summarizing the results of Defendant's psychological examination is provided to the Office of Counsel. Defendant's mental health care providers shall submit subsequent reports on the first day of the first month of each quarter thereafter (January, April, July and October). Defendant shall be solely responsible for all costs associated with the treatment and preparation of the reports.

- e. Defendant shall provide the Office of Counsel with releases authorizing and instructing psychological and mental health care providers to provide the Office of Counsel all medical records relating to her evaluation, prognosis, care or treatment, including psychological and mental health evaluations, and authorizing and instructing such providers to submit to interviews by the Office of Counsel.
  
- f. Defendant shall arrange for an active member of the North Carolina State Bar who practices law in Transylvania County and who has been approved by the Office of Counsel to serve as her law practice monitor. Defendant shall submit the name of the proposed practice monitor to the Office of Counsel within fifteen (15) days of service of this order upon her. Defendant's failure to provide the name of a proposed practice monitor to the Office of Counsel will not excuse any failure to meet monthly with an approved practice monitor as required by this order. Nor will Defendant's failure to provide the name of a proposed practice monitor excuse an approved practice monitor's failure to provide written quarterly reports to the Office of Counsel. The selected practice monitor must indicate in writing his or her agreement to serve. The selected practice monitor must meet with Defendant monthly to review Defendant's cases. The first such meeting between Defendant and the practice monitor must be held within fifteen (15) days of the date that Defendant submits the name of the proposed practice monitor to the Office of Counsel. The practice monitor must review all pleadings before they are filed by Defendant to ensure that they comply with the Rules of Professional Conduct, the North Carolina Rules of Civil Procedure and the North Carolina General Rules of Practice. The practice monitor will submit to the Office of Counsel written quarterly reports summarizing his or her supervision of Defendant. These reports shall be provided to the Office of Counsel on January 30, April 30, July 30 and October 30. Monitoring of Defendant's law practice as provided herein shall continue for the duration of any stay of Defendant's suspension. Defendant shall be solely responsible for any cost assessed by the practice monitor for his or her monitoring of Defendant's law practice. Defendant must supply the Office of Counsel with a letter from the practice monitor confirming his or her willingness to serve as practice monitor and to perform the duties outlined in this order. Defendant must provide this confirmation within sixty (60) days of service of this Order on Defendant.
  
- g. Defendant shall meet at least once monthly with her practice monitor, to whom she shall report the status of all current client matters and provide copies of any pleadings filed on behalf of current clients. Defendant shall provide any information the practice monitor deems

reasonably necessary to ensure that Defendant is handling all client matters in accord with the requirements of the Rules of Professional Conduct, the North Carolina Rules of Civil Procedure and the North Carolina General Rules of Practice.

- h. Defendant shall ensure that the practice monitor sends to the Office of Counsel a written report each quarter as described above.
- i. Should the need arise to find a replacement practice monitor during the stay of Defendant's suspension, Defendant shall promptly provide to the Office of Counsel the name of a proposed alternative practice monitor. Defendant's failure to promptly provide the Office of Counsel the name of an alternative practice monitor will not excuse any failure to meet monthly with an approved practice monitor and will not excuse failure of an approved practice monitor to provide quarterly reports to the Office of Counsel.
- j. Defendant shall pay the Ostrowskis \$15,000.00 as reimbursement for 50% of the \$30,000.00 sanctions paid by the Ostrowskis. Defendant shall make this payment in twenty-four (24) monthly installments of \$625.00 each. Defendant shall make each payment to the Ostrowskis on the first (1<sup>st</sup>) day of each month beginning with the first (1<sup>st</sup>) day of the month that next follows the month that this order is served on Defendant.
- k. Defendant shall keep the North Carolina State Bar Membership Department advised of her current business and home addresses and notify the Bar of any change in address within ten (10) days of such change. Her current business address must be a street address, not a P.O. box or drawer.
- l. Defendant shall respond to all communications from the North Carolina State Bar, including communications from the Attorney Client Assistance Program, within thirty (30) days of receipt or by the deadline stated in the communication, whichever is sooner, and shall participate in good faith in the State Bar's fee dispute resolution process for any petition of which she receives notice after the effective date of this order.
- m. Defendant shall timely comply with all State Bar membership and Continuing Legal Education requirements.
- n. Defendant shall not violate the Rules of Professional Conduct or the laws of the United States or of any state or local government during his suspension.

- o. Defendant shall pay all administrative fees and costs assessed against her in this disciplinary proceeding within thirty (30) days of service of this order upon her.

2. If Defendant fails to comply with any of the conditions of the stayed suspension provided in paragraph 1(a) – (o) above, the stay of the suspension may be lifted as provided in § .0114(x) of the North Carolina State Bar Discipline and Disability Rules.

3. If the stay granted herein is lifted or the suspension of Defendant's license is activated for any reason, before seeking reinstatement of her license to practice law, Defendant must show by clear, cogent and convincing evidence that she has complied with each of the following conditions:

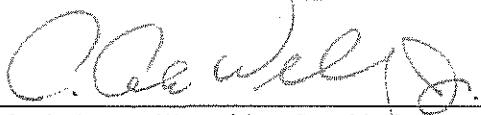
- a. Defendant submitted her license and membership card to the Secretary of the North Carolina State Bar within thirty (30) days after the date of the order lifting the stay and/or activating the suspension of his law license;
- b. Defendant complied with all provisions of 27 N.C.A.C. 1B § .0124 of the State Bar Discipline and Disability Rules following the order lifting the stay and/or activating the suspension of her law license;
- c. That Defendant timely paid all administrative fees and costs assessed against her in this proceeding;
- d. That at the time of the petition Defendant is not suffering from any disability that would impair her ability to practice law;
- e. Defendant has provided the Office of Counsel with releases authorizing and instructing her psychological and mental health care providers to provide the Office of Counsel all medical records relating to her evaluation, prognosis, care or treatment, including psychological and mental health evaluations, and authorizing and instructing such providers to submit to interviews by the Office of Counsel;
- f. Defendant has paid the Ostrowskis \$15,000.00 as partial reimbursement for their payment of the \$30,000.00 sanction award.
- g. Defendant has kept the North Carolina State Bar Membership Department advised of her current business and home street addresses (not P.O. box or drawer addresses) and notified the

Bar of any change in address within ten (10) days of such change;


- h. Defendant has responded to all communications from the North Carolina State Bar, including communications from the Attorney Client Assistance Program, within thirty (30) days of receipt or by the deadline stated in the communication, whichever is sooner, and has participated in good faith in the State Bar's fee dispute resolution process for any petition of which she receives notice after the effective date of this Order;
- i. That at the time of her petition for stay, Defendant is current in payment of all Membership dues, fees and costs, including all Client Security Fund assessments and other charges or surcharges the State Bar is authorized to collect from her, and including all judicial district dues, fees and assessments;
- j. That at the time of her petition for stay, there is no deficit in Defendant's completion of mandatory Continuing Legal Education (CLE) hours, in reporting of such hours or in payment of any fees associated with attendance at CLE programs;
- k. Defendant has not violated the Rules of Professional Conduct or the laws of the United States or of any state or local government during her suspension; and
- l. Defendant has paid the fees and costs of this proceeding as reflected on the statement of costs served upon her by the Secretary of the State Bar.


4. Defendant is taxed with the administrative fees and costs of this action as assessed by the Secretary which Defendant pay within thirty (30) days of service of the notice of costs upon the Defendant.

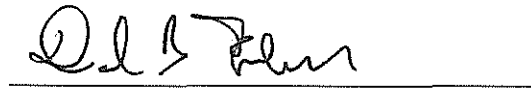
Signed by the undersigned Chair with the full knowledge and consent of the other members of the Hearing Panel, this is the 10 day of December, 2010.

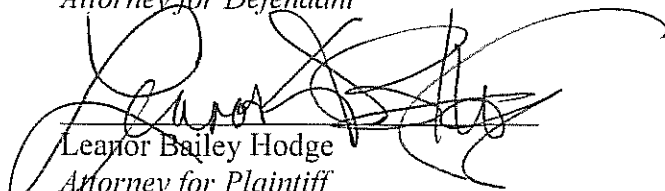
  
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C. Colon Willoughby, Jr., Chair  
Hearing Panel

CONSENTED TO BY:

  
\_\_\_\_\_  
Jeanne Plowden Hall  
*Defendant*

  
\_\_\_\_\_  
Dudley A. Witt  
*Attorney for Defendant*

  
\_\_\_\_\_  
David Freedman  
*Attorney for Defendant*

  
\_\_\_\_\_  
Leannor Bailey Hodge  
*Attorney for Plaintiff*