09CV024462

WAKE COUNTY

NORTH CAROLINA

IN THE GENERAL COURTS OF JUSTICE
SUPERIOR COURT DIVISION
09 CVS

THE NORTH CAROLINA STATE BAR, PETITIONER,	)	
v.	)	**CONSENT ORDER OF PRELIMINARY INJUNCTION**
TONYA L. FORD, ATTORNEY, RESPONDENT.	)	

THIS MATTER came on to be heard and was heard by the undersigned Judge of Superior Court of Wake County on motion of Petitioner, the North Carolina State Bar. Petitioner was represented by Katherine E. Jean and Leanor Bailey Hodge. Respondent, Tonya L. Ford, was not represented by counsel. Based upon the consent of the parties, the Court makes the following:

FINDINGS OF FACT

1. Respondent, Tonya L. Ford ("Ford"), was licensed to practice law in North Carolina on August 21, 1999.

2. As of the date of this petition, Ford's last known address of record on file with the North Carolina State Bar is Capital City Building, Raleigh, North Carolina 27601.

3. The State Bar's preliminary investigation indicates that Ford has mishandled funds that were delivered to her in trust for the benefit of a client.

4. Ford desires to cooperate with the State Bar.

5. A need for prompt action exists to ensure that entrusted funds are not mishandled in the future.

Based upon the foregoing Findings of Fact, the Court makes the following

CONCLUSIONS OF LAW

1. Prompt action, pursuant to N.C. Gen. Stat. 84-28(f), is necessary to preserve the status quo while the State Bar conducts an analysis of Ford's trust and operating accounts and to ensure that further client funds are not mishandled.

2. Ford should be enjoined from accepting any further funds from or on behalf of clients or other individuals in a fiduciary capacity, from writing checks against any account in which client or fiduciary funds have been deposited, and from directing or permitting any employee or agent to draw a check on any account in which client or fiduciary funds have been deposited, unless expressly authorized by this Court.

3. To assist the State Bar's analysis of her trust and operating accounts, Ford should provide the State Bar with records of all accounts in which client or fiduciary funds have been deposited.

THEREFORE, IT IS HEREBY ORDERED:

1. Tonya L. Ford is enjoined from accepting or receiving any funds from clients or third parties in a fiduciary capacity, from withdrawing any funds from and/or drawing any checks or other instruments against any account in which client or fiduciary funds have been deposited, and from directing or permitting any employee or agent to withdraw funds from and/or to draw any checks or other instruments against any account in which client or fiduciary funds have been deposited, until and unless expressly permitted to do so by subsequent orders of this Court.

2. Ford or any other person having custody or control of records relating to any account into which client or fiduciary funds have been deposited shall immediately produce to the North Carolina State Bar for inspection and copying all of Ford's financial records relating to any account into which client or fiduciary funds have been deposited, including, but not limited to bank statements, canceled checks, deposit slips, client ledgers, check stubs, debit memos and any other records relating to the receipt and disbursement of client and/or fiduciary funds.

3. Ford or any other person having custody or control over records relating to persons or entities for which she has provided legal services shall produce to the North Carolina State Bar for inspection and copying all records and documents relating to each such person or entity including but not limited to client files, billing statements, memoranda and receipts. Documents relating to current clients shall be produced within 24 hours of demand by the State Bar. Documents relating to closed client files shall be produced within 3 days of demand by the State Bar.

4. If Ford does not have possession of the minimum records required to be maintained regarding trust and fiduciary funds pursuant to Rule 1.15-3 of the Rules of Professional Conduct, she shall direct the bank(s) where her bank account(s) are maintained, within 10 days of the date of this order, to copy and transmit any such missing records directly to the North Carolina State Bar at Ford's expense.

5. Ford shall not serve in any fiduciary capacity, including trustee, escrow agent, personal representative, executor or attorney-in-fact, until and unless she is permitted to do so by further order of this Court.

6. This Consent Order of Preliminary Injunction shall remain in effect until further order of this Court.

THIS the 7 day of December, 2009.

Donald W Stephens

Superior Court Judge Presiding

WE CONSENT:

Katherine E. Jean
Leanor Bailey Hodge
Attorney for Petitioner
The North Carolina State Bar

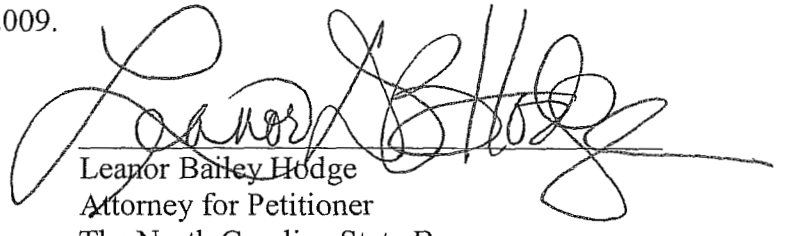
Tonya L. Ford

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Consent Order of Preliminary Injunction was served upon Respondent by sending it first class mail to the address below:

Tonya L. Ford, Attorney
16 West Martin Street, Suite 604
Raleigh, NC 27601

This the 8th day of December, 2009.



Leanor Bailey Hodge
Attorney for Petitioner
The North Carolina State Bar