WAKE COUNTY NORTH CAROLINA

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THIS ASSESSMENT	SUPERIOR COURT DIVISION
WAKE COUN	TYFile3No.

By annual and a second a second and a second a second and		
THE NORTH CAROLINA STATE BAR, PETITIONER,)	
v.) CONSENT ORDER OF	
ROBERT W. ADAMS RESPONDENT.) PRELIMINARY INJUNCTION)	

THIS MATTER came on to be heard and was heard by the undersigned Judge of the Superior Court of Wake County on motion of Petitioner, the North Carolina State Bar. Petitioner was represented by Deputy Counsel G. Patrick Murphy. Respondent Robert W. Adams was not represented. Based upon the consent of the parties, the Court makes the following:

FINDINGS OF FACT

- 1. Respondent, Robert W. Adams ("Adams"), was licensed to practice law in North Carolina on August 12, 1972 and is engaged in the private practice of law.
 - 2. Adams' business address is 346 Third Avenue NW, Hickory, N.C. 28601
- 3. The State Bar has received notification from the Bank of Granite that an insufficient funds transaction in the amount of \$1,458.98 occurred in Adams' trust account on or about May 24, 2012. Adams advised the State Bar that the NSF notice was caused by a mistaken debit made by Alltel against Adams' trust account and that Adams would provide proof of this alleged erroneous debit but, as of August 14, 2012, Adams had not done so. Adams has advised the State Bar that he repeatedly requested Alltel to give him a letter of apology as soon as he received notice of the NSF. At this point, the State Bar cannot be certain entrusted funds held by Adams were not used in an unauthorized manner and needs to conduct an analysis of Adams' trust account with the Bank of Granite.
 - 4. Adams has advised the State Bar he desires to cooperate with the State Bar.
- 5. A need for prompt action exists to preserve the status quo while the State Bar conducts an analysis of Adams' trust account(s).

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

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 Adams' trust account(s).

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- 2. Adams should be enjoined from accepting or receiving any funds from clients or third parties in any 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 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 permitted by subsequent orders of this court.
- 3. Adams should not be permitted to serve in any fiduciary capacity, including trustee, escrow agent, personal representative, executor or attorney-in-fact, unless and until permitted to do so by further order of this court.
- 4. To assist the State Bar's analysis of the trust, operating, payroll and personal bank accounts, Adams shall provide the State Bar with records of all accounts in which client or fiduciary funds have been deposited or sign appropriate authorizations so that the State Bar can obtain, at Adams' expense, any necessary missing records from the bank(s) where those accounts are maintained.

THEREFORE, IT IS HEREBY ORDERED:

- 1. Robert W. Adams is enjoined from accepting or receiving any funds from clients or third parties in any 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 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, unless and until permitted by subsequent orders of this court.
- 2. Robert W. Adams 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 Robert W. Adams' 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 ledger cards, check stubs, deposited items and debit memos and any other records relating to the receipt and disbursement of client and/or fiduciary funds.
- 3. Robert W. Adams or any other person having custody or control over records relating to individuals or entities who have been provided legal services by Adams shall produce to the North Carolina State Bar for inspection and copying all records and documents relating to such clients and former clients, including but not limited to client files, billing statements, ledgers, settlement statements, canceled checks, releases, memoranda and receipts. Current client files shall be produced within 24 hours of

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demand by the State Bar and closed client files shall be produced within 3 days of demand by the State Bar.

- 4. If Adams does not have possession of the minimum records required to be maintained regarding trust and fiduciary funds pursuant to Rules 1.15-2 and 1.15-3 of the Rules of Professional Conduct, he shall direct the bank(s) where the bank account(s) are maintained, within 5 days of the date of this order, to copy and transmit any such missing records directly to the North Carolina State Bar or sign appropriate authorizations so that the State Bar can obtain any such necessary missing records from the bank(s). Adams shall be responsible for all costs of obtaining any necessary missing records from the bank(s).
- 5. Adams shall not serve in any fiduciary capacity, including trustee, escrow agent, personal representative, executor or attorney-in-fact, unless and until he is permitted to do so by further order of this court.
- 6. This Consent Order of Preliminary Injunction shall remain in effect until further orders of this court.

THIS the 23 day of Augus T

, 2012.

Wake County Superior Court Judge

WE CONSENT

Robert W. Adams Attorney at Law

Respondent

G. Patrick Murphy

Deputy Counsel, NCSB

Attorney for Petitioner