WAKE COUNTY	THE GENERAL COURTS OF JUSTICE SUPERIOR COURT DIVISION
NORTH CAROLINA	08 CVS
THE NORTH CAROLINA STATE PETITIONER,	BAR,)
ν.) CONSENT ORDER OF) PRELIMINARY INJUNCTION
THOMAS D. BROWN, ATTORNE RESPONDENT.	Y,)

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. Respondent Thomas D. Brown was represented by Prosser D. Carnegie. Based upon the consent of the parties, the Court makes the following:

FINDINGS OF FACT

- 1. Respondent, Thomas D. Brown ("Brown"), was licensed to practice law in North Carolina on March 23, 1985.
- 2. As of the date of this petition, Brown's last known address of record on file with the North Carolina State Bar is 301 S. McDowell Street, Suite 1012, Charlotte, North Carolina 28204.
- 3. On or about February 29, 2008, evidence was discovered indicating that funds held in trust by Brown were mishandled by Brown.
 - 4. Brown desires to cooperate with the State Bar.
- 6. A need for prompt action exists to ensure that further entrusted funds are not mishandled.

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 Brown's trust and operating accounts and to ensure that no entrusted funds are mishandled.
- 2. Brown 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 any employee or agent to draw a check on any account in which client or fiduciary funds have been deposited except as may be specifically authorized by order of this court.
- 3. To assist the State Bar's analysis of his trust and operating accounts, Brown 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. Thomas D. Brown 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 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 the Court.
- 2. Thomas D. Brown 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 Brown'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 ledger cards, check stubs, debit memos and any other records relating to the receipt and disbursement of client and/or fiduciary funds.
- 3. Thomas D. Brown or any other person having custody or control over records relating to persons or entities for whom he 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 Brown 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 Revised Rules of Professional Conduct, he shall direct the bank(s) where his 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 Brown's expense.
- 5. This Consent Order of Preliminary Injunction shall remain in effect until further orders of this Court.

THIS the 5 day of March, 2008.

Superior Court Judge Presiding

WE CONSENT

Thomas D. Brown Respondent

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Prosser D. Carnegie Counsel for Respondent

Katherine E. Jean Attorney for Petitioner

The North Carolina State Bar