FILED

2013 JUN 28 AM 10: 18

WAKE CO., C.S.C.

STATE OF NORTH CAROLINA WAKE COUNTY BY	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION FILE NO.: 13 CVS
THE NORTH CAROLINA STATE BAR, Petitioner v. V. LAMAR GUDGER, III, Attorney, Respondent	CONSENT ORDER OF PRELIMINARY INJUNCTION

THIS MATTER came on for consideration by the undersigned Judge of the Superior Court of Wake County on motion of Petitioner, the North Carolina State Bar. Petitioner was represented by Leanor Bailey Hodge. Respondent, V. Lamar Gudger, III represented himself. Based upon the consent of the parties, the Court makes the following:

FINDINGS OF FACT

1. Respondent, V. Lamar Gudger, III ("Gudger"), was licensed to practice law in North Carolina in 1986.

2. Gudger practices law in Asheville, North Carolina. The North Carolina State Bar's ("State Bar") membership database shows the following address for Gudger: P.O. Box 336, Asheville, NC 28801.

3. The State Bar's preliminary investigation indicates that Gudger has mishandled funds that were delivered to him in trust for the benefit of clients.

4. Gudger desires to cooperate with the State Bar.

5. A need for prompt action exists to ensure that additional funds entrusted to Gudger are not mishandled.

BASED UPON THE FOREGOING FINDINGS, 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 continues its analysis of Gudger's trust account(s) and to ensure that no further client funds are mishandled.

2. Gudger 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

or withdrawing funds from any account in which client or fiduciary funds have been deposited, and from directing any employee or agent over whom Gudger exercises control to withdraw funds from and/or draw a check on any account in which client or fiduciary funds have been deposited, except as expressly authorized by this Court pursuant to further order from this Court.

3. To assist the State Bar's analysis of his trust account, Gudger should provide the State Bar with records of all accounts in which client or fiduciary funds have been deposited and with all client files requested by the State Bar as set forth below.

4. To assist the State Bar's analysis of his trust account, Gudger should provide the State Bar with the reconciliation reports required to be prepared and maintained pursuant to Rule 1.15-3(d) of the Rules of Professional Conduct.

5. Gudger should be prohibited from serving as a trustee, attorney-in-fact, executor, personal representative or in any other fiduciary capacity.

THEREFORE, IT IS HEREBY ORDERED:

1. V. Lamar Gudger, III 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 over whom Gudger exercises control to withdraw funds from and/or to draw any checks on or otherwise disburse or withdraw funds from 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. Gudger, 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 State Bar at its offices in Raleigh, North Carolina for inspection and copying all of Gudger'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, identification of deposited items, credit card payment receipts, 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, as requested by the State Bar.

3. Gudger, or any other person having custody or control over records relating to individuals for whom Gudger has provided legal services, shall produce to the State Bar at its offices in Raleigh, North Carolina for inspection and copying all records and documents including but not limited to, client files, billing statements, memoranda and receipts. Current client files shall be produced within 24 hours of demand by the State Bar and closed client files shall be produced within 3 days of demand by the State Bar.

4. If Gudger 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, he shall immediately direct the bank(s) where his trust account(s) are maintained, to copy and transmit within 10 days of the date of this order any such missing records directly to the State Bar at its offices in Raleigh, North Carolina, at Gudger's expense.

5. Gudger shall immediately produce to the State Bar at its offices in Raleigh, North Carolina the monthly and quarterly reconciliation reports for any and all trust accounts that he is required to produce and maintain pursuant to Rule 1.15-3(d) of the Rules of Professional Conduct. If Gudger has not prepared such reports as required, Gudger is hereby ordered to conduct the monthly and quarterly reconciliations required by Rule 1.15-3(d) of the Rules of Professional Conduct for the time period required under the Rules of Professional Conduct, or a lesser period if so specified by the State Bar, and produce the reports to the State Bar within two weeks of the date of this order or by the deadline set by the State Bar, whichever is later.

6. Gudger is hereby enjoined from serving as an attorney-in-fact, trustee, executor, personal representative or in any other fiduciary capacity.

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

This the 28th day of June, 2013.

Howard E.
Wake County Superior Court Judge
Presiding

WE CONSENT:

V. Lamar Gudger, III
Respondent

Leanor Bailey Hodge
Attorney for Petitioner
The North Carolina State Bar