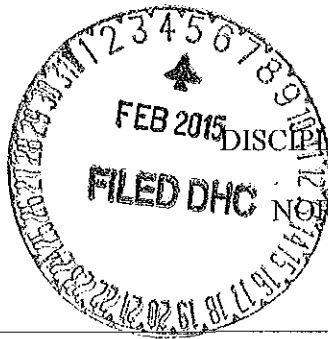


NORTH CAROLINA
WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
14 BSR 4 & 08 DHC 8

IN THE MATTER OF)
)
Petition for Reinstatement of) ORDER OF
ROBERT BROWN, Jr., Attorney) REINSTATEMENT
)
)

THIS MATTER was heard on January 30, 2015 by a Panel of the Disciplinary Hearing Commission upon Petitioner Robert Brown, Jr.'s July 29, 2014 Petition for Reinstatement filed pursuant to 27 N.C.A.C. 1B §.0125 and the terms of the Order of Discipline in 08 DHC 8. Petitioner was represented by Karen Bethea-Shields. The North Carolina State Bar was represented by Margaret T. Cloutier. The Panel consisted of Chair Walter E. Brock, Jr., and members Joshua W. Willey, Jr., and Patti Head. Based upon the record and the evidence presented, the Panel makes the following:

FINDINGS OF FACT

1. On February 9, 2009 an Order of Discipline was entered suspending Petitioner Robert Brown, Jr. from the practice of law for five years effective thirty days from the date the order was entered. The effective date of the Order of Discipline was March 11, 2009.
2. The Order of Discipline provided that Brown could apply for a stay of any remaining period of suspension after serving three years of the active suspension and upon compliance with conditions stated in the Order. Brown did not apply for a stay of the suspension.
3. Brown filed a Petition for Reinstatement on July 29, 2014. The North Carolina State Bar filed an Objection to Petition for Reinstatement on August 26, 2014. A hearing before the Disciplinary Hearing Commission (DHC) was scheduled pursuant to the provisions of 27 N.C.A.C. 1B §.0125(b)(7).
4. To be eligible for reinstatement, Brown had the burden of establishing by clear, cogent and convincing evidence that he complied with the following conditions set forth in the Order of Discipline:
 - (a) That Brown submitted to comprehensive psychiatric evaluations by two separate psychiatrists selected by or acceptable to the North Carolina State Bar: (1) a board certified psychiatrist and (2) a psychiatrist who specializes in treating sexual offenders in the professions.

That both psychiatrists have certified under oath, based on a comprehensive evaluation of Brown, that in their professional opinion he does not suffer from any condition creating a predisposition for inappropriate sexual behavior.

That Brown must attach to his reinstatement petition the sworn certifications from the two evaluation psychiatrists. Brown also must attach to his reinstatement petition releases or authorizations instructing the evaluating psychiatrists to discuss their evaluations of him and to release any corresponding records to the State Bar Office of Counsel;

- (b) That Brown has complied with all of the requirements of Discipline Rule .0124;
- (c) That Brown has complied with all of the requirements of Discipline Rule .0125(b);
- (d) That Brown has paid all costs assessed by the Secretary in connection with this proceeding, including deposition costs, within thirty (30) days of service of these costs upon him by the Secretary;
- (e) That Brown has responded to all communications from the North Carolina State Bar by the deadline stated in the communication;
- (f) That Brown has not violated any federal or state laws during the term of the suspension; and
- (g) That Brown has not violated any provisions of the Revised Rules of Professional Conduct of the North Carolina State Bar during the term of suspension.

5. Brown has complied with the conditions 4(a) through (g) as set out above.

6. Brown has also complied with the requirements under Section .0125(b)(3) that apply to his situation.

Based on the foregoing Findings of Fact, the Hearing Panel makes the following

CONCLUSIONS OF LAW

1. All parties are properly before the Disciplinary Hearing Commission and the Disciplinary Hearing Commission has jurisdiction over Petitioner, Robert Brown, Jr., and the subject matter of this proceeding.

2. Brown has satisfied the requirements for reinstatement set out in the Order of Discipline and should be allowed to resume the practice of law, subject to conditions designed to protect the public.

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

ORDER

1. Robert Brown, Jr.'s Petition for Reinstatement is ALLOWED, and he shall be permitted to resume practicing law subject to the following conditions:

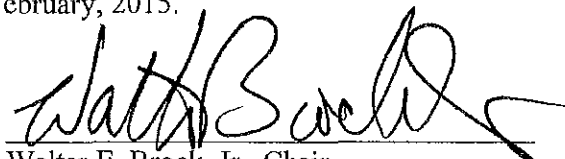
- (a) Brown shall continue with psychotherapy for a minimum of one year, at such frequency as may be recommended by his therapist. Brown shall ensure that his treating therapist provides written reports quarterly to the State Bar Office of Counsel stating that Brown has attended such sessions as recommended by his therapist and that he is fully compliant with all therapy. The reports shall be due April 10, 2015, July 10, 2015, October 10, 2015 and January 10, 2016. All expenses of such treatment and reports shall be borne by Brown;
- (b) Brown shall execute written waivers and releases authorizing the Office of Counsel to confer with Brown's treating therapist for the purpose of determining if Brown has cooperated and complied with recommended treatment and shall not revoke such releases during the period of one year;
- (c) Brown shall not represent any female clients for a period of one year;
- (d) Brown shall not directly or indirectly supervise any female employees for a period of one year; and
- (e) Brown shall submit quarterly to the Office of Counsel affidavits certifying compliance with the conditions set forth in paragraphs (c) and (d) above. These affidavits shall be due April 10, 2015, July 10, 2015, October 10, 2015 and January 10, 2016.

2. The Disciplinary Hearing Commission will retain jurisdiction of this matter pursuant to 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0125(d) of the North Carolina State Bar Discipline and Disability Rules for the duration of the conditions set forth herein. Any violation of the conditions set forth herein could result in revocation of the reinstatement.

3. Brown is taxed with the costs and administrative fees of this proceeding, which Brown shall pay within 30 days of the date of this Order.

4. This Order is effective immediately upon entry.

Signed by the undersigned Chair with the knowledge and consent of the other members of the Hearing Panel, this 5th day of February, 2015.



Walter E. Brock, Jr., Chair
Disciplinary Hearing Panel