

IN THE JUDICIAL STANDARDS COMMISSION

STATE OF NORTH CAROLINA

JUDICIAL STANDARDS  
COMMISSION

IN RE: INQUIRY CONCERNING	)	MOTION TO REQUEST
A JUDGE, FILE NO. 10-194	)	HEARING ON STIPULATIONS
JOHN WILLIAM TOTTEN, II, Respondent )		AND RECOMMENDATION

NOW COMES Respondent Judge John William Totten, II, by and through his undersigned counsel, pursuant to Rule 22 of the Rules of the Judicial Standards Commission, and respectfully moves the Commission to set this matter for a hearing to consider the parties' proposed stipulations and agreed recommended disposition of this matter. Respondent requests that this matter be heard on September 7, 2011 prior to the Commission's currently scheduled hearing on that date. In support of this motion, Respondent, through counsel, asserts the following:

1. Respondent was served with the Statement of Charges on March 24, 2011.
2. Respondent timely filed a verified Answer on May 2, 2011 after obtaining an extension.
3. A Notice of Hearing was issued on July 24, 2011 scheduling the hearing in this matter to commence on November 10, 2011.
4. Respondent, through undersigned counsel, has reached agreement with Commission Counsel on proposed stipulations concerning all or substantially all allegations in the statement of charges in exchange for a stated disposition, including a stated recommendation for discipline, pursuant to Rule 22.

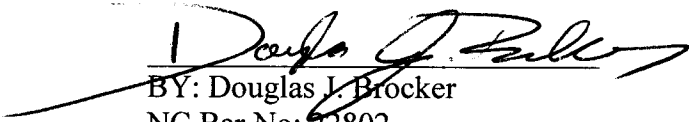
5. Respondent, through undersigned counsel, requests the opportunity to present and submit the proposed stipulations and stated recommendation for discipline to the Commission in advance of the scheduled November 10, 2011 hearing date.

6. The undersigned does not anticipate that the presentation of the proposed stipulations and stated recommendation for discipline will take a significant amount of time away from the currently scheduled hearing set to commence before the Commission on September 7, 2011. The undersigned expects to proffer limited documentary evidence and information, but no in-person witness testimony, in support of the proposed stipulations and stated recommendation for discipline.

WHEREFORE, Respondent respectfully requests that the Commission set this matter for a hearing to consider the proposed stipulations and stated recommendation for discipline at its next scheduled meeting on September 7, 2011.

This 22nd day of August, 2011.

THE BROCKER LAW FIRM, P.A.



BY: Douglas J. Brocker

NC Bar No: 22802

Attorneys for Respondent

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CERTIFICATE OF SERVICE

It is hereby certified that on this date this Motion was duly served upon the following counsel of record to this cause by sending a copy by hand delivery in accordance with the provisions of Rule 5, North Carolina Rules of Civil Procedure.

Nancy A. Vecchia  
Counsel  
Judicial Standards Commission  
P. O. Box 1122  
Raleigh, North Carolina 27602

This 22nd day of August, 2011.

A handwritten signature in black ink, appearing to read "Douglas J. Brøcker", is written over a horizontal line.

Douglas J. Brøcker  
Attorney for Respondent  
John William Totten, II  
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Raleigh, North Carolina 27606