



**The North Carolina State Bar**  
**Office of Counsel**

**2020**  
**Annual**  
**Report**

## ***Office of Counsel Staff***

### **LAWYERS**

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Margaret T. Cloutier, Sr. Deputy Counsel	Ext. 239
Carmen H. Bannon, Deputy Counsel	Ext. 283
Maria J. Brown, Deputy Counsel	Ext. 213
Susannah B. Cox, Deputy Counsel	Ext. 235
Elizabeth Foley, Deputy Counsel	Ext. 254
Leonor B. Hodge, Trust Account Compliance Counsel & Deputy Counsel	Ext. 299
David R. Johnson, Deputy Counsel	Ext. 230
J. Cameron Lee, Deputy Counsel	Ext. 293
Barry M. McNeill, Deputy Counsel	Ext. 298
G. Patrick Murphy, Deputy Counsel	Ext. 206
Alex G. Nicely, Deputy Counsel	Ext. 281
Savannah B. Perry, Deputy Counsel	Ext. 219
Jennifer A. Porter, Deputy Counsel	Ext. 262
Fern Gunn Simeon, Deputy Counsel	Ext. 258
Joshua T. Walthall, Deputy Counsel	Ext. 225
Robert W. Weston, Deputy Counsel	Ext. 204

### **ADMINISTRATIVE STAFF**

Heather Pattle, Director of Operations	Ext. 227
Lori Brooks, Administrative Assistant	Ext. 232
Becky Carroll, Paralegal	Ext. 234
Tyler Gibbens, Paralegal	Ext. 254
Mary Lee, Trust Account Paralegal	Ext. 251
Jeffrey Lundgren, Paralegal	Ext. 120
Wondella Payne, Paralegal	Ext. 296
Joan Renken, Administrative Assistant	Ext. 295
Mike Shirley, Paralegal	Ext. 121
Jennifer Slattery, Paralegal	Ext. 205
Brittany Wilson, Paralegal	Ext. 280

### **INVESTIGATORS**

Joe Commisso, Director of Investigations	Ext. 200
Anne Parkin, Random Auditor	Ext. 259
Krista Carlson, Investigator	Ext. 224
Marty Coolidge, Investigator	Ext. 294
Rick Grayson, Investigator	Ext. 274
Doug Miller, Investigator	Ext. 263
Carolyn Page, Investigator	Ext. 285
Fred Patton, Investigator	Ext. 266
Paul Sugrue, Investigator	Ext. 284
Wayne Truax, Investigator	Ext. 292

### *INVESTIGATIONS ADMINISTRATIVE STAFF*

Julie Ferrer, Investigative Clerk	Ext. 355
Dawn Patton, Administrative Assistant	Ext. 278
Sonja Puryear, Investigative Clerk	Ext. 203
Chris Woods, Investigative Assistant	Ext. 222

### *ATTORNEY/CLIENT ASSISTANCE PROGRAM STAFF*

Lee A. Ramos, Director	Ext. 277
Todd Bascom, Public Liaison	Ext. 297
Kerri Bianchi, Fee Dispute Facilitator	Ext. 228
Andrea Koretsky, Administrative Assistant	Ext. 243
Diane Melching, Administrative Assistant	Ext. 287
Courtney Pope, Public Liaison	Ext. 260
Sandra Saxton, Intake Coordinator	Ext. 264

## ***OFFICE OF COUNSEL***

The Office of Counsel (“OOC”) is the legal department of the North Carolina State Bar. The OOC consists of disciplinary staff, authorized practice staff, the investigations department, the Attorney/Client Assistance Program (ACAP) staff, and the Trust Accounting Compliance Program. The OOC reports to the Grievance Committee upon all grievance files opened by the State Bar involving allegations of professional misconduct by North Carolina lawyers. It investigates and tries claims of professional misconduct and disability. The OOC assists the Authorized Practice Committee by investigating and reporting upon complaints concerning the unauthorized practice of law, including representing the State Bar in lawsuits to obtain injunctions prohibiting the unauthorized practice of law. It provides legal counsel to the Client Security Fund Board of Directors and pursues subrogation actions for recovery of funds paid by the CSF. It coordinates the appointment of trustees to wind down the practices of deceased, disabled, disbarred and missing lawyers and obtains court orders to disburse funds in their trust accounts. The OOC represents the State Bar in litigation in federal and state trial and appellate courts and provides legal opinions on issues of interest to all departments, committees, and boards of the State Bar.

The ACAP staff helps members of the public resolve problems with lawyers other than matters involving potentially serious violations of the Rules of Professional Conduct. The ACAP staff also provides information about the grievance process, the courts and the justice system, and helps resolve fee disputes between lawyers and their clients.

The OOC includes seventeen lawyers, one of whom serves as trust account compliance counsel, one director of operations, ten investigators, one random auditor, eight paralegals, five administrative assistants, one investigative assistant, two investigative clerks, the ACAP director, who is also a fee dispute resolution facilitator, a second fee dispute resolution facilitator, an intake coordinator and two public liaisons.

The Office of Counsel is located in the State Bar Building, 217 E. Edenton St., Raleigh, N.C. 27601. It is open from 9 a.m. until 5 p.m. on weekdays and may be reached at 919-828-4620. Each staff person’s telephone extension appears above.

# 2020 ANNUAL REPORT

## OFFICE OF COUNSEL

### THE NORTH CAROLINA STATE BAR

#### Attorney Client Assistance Program

The Attorney Client Assistance Program (“ACAP”) is comprised of seven staff members: the director, who is also a fee dispute resolution facilitator, a second fee dispute resolution facilitator, an intake coordinator, two public liaisons, and two administrative assistants. During 2020, the staff responded to 4,593 calls from clients and other members of the public. The ACAP staff also responded to 2,005 letters from inmates and 5,230 email messages from clients and lawyers. The ACAP staff contacted 1,188 lawyers in attempts to resolve clients’ concerns.

The State Bar opened 350 fee dispute resolution files during 2020. All 350 fee dispute resolution files were assigned to two in-house facilitators.

#### Authorized Practice Committee

The Authorized Practice Committee opened 57 investigation files in 2020, compared to 63 investigations in 2019, 82 files in 2018, 107 files in 2017, 87 files in 2016, and 108 files in 2015. The committee resolved 48 files in 2020, compared to 73 files during 2019, 91 files during 2018, 90 files in 2017, 97 files in 2016, and 110 files in 2015.

The committee also registers prepaid legal service plans. Plans must file initial registration statement forms and amended registrations and submit annual renewals. The committee does not approve plans but does review registrations to confirm that proposed plans and amendments fall within the definition of a prepaid legal service plan. During 2020, nine proposed plans were submitted for registration; eight were registered. The OOC is reviewing the remaining submission. Two hundred eighteen amendments were submitted for existing plans, all of which were registered.

In July 2017, the Executive Committee authorized the OOC to file a lawsuit seeking injunctive relief against **Michael Asen** and the **Zimmerman Group**. Asen is a New York attorney. It was alleged that Asen attempted to collect civil penalties from persons accused of shoplifting in North Carolina and that the Zimmerman Group offered Asen’s services to retailers. The parties entered into a consent injunction.

In October 2020, the Executive Committee authorized the Office of Counsel to file a lawsuit against **Tammy Alexander** seeking injunctive relief. It is alleged that Alexander, a paralegal, has been filing documents with the court advocating the legal positions of at least three incarcerated defendants. The complaint has been filed and service of the complaint is pending.

The OOC continues to work closely with the Consumer Protection Division of the North Carolina Attorney General’s Office to prevent the unauthorized practice of law in North Carolina, particularly involving persons and entities that offer legal services in the areas of debt adjusting, loan modification, and preparation of living trusts for senior citizens.

## **Trust Accounting Compliance Program**

Forty lawyers currently participate in the Trust Accounting Compliance Program. In 2020, thirteen lawyers successfully completed the program. In 2019, seven lawyers successfully completed the program. In 2018, thirteen lawyers successfully completed the program. In 2017, nine lawyers successfully completed the program.

## **Grievance Committee Actions**

During 2020, the Grievance Committee opened 927 grievance files, compared with 1,258 files opened in 2019.

In 2020, the OOC did not review any inquiries about lawyer advertising. The OOC reviewed three direct mail solicitation letters in 2019. All involved minor violations of advertising ethics rules. The Grievance Committee opened three grievance files in 2019.

All grievance files are considered and acted upon by one or more members of the Grievance Committee. The committee considered a total of 763 grievance files in 2020. Of those, 538 were dismissed. Eleven files were dismissed and retained because the respondent lawyers had been disbarred. Seven files were abated because the respondent lawyers had been transferred to disability inactive status. These files represent approximately 73 percent of the grievance files considered by the committee. In addition to the grievance files that were dismissed outright in 2020, 17 files were dismissed with letters of caution and 54 were dismissed with letters of warning.

In 2020, the Grievance Committee issued admonitions in 40 files, reprimands in 13 files and censures in nine files. Seventy-three files involving 37 lawyers were referred for trial before the Disciplinary Hearing Commission (DHC). A total of 125 grievance files resulted in either imposition of discipline by the Grievance Committee or referral to the DHC. That figure represents approximately eighteen percent of the grievances considered by the committee in 2020. The committee referred six lawyers to the Lawyer Assistance Program and referred 27 lawyers to the Trust Accounting Compliance Program.

## **Cases Before the Disciplinary Hearing Commission**

The DHC is the independent tribunal which hears lawyer discipline and disability cases. The 20-member commission hears cases involving alleged violations of the Rules of Professional Conduct, cases in which it is alleged that a lawyer is disabled, petitions from disbarred and suspended lawyers seeking reinstatement of their law licenses, and petitions to require a lawyer to show cause why he or she should not be found to have violated an existing order of the DHC. Each case is heard by a panel of three consisting of two lawyers and one public member.

During 2020, the OOC completed a total of 23 disciplinary cases before the DHC, representing 34 files referred by the Grievance Committee. Of those, six were resolved by hearing or default judgment and 28 were resolved by consent. The OOC also completed three show cause motions, and one grievance noncompliance case before the DHC. In 2019, the office completed 36 such cases of which nine were resolved by trial and 27 were resolved by consent.

## 1. Discipline and Disability Cases

In 2020, the DHC entered seven orders of disbarment. One lawyer misappropriated funds. One lawyer neglected a client's case, made multiple false statements to her client, opposing counsel and the court, and fabricated documents. One lawyer did not ensure that a client's estate planning documents were properly executed and amended to effectuate the client's desires, notarized a false acknowledgement, knowingly assisted in probating an invalid will, and made false statements to third parties and the State Bar. One lawyer willfully failed to account for and pay over to the IRS payroll taxes withheld from the paychecks of his law firm employees. One lawyer was convicted in Florida of the criminal offenses of promoting the sexual performance of a child by transmitting child pornography over the internet, engaging in sexual acts over the internet with reason to believe he was being viewed by a minor, and solicitation of a person believed to be a child over the internet. One lawyer pled guilty to the felony offense of conspiracy to obtain money in the custody of a bank by false pretenses by, among other devices, misrepresenting to lenders that his client was purchasing houses as rental property when his client was actually purchasing them as marijuana grow houses for a large-scale drug trafficking operation. One lawyer pled guilty to numerous felony offenses of obtaining or attempting to obtain controlled substances by fraud. He also provided the State Bar a letter bearing a forged signature

In 2020, the DHC imposed four active suspensions, three suspensions in which the lawyer could seek a stay after serving some period of active suspension, and eight suspensions entirely stayed upon the lawyer's compliance with various conditions. The OOC filed three show cause petitions against three lawyers. In one case, the DHC activated the suspension imposed by the order of discipline, and in two cases the stay was continued or extended. The DHC censured one lawyer. The DHC entered interim suspensions of the law licenses of two lawyers while disciplinary proceedings are pending.

## 2. Petitions for Stay and for Reinstatement

In 2020, the DHC did not consider any petitions for reinstatement.

# **Actions Before the State Bar Council**

## 1. Tenders of Surrender of License

In 2020, three lawyers surrendered their law licenses to the State Bar Council and were disbarred. One lawyer was convicted in the Eastern District of Pennsylvania of one count of tax evasion, in violation of 26 U.S.C. § 7201, and one count of conspiracy to defraud the IRS, in violation of 18 U.S.C. § 371. One lawyer misappropriated entrusted funds totaling at least \$11,892.90. One pled guilty in the United States District Court for the Western District of Virginia to one count of Transmission of Interstate Communications with Intent to Extort in violation of Title 18 U.S.C., Section 875 (d).

## 2. Reinstatement Proceedings

In 2020, the Council did not consider any reinstatement petitions from disbarred lawyers.

## **Actions Before the Secretary**

The Secretary receives reinstatement petitions from lawyers whose licenses are suspended for disciplinary violations and enters reinstatement orders in uncontested cases. Contested petitions for reinstatement are referred to the DHC for trial.

No lawyers filed reinstatement petitions which were addressed by the Secretary in 2020.

## **Actions Before the State Trial Courts**

### **1. Judicial Disbarments**

In 2020, three lawyers were disbarred by the Wake County Superior Court. Two misappropriated entrusted funds. One pled guilty to four counts of lobbying without registration, one count of obstruction of justice, and one count of criminal contempt, all misdemeanors.

### **2. Injunction Proceedings**

During 2020, the OOC obtained injunctions prohibiting ten lawyers from handling entrusted funds, compared with nineteen such injunctions in 2019.

### **3. Appointment of Trustees for Law Practices of Missing, Deceased, Disabled and Disbarred Lawyers**

In 2020, the OOC petitioned the courts to appoint trustees to wind down the law practices of 20 lawyers. Three lawyers suffered from disabling conditions that made them unavailable to clients, one lawyer was disbarred, and sixteen lawyers were deceased. The OOC filed 20 trustee petitions in 2019.

### **4. Other Discipline and Disability Cases in the State Trial Courts**

One lawyer was enjoined in Wake County from handling entrusted funds and from serving in any fiduciary capacity. He was then serving as trustee of a testamentary trust and did not resign when the injunction was entered. The court ordered him to show cause why he should not be held in civil contempt for violating the injunction. After hearing, the court found that his lack of compliance was not willful and directed him to resign from the trusteeship within ten days. He did not resign. He eventually resigned after the court entered another order to show cause why he should not be held in contempt.

One lawyer represented the defendant in a homicide prosecution in Henderson County. The court ordered him to show cause why he should not be disciplined for redacting a portion of an expert's notes and providing the redacted notes to the district attorney without advising the district attorney of the redaction. The order memorializing the court's ruling is under seal until conclusion of the underlying criminal case.

One lawyer was enjoined in Wake County Superior Court and the court ordered him to provide trust account and client records to the State Bar. The court granted the State Bar's motion for an order requiring him to show cause why he should not be held in contempt for failing to produce the required documents. After multiple hearings necessitated by last-minute document production and requests for more time to produce additional documents, the court determined that the lawyer was not in contempt of court.

## 5. Miscellaneous

As usual, in 2020 the State Bar was a party to numerous actions in the State courts and administrative tribunals. The OOC represented the State Bar in many of these actions. In nine cases, the State Bar was represented by the Attorney General.

At the end of 2020, there were three lawsuits pending in superior court seeking reimbursement from a disbarred lawyer for payments made by the CSF.

During 2020, the OOC filed six pleadings in Superior Court for permission to disburse or escheat funds in the trust accounts of suspended or disbarred lawyers, attended six hearings on motions to disburse or escheat, and obtained seven orders directing the disbursement or escheatment of entrusted funds totaling \$88,382.01.

In 2020, the State Bar was also a party to the following cases in state trial courts and administrative tribunals:

**Richard Polidi v. Colon Willoughby et al (Wake County Superior Court).** Polidi surrendered his law license and was disbarred by the Wake County Superior Court in 2014. He filed this action in July 2017 against Colon Willoughby in his official and individual capacities, against Katherine Jean in her official and individual capacities, and against many others. It is unclear whether Polidi sued Colon Willoughby in his official capacity as the former elected district attorney of Wake County or in his official capacity as a State Bar councilor. Willoughby is now Past President of the State Bar but was not an officer when this lawsuit was filed. Polidi makes vague, generalized allegations of wrongful conduct in connection with his decision to surrender his law license and consent to be disbarred. He has never served Willoughby or Jean. If he does, the OOC will represent them.

**Richard Polidi v. Carmen Bannon (Wake County Superior Court).** Polidi surrendered his law license and was disbarred by the Wake County Superior Court in 2014. In July 2017, he filed this action against Carmen Bannon, State Bar deputy counsel, in her official and individual capacities. Polidi makes vague, generalized allegations relating to his decision to surrender his law license and consent to be disbarred. He has never served Bannon. If he does, the OOC will represent her.

**Ballentine International Express Trust/Trustee Board by Trustee v. State of North Carolina et al (NC Industrial Commission).** This is a purported tort claim against numerous defendants. Ballentine is a purported trust formed in an effort to defeat a foreclosure. Ballentine alleges the foreclosure was wrongful because the grantor of the deed of trust conveyed the property to the trust and the trustee cancelled the deed of trust. Ballentine contends that the clerk of court and a lawyer for the trustee were agents of the State Bar because they are licensed to practice law in North Carolina but alleges no facts that could sustain that contention. Ballentine alleges no acts or omissions by the State Bar. The deputy commissioner dismissed all claims against all defendants on his own motion. The Full Commission held that the deputy commissioner lacked authority to dismiss the claim against the State Bar on his own motion and remanded to the deputy commissioner. Meanwhile, the petitioner appealed dismissal of the claims against the other defendants to the North Carolina Court of Appeals. The Court of Appeals dismissed those appeals. The State Bar's motion to dismiss has not been scheduled for hearing. The Attorney General represents the State Bar.



**North Carolina State Bar v. Alan Phillips (Wake County Superior Court).** Phillips was a licensee and a grievance respondent. The grievance alleged that Phillips engaged in the unauthorized practice of law in other jurisdictions. Phillips filed an objection and motion to quash a subpoena issued by the Grievance Committee for production of information relating to his alleged misconduct. The President of the State Bar denied Phillips' motion and ordered him to produce the subpoenaed documents. He did not do so. The State Bar filed this action seeking a mandatory injunction enforcing the subpoena. Phillips objected to the State Bar's discovery requests, contending that the State Bar was prohibited by an alleged conflict of interest from investigating a grievance against him because, while the grievance was pending, he filed his own grievances against State Bar officers, councilors and employees. The trial court overruled Phillips' objection and ordered him to provide complete discovery responses. Phillips did not do so by the deadline in the court's order. Phillips filed a notice of appeal but did not obtain a stay of the order. Phillips was repeatedly held in contempt and was imprisoned four times for a total of 79 days. The court also disbarred Phillips effective July 1, 2019. The Court of Appeals affirmed the disbarment order on November 17. The OOC represented the State Bar.

**Christopher Livingston v. N.C. State Bar, et al (Wake County Superior Court).** Livingston is a licensee. In July 2016, the DHC suspended him for five years. The DHC order was affirmed on appeal. In January 2018, Livingston sued the State Bar and the district bar in federal court alleging that the district bar improperly used mandatory district bar dues. Livingston added John Silverstein (chair of the Grievance Committee that found probable cause) and Leonor Hodge (deputy counsel who prosecuted Livingston) as defendants, alleging that they selectively prosecuted him. In February 2019, the federal court granted the State Bar defendants' motion to dismiss for lack of subject matter jurisdiction. In March 2019, Livingston filed this action, a nearly identical complaint, in Wake County Superior Court. Livingston never served any defendant. On June 3, he obtained alias and pluries summonses but never served them. The State Bar first learned of the Wake County lawsuit in September 2019, when the trial court administrator directed the parties to prepare a case management order. The State Bar notified the trial court administrator that, because no defendant has been served, the case should be discontinued. The State Bar has heard nothing further from the trial court administrator and the case has not been scheduled for hearing. The OOC represents the State Bar defendants.

**Valerie Arroyo v. Daniel Zamora et al (NC Industrial Commission).** This and the following two entries are purported tort claims filed by Arroyo against the State Bar and other entities and officials. These three files, and six additional claims Arroyo filed against other individuals and agencies, have all been dismissed and have been consolidated into a single appeal. In this claim, Arroyo alleges that the State Bar failed to "stop, act or prosecute" Daniel Zamora. The Full Industrial Commission heard the State Bar's motion to dismiss in November 2020 but has not yet ruled. The Attorney General represents the State Bar.

**Valerie Arroyo v. North Carolina State Bar (NC Industrial Commission).** In this claim, Arroyo alleges that the State Bar violated her rights by refusing to discipline licensee Zamora. The Full Industrial Commission heard the State Bar's motion to dismiss in November 2020 but has not yet ruled. The Attorney General represents the State Bar.

**Valerie Arroyo v. North Carolina State Bar (NC Industrial Commission).** In this claim, Arroyo alleges that the State Bar violated her rights by refusing to discipline licensee Diamond. The Full Industrial Commission heard the State Bar's motion to dismiss in November 2020 but has not yet ruled. The Attorney General represents the State Bar.

**Valerie Arroyo v. Josh Stein, et al (Mecklenburg County Superior Court).** Arroyo has previously filed claims in state and federal courts against the State Bar which have been dismissed. In August 2020, Arroyo filed this action in Mecklenburg County against the Attorney General of North Carolina, the State of North Carolina, and a host of other state agencies and officials, including the State Bar, two State Bar councilors, and three members of the OOC. Arroyo makes vague allegations about a grievance. The Attorney General represents the State Bar.

**Kelvin Exum v. North Carolina State Bar (NC Office of Administrative Hearings).** Exum filed a grievance, which was dismissed. Exum demanded an explanation for the dismissal. The State Bar sent Exum a letter in response. Exum alleges that the letter was unsolicited, that it contains false and unfounded information about him, and that it served no purpose other than to embarrass and harass him. The OAH dismissed Exum's claim. He appealed to Wake County Superior Court. Hearing has not been scheduled. The Attorney General represents the State Bar.

**Isabella Amor v. Macon County DSS, Macon County Sheriff's Department, NC State Bar et al (NC Industrial Commission).** Amor filed this purported tort claim against two Macon County agencies and the State Bar. She alleges that she filed a grievance against a lawyer involved in a DSS proceeding involving her children and that the State Bar did not demand that the lawyer be removed from the proceeding. The State Bar's motion to dismiss is pending. A pretrial hearing is scheduled for January 19, 2021. The Attorney General represents the State Bar.

**Kareem Abdullah Kirk v. North Carolina State Bar Grievance Committee (NC Office of Administrative Hearings).** Kirk alleges that the Grievance Committee did not properly address a grievance. This is the second claim Kirk, who also goes by the name Kareem Abdullah Kirk-Bey, has filed against the State Bar at OAH. OAH dismissed the previous claims in 2017, concluding that it did not have subject matter jurisdiction. The State Bar's motion to dismiss is pending. The Attorney General represents the State Bar.

**N.C. State Bar v. Tammy Alexander (Wake County Superior Court).** At the October 2020 meeting, the Executive Committee authorized counsel to pursue injunctive relief against Tammy Alexander, a paralegal who has been submitting legal arguments to the court on behalf of incarcerated defendants. The complaint has been filed and service of the complaint is pending. The OOC represents the State Bar.

**Derek Olivaria v. North Carolina State Bar (NC Industrial Commission).** Olivaria filed this purported tort claim alleging that three lawyers engaged in misconduct in an eviction action. Olivaria does not allege any act or omission by the State Bar. The deputy commissioner dismissed the claims with prejudice on June 29, 2020. Olivaria did not appeal by the July 14, 2020 deadline. The Attorney General represented the State Bar.

### **Actions Before the State Appellate Courts**

The OOC represented the State Bar in seven appeals in 2020.

#### **In re Phillip Entzminger - 17 CRS 1930 (Pitt County)**

The Pitt County Superior Court ordered Entzminger, an assistant district attorney, to show cause why he should not be held in criminal contempt and why he should not be disciplined. The show cause order alleged that Entzminger filed a document showing disregard for the dignity of the court, demonstrated undignified and discourteous conduct that was degrading to the court and that bred disrespect for the court.

and the legal profession, and made false statements to the court. The court appointed the Office of Counsel to prosecute. The court acquitted Entzminger of contempt but concluded that he violated the Rules of Professional Conduct. The court suspended Entzminger for two years with the possibility of a stay after he serves the first six months of the suspension. Entzminger appealed. The Court of Appeals affirmed in part, reversed in part, and remanded for a new hearing on the appropriate discipline. The Supreme Court denied Entzminger's petition for discretionary review on August 12, 2020.

#### **David Shawn Clark - 19BCR1**

Clark, of Hickory, was disbarred in 2013. He had sex with a client, made false statements to a tribunal and to the Grievance Committee, attempted to suborn perjury, was convicted of several criminal charges including communicating threats and obstruction of justice, intentionally disclosed client confidences, and engaged in a conflict of interest. He petitioned for reinstatement from disbarment. The DHC recommended denial of the petition. Clark appealed to the Council. At its October 25, 2019 meeting, the Council denied the petition for reinstatement. On July 21, 2020, the Court of Appeals affirmed the Council order denying reinstatement.

#### **NC State Bar v. Clinton Moore - 18 DHC 43**

Moore, of Charlotte, obtained property by false pretense, misappropriated entrusted funds totaling \$14,000.00, and neglected clients. In September 2019, he was disbarred by the DHC. He appealed. His proposed record on appeal was due January 27, 2020. He did not timely serve a proposed record. The DHC dismissed the appeal.

#### **NC State Bar v. Venus Springs - 18 DHC 25**

Springs, of Mecklenburg County, posted on her YouTube channel a link to the video deposition of an opposing party's representative. The DHC concluded that posting the video served no substantial purpose other than to humiliate or embarrass the witness. Springs maintained the link on her YouTube channel for eleven months after a federal court ordered her to remove it. The DHC reprimanded her. She appealed. The Court of Appeals affirmed. On October 6, Springs filed a notice of appeal and petition for discretionary review with the North Carolina Supreme Court. The State Bar responded. The Court has not ruled.

#### **NC State Bar v. Alan Phillips - 18CVS5645 (Wake County)**

Phillips was a licensee and was the respondent in a grievance alleging that he engaged in the unauthorized practice of law in other jurisdictions. Phillips filed an objection and motion to quash a subpoena issued by the Grievance Committee. The President of the State Bar issued an order requiring Phillips to produce the subpoenaed documents. He did not do so. The State Bar filed this action seeking a mandatory injunction enforcing the subpoena. The State Bar served Phillips with discovery requests in this action. Phillips objected to the discovery requests, contending that the State Bar was prohibited by an alleged conflict of interest from investigating a grievance against him because, while the grievance against him was pending, he filed grievances against State Bar officers, councilors and employees. The trial court overruled Phillips' objection and ordered him to provide complete discovery responses. Phillips gave notice of appeal but did not obtain a stay of the order and did not comply with the order. In a series of hearings, Phillips was repeatedly held in contempt. He was imprisoned four times for a total of 79 days. The court also disbarred Phillips, effective July 1, 2019. Phillips filed notice of appeal. In November 2020 the Court of Appeals affirmed in an unpublished opinion.

### **NC State Bar v. Erica Erickson - 18 DHC 46**

The DHC concluded that Erickson, of Brevard and Hendersonville, knowingly notarized false or fraudulent acknowledgements and pled guilty to related criminal offenses, filed fraudulent documents with the court and fraudulently obtained signatures on powers of attorney. She was disbarred by the DHC. In December 2020, the Court of Appeals affirmed the DHC in an unpublished opinion.

### **In re David Shawn Clark - 19BCR1**

Clark, of Hickory, was disbarred in 2013. He had sex with a client, made false statements to a tribunal and to the Grievance Committee, attempted to suborn perjury, was convicted of several criminal charges including communicating threats and obstruction of justice, intentionally disclosed client confidences, and engaged in a conflict of interest. The DHC recommended denial of his petition for reinstatement. Clark appeal to the Council. At its October 25, 2019 meeting, the Council voted to deny his petition for reinstatement. Clark appealed to the Court of Appeals. In July 2020, the Court of Appeals affirmed the denial of his reinstatement petition in an unpublished decision.

## **Actions Before the Federal Courts**

### **Derrick Allen v. The North Carolina State Bar et al (Middle District North Carolina).**

Allen, a criminal defendant, filed a lawsuit in the United States District Court for the Middle District of North Carolina alleging violations of his civil rights based on the dismissal of grievances he filed against several attorneys. The District Court dismissed the complaint, which was not served on the State Bar or any defendants. The Fourth Circuit affirmed. In October 2020, the United States Supreme Court denied Allen's petition for certiorari.

**Timothy Hankins v. The United States of America (US District Court EDNC).** Hankins seeks recovery from the United States for alleged violations of his rights under the United States Constitution by lawyers and judges in litigation relating to the dissolution of his marriage and a subsequent bankruptcy proceeding. Hankins filed an amended complaint adding as defendant #2 "The North Carolina State Bar Association" and mailed it to the President of the North Carolina Bar Association. Summonses have not issued. If a summons issues and is served on the State Bar, the OOC will represent the State Bar.

## **SUMMARIES OF DISCIPLINARY, DISABILITY & REINSTATEMENT ACTIONS**

### **COUNCIL DISBARMENTS**

<b>Lawyer</b>	<b>File No.</b>	<b>Date of Disbarment</b>
Lisa Blalock	20BCS1	1/24/2020
John Vincent Ivsan	20BCS2	7/24/2020
Daniel M. Kincheloe	20BCS3	7/24/2020

### **JUDICIAL DISBARMENTS**

<b>Lawyer</b>	<b>File No.</b>	<b>Date of Disbarment</b>
Mark L. Bibbs	18CRS000074; 18CRS000875	1/27/2020
Peter S. Coleman	19CVS10602	6/4/2020
Kristen H. Long	20CVS3612	5/27/2020

### **JUDICIAL DISCIPLINE & DISABILITY**

See the Show Cause section for information on three show cause matters before the courts in 2020.

### **TRANSFERS TO DISABILITY INACTIVE STATUS**

<b>Lawyer</b>	<b>File No.</b>	<b>Date of Transfer</b>
Jason Hegg	18G0564, 18G0564, 19G0010	1/14/2020
Michael H. Griffin	18DHC20	2/21/2020
Bradley S. Moree	20G0159	4/1/2020
Gregory A. Buscemi	20G0024; 20G0025	5/31/2020

### **BEFORE THE DISCIPLINARY HEARING COMMISSION**

#### **Completed Discipline & Disability Cases**

<b>Lawyer</b>	<b>File No.</b>	<b>Outcome</b>
Bradley Lamb	07DHC28	Disbarred (consent)
Joseph Lee Levinson	16DHC11	Disbarred (consent)
Parker Russel Himes	19DHC17	Disbarred (consent)
Matthew Coxe	19DHC22	Disbarred (consent)
Joseph Forbes	20DHC3	Disbarred (consent)
Nicole Crawford	20DHC9	Disbarred (default/no hearing)
Judith Birchfield	20DHC21	Disbarred (consent)
Emily Moore Tyler	19DHC24	5-year suspension (consent)
Craig Blitzer	17DHC23	4-year suspension (consent)
Frank Erwin	19DHC21	18-month suspension (consent)
Steve Allen	20DHC14	1-year suspension (consent)

<b>Lawyer</b>	<b>File No.</b>	<b>Outcome</b>
Brandon Graham	19DHC5	5-year suspension; possible stay after 1 year (consent)
John Snyder	19DHC13	3-year suspension; possible stay after 2 years (consent)
Charles Morgan, Jr.	19DHC18	3-year suspension; possible stay after 6 months (consent)
Ada L. Mason	20DHC10	3-year suspension; stayed 5 years (hearing)
Gregory Newman	19DHC14	3-year suspension; stayed 3 years (hearing)
Louis P. Woodruff	19DHC20	2-year suspension; stayed 2 years (consent)
Andrew LeLiever	19DHC12	2-year suspension; stayed 2 years (consent)
Yuanyue Mu	20DHC4	2-year suspension; stayed 2 years (consent)
James Mattox	20DHC11	2-year suspension; stayed 2 years (consent)
Gina Essey	20DHC19	2-year suspension; stayed 2 years (consent)
Kenneth Davies	20DHC15	1-year suspension; stayed 2 years (consent)
David Hefferon	19DHC11	1-year suspension; stayed 1 year (consent)
John Way	20DHC8	Censure (consent)
John V. Ivsan	20DHC1	interim suspension (consent)
Nikita V. Mackey	19DHC9	interim suspension (consent)

**Completed Grievance Noncompliance Actions**

<b>Lawyer</b>	<b>File No.</b>	<b>Outcome</b>
Harold R. Crews	20DHC2N	Suspended

### **Completed Show Cause Hearings**

<b>Lawyer</b>	<b>File No.</b>	<b>Outcome</b>
Douglas P. Connor	19CVS10893 (Wake County Superior Court)	Resigned from trusteeship
Paul B. Welch	19R310 (Pitt County Superior Court)	Under seal until conclusion of underlying criminal case
Brooke McKinley Webster	19DHC10SC	Stay lifted; 2-year suspension activated
David C. Hefferon	19DHC11SC	Suspended 2-years; stayed 2 years
Meredith P. Ezzell	18DHC42SC	Stay extended 18 months
Sean Thomas Dillenbeck	20CVS4911	Not in contempt

### **Completed Reinstatement Cases**

No reinstatement cases were completed in 2020.

### **Pending Discipline & Disability Cases**

<b>Lawyer</b>	<b>File No.</b>	<b>Hearing Date</b>
Robert Melville	13DHC9	Stayed
Michael J. Anderson	15DHC47/15DHC47D	Stayed
Robert N. Weckworth	16DHC22	Hearing on remand not scheduled
Wendelyn R. Harris	18DHC14/18DHC14D	Stayed
Michael H. Griffin	18DHC20	Stayed
Robert Lewis	18DHC36	April 23
Patrick Megaro	18DHC41	March 15-19
H. Trade Elkins	18DHC50	Interim Suspension
Daniel Flint	19DHC4	August 3-5
Robin Dale Fussell	19DHC7	Not Scheduled
Hayley C. Sherman	19DHC8	February 5
Nikita V. Mackey	19DHC9/19DHC23	Not Scheduled
Cabell J. Regan	19DHC25	April 6-8
William Morgan	20DHC5	Not Scheduled
Kenneth Ording	20DHC6	Not Scheduled
Martin M. Brennan	20DHC7	Not Scheduled
Christie Bynum Smith	20DHC12	Not Scheduled
George Rouco	20DHC13	Interim Suspension
Janet Reed	20DHC16	June 14-18
Daniel Rufty	20DHC17	January 25-28
Scott Shelton	20DHC18	Not Scheduled
Wesley S. White	20DHC20	Not Scheduled

Melvin L. Wall, Jr.	20DHC22	Not Scheduled
Katherine Pekman	20DHC23	Not Scheduled

### **Pending Grievance Noncompliance Actions**

There were no pending grievance noncompliance actions at the end of 2020.

### **Pending Reinstatement Cases**

<b>Lawyer</b>	<b>File No.</b>	<b>Hearing Date</b>
Theodore G. Hale	20BCR1	Not scheduled
Jeffrey Smith	15 DHC 27R2, 18 DHC 6R2	Not scheduled

### **Pending Motions to Show Cause**

There were no pending motions to show cause at the end of 2020.

## **BEFORE THE STATE TRIAL COURTS**

### **Trustees Appointed in 2020**

<b>Lawyer</b>	<b>Reason Trustee Sought</b>
Alan T. Briones, Jr.	Unavailable
Jonathan Vann Bridgers	Deceased
Gregory Anthony Buscemi	Unavailable
Jonathan Wilson Moody	Deceased
Billie R. Ellerbe	Deceased
George L. Collins	Deceased
Robert T. Speed	Deceased
Tarlton R. Thompson	Deceased
Bradley Scott Moree	Unavailable
William J. Cathey, III	Deceased
John M. Skinner	Deceased
William H. Cannon	Deceased
Koy E. Dawkins	Deceased
William E. Rouse	Deceased
Barrett L. Crawford	Deceased
Stephen Russell Simmons	Deceased
Marjorie R. Mann	Deceased
Lisa D. Blalock	Disbarred
Stephany C. Hand	Deceased
Laurel O. Boyles	Deceased



### **TROs and Preliminary Injunctions Obtained in 2020**

<b>Lawyer</b>	<b>Date of Injunction</b>
B. Ervin Brown, II	2/24/2020
Kristin Harmon Lang	3/9/2020
Sean Thomas Dillenbeck	4/13/2020
Gorden W. Spivey	5/5/2020
Allan R. Grimsley	6/15/2020
Meghan E. Ashworth	8/7/2020
Donald R. Stroud, Jr.	9/21/2020
Monica R. Savidge	10/6/2020
Angela Carter-Jones	10/19/2020
Melvin L. Wall, Jr.	12/18/2020

### **BEFORE THE GRIEVANCE COMMITTEE**

#### **Totals for 2020**

Total Grievance Files Opened – 927

Total Files Considered by Committee – 763

Dismissals – 538

Files Dismissed & Retained – 11

Files Abated – 7

Files referred to the Lawyer Assistance Program – 6

Files referred to the Trust Accounting Compliance Program – 27

Files Dismissed with Letters of Caution – 17

Files Dismissed with Letters of Warning – 54

Files issued Admonitions – 40

Files issued Reprimands – 13

Files issued Censures – 9

Files issued Reciprocal Discipline – 0

Files referred to DHC – 73

### **GRIEVANCE COMMITTEE MEETING: JANUARY 23, 2020**

219 files were dismissed

1 file was dismissed and retained

0 files were abated

4 files were continued

2 lawyers were referred to the Lawyer Assistance Program

4 lawyers were referred to the Trust Accounting Compliance Program

0 lawyers received reciprocal discipline

5 lawyers received letters of caution

12 lawyers received letters of warning

8 lawyers received admonitions

3 lawyers received reprimands

3 lawyers received censures

7 lawyers were referred to the Disciplinary Hearing Commission

### **GRIEVANCE COMMITTEE MEETING: APRIL 16, 2020**

- 74 files were dismissed
- 8 files were dismissed and retained
- 1 file was abated
- 3 files were continued
- 1 lawyer was referred to the Lawyer Assistance Program
- 9 lawyers were referred to the Trust Accounting Compliance Program
- 0 lawyers received reciprocal discipline
- 4 lawyers received letters of caution
- 10 lawyers received letters of warning
- 12 lawyers received admonitions
- 2 lawyers received reprimands
- 4 lawyers received censures
- 12 lawyers were referred to the Disciplinary Hearing Commission

### **GRIEVANCE COMMITTEE MEETING: JULY 22, 2020**

- 117 files were dismissed
- 1 file was dismissed and retained
- 0 files were abated
- 0 files were continued
- 0 lawyers were referred to the Lawyer Assistance Program
- 5 lawyers were referred to the Trust Accounting Compliance Program
- 0 lawyers received reciprocal discipline
- 5 lawyers received letters of caution
- 11 lawyers received letters of warning
- 9 lawyers received admonitions
- 3 lawyers received reprimands
- 1 lawyers received censures
- 7 lawyers were referred to the Disciplinary Hearing Commission

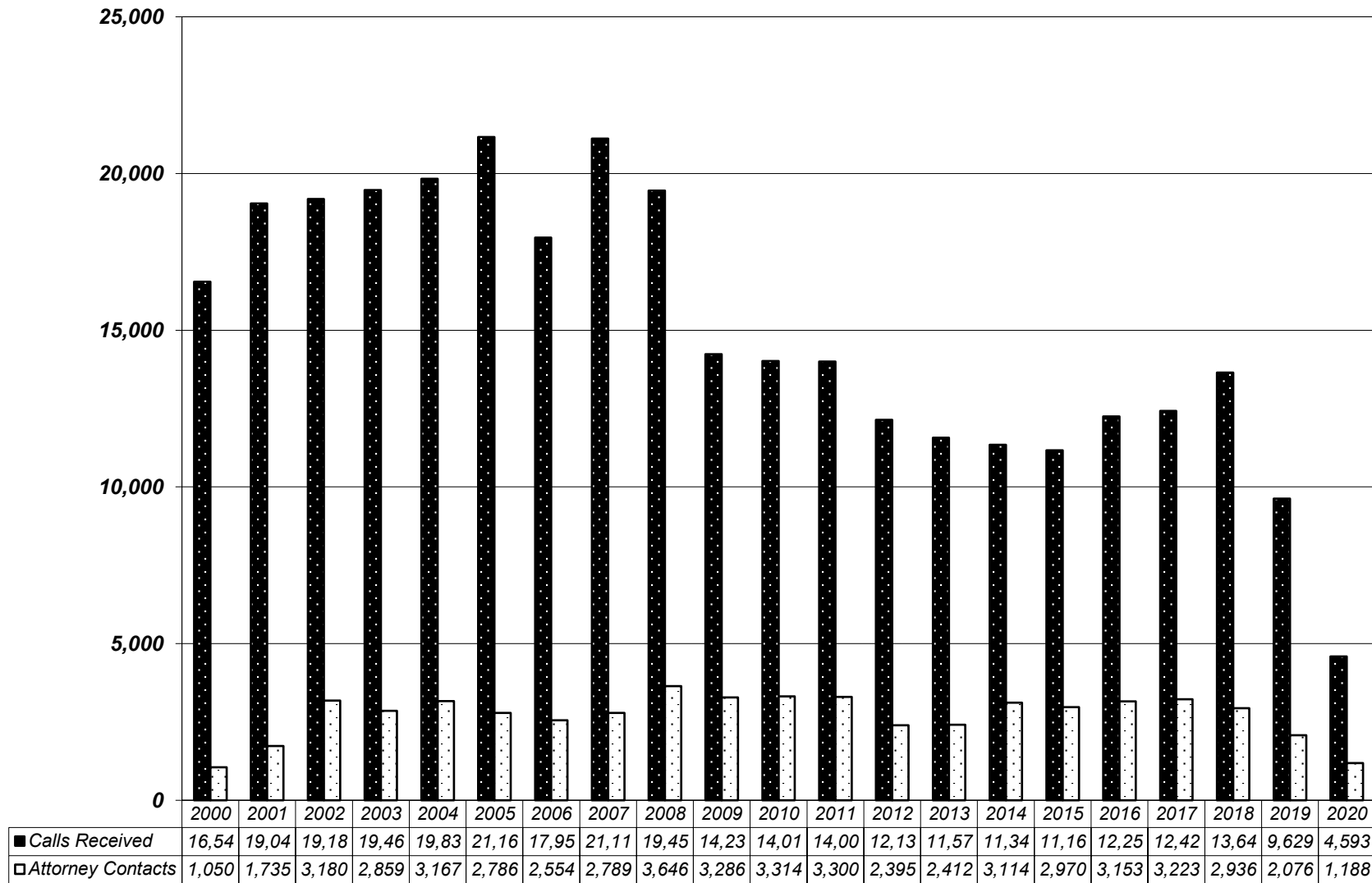
### **GRIEVANCE COMMITTEE MEETING: OCTOBER 21, 2020**

- 158 files were dismissed
- 0 files were dismissed and retained
- 2 files were abated
- 2 files were continued
- 1 lawyer was referred to the Lawyer Assistance Program
- 9 lawyers were referred to the Trust Accounting Compliance Program
- 0 lawyers received reciprocal discipline
- 1 lawyer received a letter of caution
- 18 lawyers received letters of warning
- 9 lawyers received admonitions
- 4 lawyers received reprimands
- 3 lawyers received censures
- 9 lawyers were referred to the Disciplinary Hearing Commission

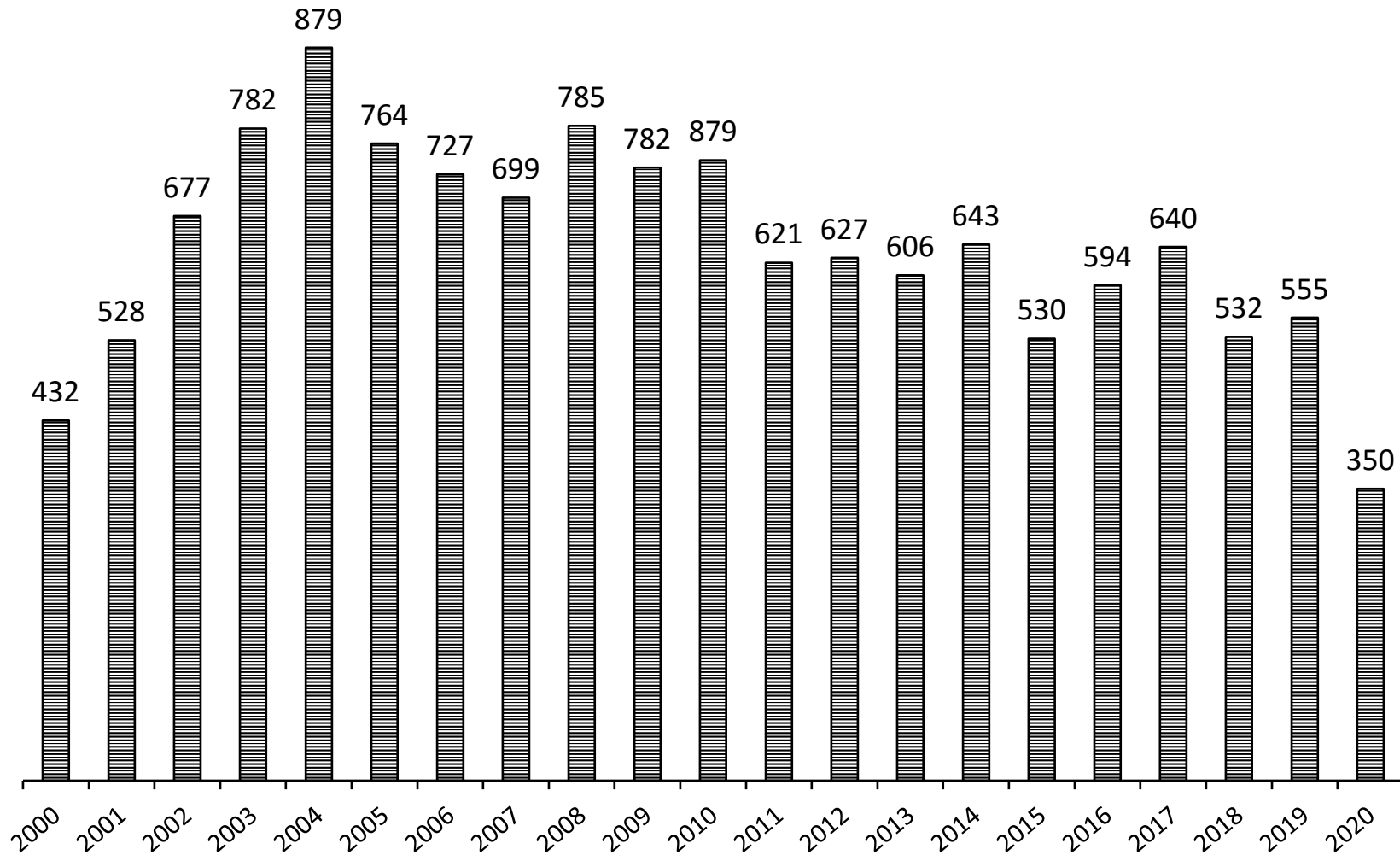
# ATTORNEY CLIENT ASSISTANCE PROGRAM

## Calls Received and Attorney Contacts

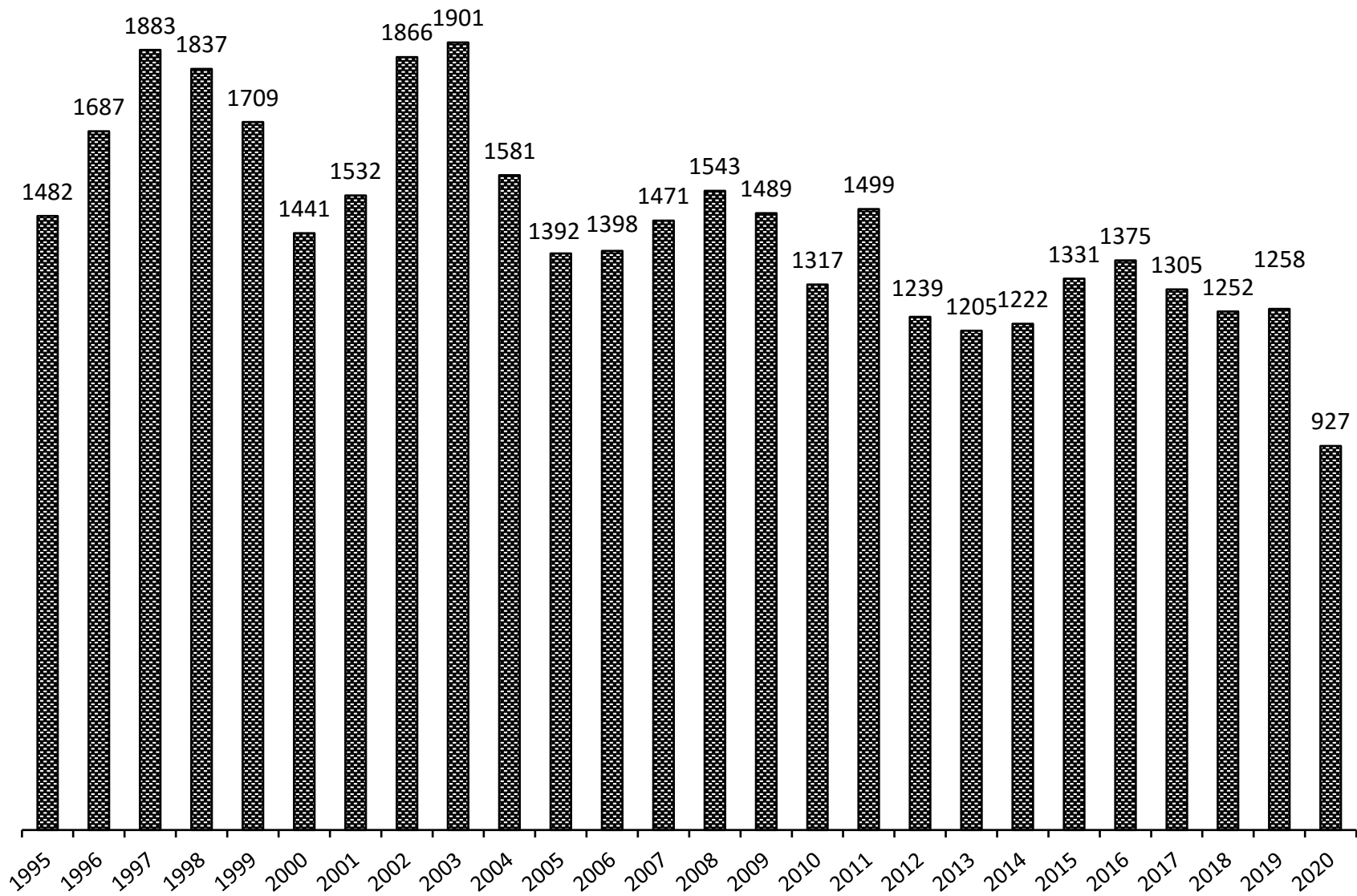
(January - December)



# Fee Dispute Resolution Petitions Filed



## Grievances Filed Annually



## Surrenders and Disbarments (DHC, Council and Courts)

