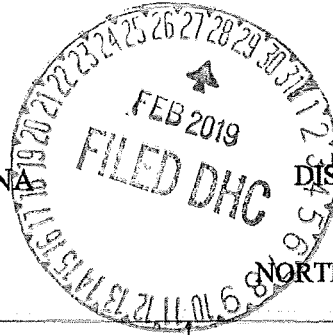


STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE  
DISCIPLINARY HEARING  
COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
18 DHC 31

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

MARY MARCH EXUM, Attorney,

Defendant

ORDER OF DISBARMENT

THIS MATTER coming before the undersigned Chair of The Disciplinary Hearing Commission (DHC) pursuant to 27 N.C.A.C. 1B § .0121(d) upon an affidavit of surrender of license executed by Mary March Exum dated February 27, 2019 and filed with the Chair of the DHC on February 27, 2019.

Based upon the pleadings and the record, the undersigned makes the following:

FINDINGS OF FACT

1. Plaintiff, the North Carolina State Bar ("State Bar"), is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar (Chapter 1 of Title 27 of the North Carolina Administrative Code).
2. Defendant, Mary March Exum ("Exum"), was admitted to the North Carolina State Bar in 1996, and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the laws of the State of North Carolina, the Rules and Regulations of the North Carolina State Bar and the Rules of Professional Conduct.
3. The North Carolina State Bar filed a formal complaint against Exum on June 20, 2018. The complaint contains allegations that Exum committed numerous violations of the Rules of Professional Conduct. The conduct set out in the complaint constitutes violations of Rules 1.5(a); 1.16(d); 4.1; 5.5(a) and (b)(2); 7.1(a); 8.1(b); 8.4(b) and (c); and N.C. Gen. Stat. § 84-28(b)(3). The conduct set out in the complaint constitutes violations of the Rules of Professional Conduct and as such constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) and § 84-28(b)(3).

4. Exum has indicated her consent to disbarment by filing an affidavit with the Chair of the DHC. The affidavit meets all requirements set forth in 27 N.C.A.C. 1B § .0121(a)(1), (2), (3) and (4).

Based upon the foregoing Findings of Fact the undersigned makes the following

#### CONCLUSIONS OF LAW

1. 27 N.C.A.C. 1B § .0108 provides that the Chair of the DHC has the power and duty to enter orders disbarring members by consent.

2. 27 N.C.A.C. 1B § .0121(d) states that the Chair of the DHC will accept the surrender and issue an order of disbarment upon determination that an affidavit of surrender filed pursuant to this subsection meets the requirements set out in 27 N.C.A.C. 1B § .0121(a)(1), (2), (3) and (4).


3. Exum's affidavit meets all requirements set forth in 27 N.C.A.C. 1B § .0121(a)(1), (2), (3) and (4) and the facts upon which the affidavit is predicated warrant Exum's disbarment.

Based upon the foregoing Findings of Fact and Conclusions of Law, the undersigned Chair of the Disciplinary Hearing Commission enters the following

#### ORDER

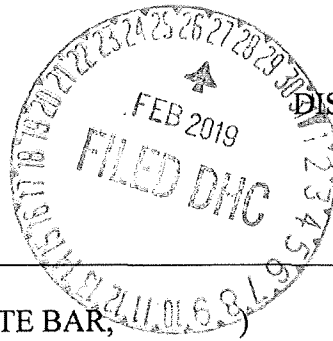
1. The surrender of the license of Mary March Exum is hereby accepted.
2. Mary March Exum is DISBARRED from the practice of law in North Carolina.
3. The effective date of this order is the date of the filing of this order with the clerk of the Disciplinary Hearing Commission.
4. Mary March Exum shall surrender her license and permanent membership card to the Secretary of the North Carolina State Bar.
5. The costs of this action and administrative fees are taxed against Defendant.

This the 27 day of February, 2019.

  
Donald C. Prentiss, Chair  
Disciplinary Hearing Commission

WAKE COUNTY

NORTH CAROLINA



BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
18 DHC 31

THE NORTH CAROLINA STATE BAR,  
PLAINTIFF,

v.

MARY MARCH EXUM, ATTORNEY,  
DEFENDANT.

AFFIDAVIT OF SURRENDER

MARY MARCH EXUM, being first duly sworn, deposes and says as follows:

1. I desire to resign and hereby tender my license to practice law in North Carolina.
2. My resignation is freely and voluntarily rendered and is not the result of coercion or duress. I am fully aware of the implications of submitting my resignation.
3. I desire to resign and hereby tender my license to practice law in North Carolina pursuant to the provisions of Section .0121(d) of Subchapter 1B of the Rules and Regulations of the North Carolina State Bar.
4. I am aware that there is presently pending a complaint before the Disciplinary Hearing Commission, file number 18 DHC 31 which contains allegations that I have been guilty of misconduct, the nature of which is specifically set forth in the State Bar's complaint. A copy of the State Bar's complaint is attached and is hereby incorporated as if fully set out herein.
5. I acknowledge that the material facts which support the violations of the Rules of Professional Conduct in the State Bar's complaint are true.
6. My resignation is being submitted because I know that I cannot successfully defend against these pending allegations.

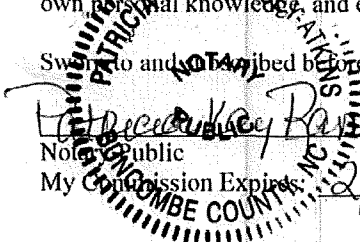
This is the 27<sup>th</sup> day of February 2019.

Mary M. Exum  
Mary March Exum

I, Patricia Kay Ramsey Atkins, Notary Public of the County of Burke, State of North Carolina, certify that Mary March Exum personally appeared before me this day, was sworn, attested that the foregoing Affidavit is true and accurate of her own personal knowledge, and executed the foregoing Affidavit.

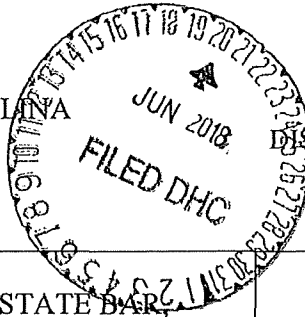
Sworn to and subscribed before me, this the 27<sup>th</sup> day of February, 2019.

Patricia Kay Ramsey Atkins  
Notary Public  
My Commission Expires 2/16/2023



STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
18 DHC 31

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

MARY MARCH EXUM, Attorney,

Defendant

COMPLAINT

Plaintiff, complaining of Defendant, alleges and says:

1. Plaintiff, the North Carolina State Bar ("State Bar"), is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar (Chapter 1 of Title 27 of the North Carolina Administrative Code).
2. Defendant, Mary March Exum, was admitted to the North Carolina State Bar in August 1996 and is, and was, until July 12, 2017, an attorney at law authorized to practice in North Carolina, subject to the laws of the State of North Carolina, the Rules and Regulations of the North Carolina State Bar and the Rules of Professional Conduct.
3. Prior to July 12, 2017, Defendant was engaged in the practice of law in the State of North Carolina and maintained a law office in Asheville, Buncombe County, North Carolina.
4. On June 12, 2017 the Disciplinary Hearing Commission suspended Defendant's license to practice law in North Carolina for five years. The suspension became effective on July 12, 2017.

Upon information and belief:

5. In anticipation of the suspension of her license and/or after the effective date of the Order suspending her license, Defendant held out to others as able to provide them with legal services by sending communications on letterhead in the name of "Exum Consultants," an entity she alleged could provide others with "Legal Services, Wealth Management & International Trading."
6. In anticipation of the suspension of her license and/or after the effective date of the Order suspending her license, Defendant stated on networking and/or referral websites

LinkedIn.com and AVVO.com that Defendant opened a consulting firm called Exum Consultants that provides legal services to clients.

7. On July 12, 2017, the effective date of the suspension of her license, Defendant represented multiple clients for whom she had agreed to provide legal services or initiate legal action once the clients paid a designated amount toward Defendant's total fees.

8. As of July 12, 2017, some of those clients had paid money toward Defendant's fees but had not yet paid the designated amount at which Defendant had agreed to provide specific services or initiate legal action on their behalf.

9. Instead of refunding the money paid by the clients for whom she was no longer permitted by law to provide legal services, Defendant informed her clients she could continue to provide legal services to them through her consulting firm called Exum Consultants.

10. Defendant told her former clients that if they chose to continue representation through Exum Consultants, they could do so under the same fee arrangement as before, receive credit for the money already paid, and continue to pay to Defendant money that would be applied toward fees for services to be provided by Exum Consultants.

11. Through Exum Consultants, Defendant offered to her former clients and to the public to provide legal services by attorneys she would hire, pay and supervise.

12. N.C. Gen. Stat. §84-4 states that "it shall be unlawful for any person or association of persons, except active members of the Bar of the State of North Carolina admitted and licensed to practice . . . to prepare legal documents . . . or to hold out himself, or themselves, as competent or qualified to give legal advice or counsel . . . or as being engaged . . . in furnishing the services of a lawyer or lawyers . . ."

### **Ronald Wayne Spann**

13. Before her license was suspended, Defendant represented Ronald Wayne Spann, who is incarcerated for convictions of serious felonies, in a Motion for Appropriate Relief (the criminal matter) and in a civil action brought by Mr. Spann against the North Carolina Department of Public Safety and others (the civil matter).

14. A hearing was scheduled in the criminal matter for July 6, 2017, just before the effective date of Defendant's license suspension.

15. Defendant contacted the Trial Court Administrator seeking a continuance of the hearing because Defendant had suffered an injury.

16. Defendant told the Trial Court Administrator that attorney Stephen Lindsay would be taking over Spann's criminal matter after the effective date of Defendant's license suspension.

17. Defendant told Spann's mother that Lindsay would take over Spann's criminal matter after the effective date of Defendant's license suspension.

18. Attorney Stephen Lindsay had not agreed, and had not told Defendant, that he would represent Spann in his criminal matter.

19. Defendant's statements to the Trial Court Administrator and to Spann's mother that Lindsay would represent Spann were false.

20. Defendant knew at the time she made the statements to the Trial Court Administrator and to Spann's mother that the statements were false.

21. Defendant arranged for another attorney to represent Spann in the civil matter after Defendant's license was suspended.

22. Nonetheless, after her license was suspended Defendant prepared witness affidavits on behalf of Spann in support of his civil case.

23. By letters dated July 24, 2017, Defendant sent the affidavits to two witnesses and offered to provide legal services to the witnesses for their own legal claims.

24. Defendant could not legally provide the documents she prepared on behalf of Spann and sent to the witnesses because her license to practice law was suspended.

25. Defendant could not legally provide, directly or through others, the legal services she offered the witnesses because her license to practice law was suspended.

26. In the July 24, 2017 letters to the witnesses, Defendant did not inform the witnesses that her license to practice law was suspended.

27. In or about April 2018, Spann's mother requested that Defendant return Spann's medical records relating to the civil matter.

28. Defendant notified Spann's mother that she would not send the records to Spann or his mother until Defendant received payment of \$289.00 for copying plus \$30.00 for shipping expenses.

### **James Richardson**

29. Before her license was suspended, Defendant represented James Richardson, who is incarcerated for conviction of serious felonies, for pursuit of options after denial of post-conviction relief.

30. Throughout the representation, Defendant communicated extensively about Richardson's case with his fiancée, Hibah Elawad.

31. Defendant agreed to review the records regarding the denial of a Writ of Habeas Corpus previously filed in federal court (the Habeas case) on behalf of Richardson for a flat fee of \$2,500.00.

32. Elawad paid Defendant \$2,500.00 on Richardson's behalf and Defendant completed the review.

33. Defendant charged Richardson and Elawad an additional \$10,000.00 flat fee, of which \$5,000.00 was designated for filing a Rule 59 motion and \$5,000.00 was designated for filing a Rule 60 motion in the Habeas case. Defendant also agreed to accept monthly payments toward an additional \$12,500.00 flat fee for appealing the denial order in the Habeas case.

34. Elawad paid the additional \$10,000.00 to Defendant as of April 18, 2017.

35. On or about April 21, 2017, Defendant filed the Rule 59 motion on Richardson's behalf and subsequently filed a reply to the opposing party's response.

36. Defendant performed some legal services relating to the Rule 60 motion but did not file such a motion with the court.

37. Richardson and Elawad terminated Defendant's services on or about May 19, 2017 and requested a refund of any unearned fees.

38. On or about May 26, 2017, Defendant sent to Elawad an invoice for the services Defendant performed to that date. Defendant provided an identical invoice to Richardson on or about June 5, 2017.

39. The invoice set forth time spent on legal services for the review and the Rules 59 and 60 motions between April 10 and May 25, 2017 totaling 62.2 hours, multiplied those hours by the rate of \$300.00 per hour, and set forth a total sum due for those services of \$18,660.00.

40. The invoice set forth the sum of \$10,000.00 as previously paid, leaving a balance due of \$8,660.00.

41. Elawad had paid Defendant \$12,500.00, not \$10,000.00 as credited by Defendant in the invoice.

42. In total, the invoice showed charges to Richardson and Elawad of \$8,660.00 more than the \$12,500.00 flat fee Defendant had agreed to charge Elawad and Richardson for the review and motions.

43. Defendant sent Richardson a letter dated July 6, 2017 requesting payment on the invoice.

44. In the July 6, 2017 letter to Richardson Defendant also stated that due to her license suspension, Defendant had begun a consultancy firm and that she had engaged two attorneys that could handle civil and criminal matters.

45. Defendant further stated in the July 6, 2017 letter to Richardson that if he wished to be represented by Exum Consultants, he would not have to pay the invoice and he could continue under the original financial arrangement he had with Defendant, which would require an additional payment of \$12,500.00 in monthly installments.

46. After the effective date of the suspension of her license, Defendant could not legally provide, either directly or through others, the legal services she offered Richardson in the July 6, 2017 letter.

**Jermaine Glover**

47. In or about February 2017, before her license was suspended, Defendant agreed to represent Jermaine Glover, who is incarcerated for conviction of a serious felony, for pursuit of post-conviction relief.

48. Defendant communicated extensively about Jermaine Glover's case with his wife, Sarah Glover.

49. Defendant agreed to prepare a Motion for Appropriate Relief (MAR) on behalf of Jermaine Glover for a \$30,000.00 flat fee, of which \$20,000.00 would be for review of all documentation and preparation of the MAR and \$10,000.00 would be for further representation if an evidentiary hearing on the MAR was granted.

50. Defendant agreed to accept periodic payments from Sarah Glover to apply toward the fee to be deposited directly into Defendant's bank account.

51. Sarah Glover deposited into Defendant's account \$200.00 on May 20, 2017, \$200.00 on June 2, 2017, and \$100.00 on June 19, 2017.

52. By letter dated July 7, 2017, Defendant notified Jermaine Glover that Defendant had begun a consulting firm and asked that he and Sarah Glover sign a new fee contract with Exum Consultants under the same terms as before.

53. After the effective date of the suspension of her license, Defendant could not legally provide, either directly or through others, the legal services she offered Jermaine Glover in the July 7, 2017 letter.

54. After Defendant's license was suspended, Defendant texted Sarah Glover on a nearly weekly basis asking her to continue making deposits into Defendant's account to apply toward fees being charged by Exum Consultants.

55. After Defendant's license was suspended, Sarah Glover deposited into Defendant's account \$25.00 on September 6, 2017, \$100.00 on September 22, 2017, \$150.00 on October 5, 2017, and \$200.00 on October 21, 2017.

**Jonathan Williams**

56. In or about February 2017, before her license was suspended, Defendant agreed to represent Jonathan Williams, who is incarcerated for conviction of serious felonies, for pursuit of post-conviction relief.

57. Defendant communicated about Williams' case with Phylicia Hall and Cheryl Parson.



58. Defendant agreed to review Williams' matter and represent him on a MAR for a \$15,000.00 flat fee, of which \$10,000.00 would be for review of Williams' case and \$5,000.00 would be for the filing of an MAR. An additional \$5,000.00 would be paid for further representation if an evidentiary hearing on the MAR was granted.

59. In an email to Hall dated July 5, 2017, Defendant notified Hall that Defendant had begun a consulting firm and asked that she sign a new fee contract with Exum Consultants under the same terms as before.

60. Defendant also notified Williams that Defendant had begun a consulting firm and asked that he sign a new fee contract with Exum Consultants.

61. After the effective date of the suspension of her law license, Defendant could not legally provide, either directly or through others, the legal services she offered Williams.

62. After Defendant's license was suspended, Defendant emailed and texted Hall often asking her to continue making payments on Williams' behalf to Defendant to apply toward fees being charged by Exum Consultants.

63. On July 21, 2017, after Defendant's license was suspended, Hall paid Defendant \$125.00 on Williams' behalf for fees charged by Exum Consultants.

64. Beginning in December 2017, after her license was suspended, Defendant emailed and texted Parson often asking Parson to make payments on Williams' behalf toward the fees being charged by Exum Consultants.

65. On December 15, 2017, after Defendant's license was suspended, Parson paid Defendant \$1,500.00 on Williams' behalf for fees charged by Exum Consultants.

66. On or about July 31, 2017, after her license was suspended, Defendant prepared witness affidavits on Williams' behalf in support of his MAR.

67. The State Bar opened grievance files regarding Defendant's conduct relating to Spann, Richardson and others. The grievances were assigned numbers 17G0877 and 17G0890.

68. The State Bar sent Defendant Letters of Notice in 17G0877 and 17G0890 to which Defendant timely submitted a written response.

69. Thereafter, the State Bar sent Defendant a follow-up letter containing specific factual questions about her activities relating to the allegations against her.

70. Defendant submitted a written response that did not provide the information requested in the follow-up letter.

THEREFORE, Plaintiff alleges that Defendant's foregoing actions constitute grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) in that Defendant violated the Rules of Professional Conduct in effect at the time of the conduct as follows:

- (a) by communicating to others on letterhead in the name of Exum Consultants, and by offering, at a time when her license to practice law was suspended, to provide legal services through Exum Consultants to her former clients (including Spann, Richardson, Glover and Williams) and to the public through the internet, Defendant engaged in the unauthorized practice of law by holding herself out as able to provide legal services to others when she was prohibited by statute from doing so in violation of Rule 5.5(a), held out to the public or otherwise represented that she is admitted to practice law in North Carolina in violation of Rule 5.5(b)(2), made false or misleading communications about herself or her services in violation of Rule 7.1(a), and committed a criminal act (practicing law without a license) that reflects adversely on her honesty, trustworthiness or fitness as a lawyer in other respects in violation of Rule 8.4(b);
- (b) by failing to refund unearned fees to former clients, and by offering to continue to provide legal services through Exum Consultants to former clients under the same fee arrangements whereby they could continue to pay Defendant for fees at a time when her license to practice law was suspended, Defendant made an agreement for, charged, or collected an illegal or clearly excessive fee in violation of Rule 1.5(a), made false or misleading communications about herself or her services in violation of Rule 7.1(a), failed to take steps to the extent reasonably practicable to protect a client's interests in violation of Rule 1.16(d), and engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c);
- (c) by falsely telling the Trial Court Administrator and Spann's mother that Attorney Stephen Lindsay would represent Spann in his criminal matter, Defendant knowingly made a false statement of material fact or law to a third person in violation of Rule 4.1, and engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c);
- (d) by preparing affidavits on behalf of Spann and Williams at a time when Defendant's license to practice law was suspended, Defendant practiced law in a jurisdiction where doing so violated the regulation of the legal profession in that jurisdiction in violation of Rule 5.5(a), and committed a criminal act (practicing law without a license) that reflects adversely on her honesty, trustworthiness or fitness as a lawyer in other respects in violation of Rule 8.4(b);
- (e) by offering legal services to the witnesses in Spann's civil matter at a time when Defendant's license to practice law was suspended, and by failing to inform the witnesses that her license to practice law was suspended, Defendant engaged in the unauthorized practice of law by holding herself out as able to provide legal services to others when she was prohibited by statute from doing so in violation of Rule 5.5(a), held out to the public or otherwise represented that she is admitted to practice law in North Carolina in violation of Rule 5.5(b)(2), made false or

misleading communications about herself or her services in violation of Rule 7.1(a), committed a criminal act (practicing law without a license) that reflects adversely on her honesty, trustworthiness or fitness as a lawyer in other respects in violation of Rule 8.4(b), and engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c);


- (f) by refusing to return Spann's medical records until after receiving reimbursement for the expenses of copying and mailing them, Defendant failed to take steps upon termination of the representation to the extent reasonably practicable to protect a client's interests in violation of Rule 1.16(d);
- (g) by agreeing with Richardson to charge flat fees for specific legal services but then attempting to collect \$8,660.00 more than the agreed-upon fee, and by crediting Richardson with \$2,500.00 less than what Elawad actually paid on Richardson's behalf, Defendant made an agreement for, charged, or collected an illegal or clearly excessive fee in violation of Rule 1.5(a), made false or misleading communications about herself or her services in violation of Rule 7.1(a), and engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c);
- (h) by collecting, after the effective date of the suspension of Defendant's license to practice law, \$475.00 from Sarah Glover for fees for legal services to be provided to Jermaine Glover by Exum Consultants, and by collecting, after the effective date of the suspension of Defendant's license to practice law, \$125.00 from Hall and \$1,500.00 from Parson for fees for legal services to be provided to Williams by Exum Consultants, Defendant made an agreement for, charged, or collected an illegal or clearly excessive fee in violation of Rule 1.5(a), committed a criminal act (obtaining property by false pretenses) that reflects adversely on her honesty, trustworthiness or fitness as a lawyer in other respects in violation of Rule 8.4(b), and engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c); and
- (i) by failing to respond to the specific factual questions asked of her in the State Bar's follow-up letter, Defendant knowingly failed to respond to a lawful demand for information from an admission or disciplinary authority in violation of Rule 8.1(b) and N.C. Gen. Stat. § 84-28(b)(3).

WHEREFORE, Plaintiff prays that:

- (1) Disciplinary action be taken against Defendant in accordance with N.C. Gen. Stat. § 84-28 as the evidence on hearing may warrant;
- (2) Defendant be taxed with the administrative fees and costs permitted by law in connection with this proceeding; and

(3) For such other and further relief as is appropriate.

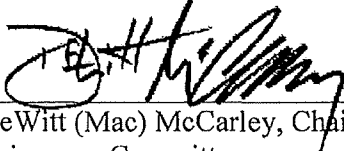
The 20<sup>th</sup> day of June, 2018.



Margaret T. Cloutier, Deputy Counsel  
The North Carolina State Bar  
State Bar #19878  
P.O. Box 25908  
Raleigh, NC 27611  
919-828-4620

Attorney for Plaintiff

Signed pursuant to 27 N.C. Admin. Code 1B  
§ .0113(n) and §.0105(a)(10).



DeWitt (Mac) McCarley, Chair  
Grievance Committee