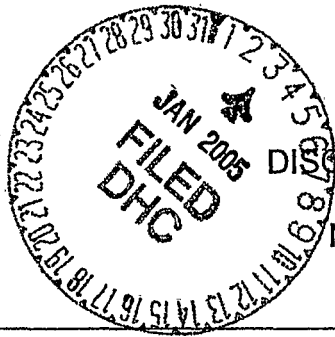


NORTH CAROLINA
WAKE COUNTY



10911
BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
04 DHC 12

THE NORTH CAROLINA STATE
BAR,

Plaintiff,

v.

PATTIE S. HARRISON, Attorney,
Defendant.

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER OF DISCIPLINE

THIS MATTER came on to be heard and was heard by a Hearing Committee of the Disciplinary Hearing Commission of the State Bar composed of Richard T. Gammon, Chair; Richard Kane and Betty Ann Knudsen on November 4-6, 2004. Anita Smith represented the defendant, Pattie S. Harrison. Carolin Bakewell and Thomas F. Moffitt represented the State Bar.

Based upon the record, evidence presented herein and the arguments of counsel, the Hearing Committee hereby enters the following:

FINDINGS OF FACT

1. The 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.

2. The Defendant, Pattie S. Harrison ("Harrison"), was admitted to the State Bar in 1983, and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the rules, regulations and Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.

3. During all of the periods relevant hereto, Harrison was a citizen and resident of North Carolina.

4. In 1985, Harrison became an assistant District Attorney in what was then the 9th Judicial District. She served in this position for approximately six years. During this period, Harrison got along well with the members of the defense bar in the 9th Judicial District, including the lawyers in Person County.

5. In 1991, then-Governor James Martin appointed Harrison to the District Court bench in the 9th Judicial District to fill a vacancy created by the death of the incumbent judge. Harrison was the first African American female to hold a judicial position in the district.

6. Harrison ran for the District Court judgeship in 1992 and was elected.

7. In 1994, the North Carolina General Assembly split Judicial District 9 and joined Person County with Caswell County (formerly in Judicial District 17A) to form Judicial District 9A, and Chief Justice Exum of the North Carolina Supreme Court appointed Harrison as the Chief District Court Judge of the new Judicial District 9A.

8. In 1994, Mark Galloway was elected to the other District Court judgeship in Judicial District 9A.

9. Between 1985, when Harrison joined the District Attorney's Office, and 1994, when she became Chief District Court Judge in District 9A, Harrison enjoyed the political support of many of the members of the Person County bar, including James Ramsey, Charles Hubbard, James Tolin and Walter Cates. She also enjoyed the support of attorneys in Caswell County in 1994 when it joined Judicial District 9A, including George Daniel, J. Lee Farmer and Michael Gentry.

10. After Harrison became Chief District Court Judge, however, she began to have confrontations with many of these lawyers, including Walter Cates, George Daniel and others in various legal matters over which she presided.

11. In November 1996, Harrison was re-elected to another term as District Court Judge and remained as Chief District Court Judge for Judicial District 9A.

12. In approximately 1996, Harrison presided over the initial stages of a domestic relations case in which George Daniel and Carolyn Woodruff, a Greensboro attorney, appeared as co-counsel. After a pre-hearing meeting concerning the equitable distribution matter that was to be heard, Woodruff and Daniel became convinced that Harrison was biased against their client and had prejudged the merits of the matter at issue before hearing any of the evidence. They filed a motion to recuse Harrison. The motion was denied by another judge after which Harrison voluntarily recused herself from the case. After this incident, the relationship between Harrison and Woodruff and Daniel soured.

13. Meanwhile, Harrison and Judge Galloway had numerous disputes over matters such as use of a lap top computer sent to the district by the Administrative Office of the Courts, calendaring of District Court matters and the day-to-day operation of the District Court in District 9A. These incidents soured the relationship between Harrison and Judge Galloway.

14. Ultimately, many of the members of the Judicial District 9A bar also had unpleasant incidents with Harrison in matters over which she presided in her court. The attorneys became convinced that Harrison was biased against men, imposed overly harsh sentences in criminal matters, refused to follow the law and had become dictatorial and unreasonable in her treatment of lawyers and their clients in her court. As a result, political support for her among the lawyers who regularly appeared before her in court in District 9A waned. The decline in support for Harrison was a consequence of her perceived ill treatment of the lawyers and their clients in court and was not based on her race or gender.

15. On September 26, 1998, Lawrence Southern, an inmate in the Caswell County Jail, told a sheriff's deputy that a drug dealer, Eddie "Big E" Allen, had offered a reward to anyone who would kill Harrison and Caswell County Sheriff's Deputy Steve Perkins. Southern was facing serious felony charges at the time and sought to barter information about the alleged murder plot for sentence concessions.

16. In October 1998, then-Caswell County Sheriff J. I. Smith told Harrison about the alleged "contract" on her life although Smith was skeptical about the credibility of Southern's statements.

17. The Caswell County Sheriff's Department and the State Bureau of Investigation investigated the alleged threat and reported their findings to Joel H. Brewer (Brewer), the elected District Attorney of District 9A. Brewer was a former colleague of Harrison when they both were assistant district attorneys in Judicial District 9A and they are close personal friends.

18. Brewer met with Harrison after the investigations concluded and summarized the results of the SBI investigation for Harrison. He told her that, in his opinion, there was no credible evidence supporting the alleged plot to murder her. Brewer also told Harrison that no charges would be filed and that the investigation was closed.

19. In 1998, Galloway ran for re-election and was opposed by Tom Fitzgerald, a candidate whom Judge Galloway believed Harrison supported. Galloway was elected in November 1998.

20. In 2000, Harrison ran for re-election, and Michael Gentry opposed Harrison in the Republican Party primary. Many of the attorneys in District 9A, including Ramsey, Daniel, Hubbard, Tolin, and Farmer, had become disenchanted with Harrison and supported Gentry. Harrison was aware of this and that Judge Galloway also supported her ouster.

21. Harrison lost the Republican Party primary that Spring, and Gentry was elected in November 2000 to the District Court judgeship. At that time, Galloway became the Chief District Court Judge.

22. On October 3, 2000, shortly before leaving the District Court bench, Harrison filed a complaint with the United States Department of Justice. In her complaint, Harrison contended that Judge Galloway had conspired with a group of white lawyers and others to file more than 10 frivolous grievances against her with the Judicial Standards Commission between 1995 and 2000. She claimed Galloway had organized this effort to "racially intimidate her into leaving" the bench. The individuals identified in the October 3, 2000 complaint were Daniel, Farmer, Judge Gentry, Tolin, Cates, Woodruff, John Lee, Richard Anderson and Adriane Reeseey.

23. The Department of Justice took no formal action as a result of the filing of the October 3, 2000 complaint by Harrison.

24. In 2001, Judge Harrison began serving as an Emergency District Court Judge.

25. In early 2002, Harrison filed to run against Judge Galloway in the November 2002 election in an attempt to regain a judgeship in Judicial District Court 9A. Due to a change in the law, this was a non-partisan election.

26. On March 8, 2002, shortly after filing as a candidate for election, Harrison filed a second complaint with the United States Department of Justice. In her second complaint, Harrison stated that Judge Galloway, Judge Gentry, Daniel, Farmer, Anderson, Cates, Tolin, Ramsey, Woodruff and Hubbard had conspired to intimidate her and remove her from the bench by filing more than 200 false complaints against her with the Judicial Standards Commission. Harrison also represented that the State Bureau of Investigation and the Judicial Standards Commission had effectively joined the conspiracy against her by continuing to investigate and accept grievances against her that these agencies knew or should have known were false.

27. The United States Department of Justice took no formal action as a result of Harrison's March 8, 2002 complaint.

28. In the summer of 2002, Harrison met with Ron Bradsher, an attorney from Caswell County who was running against Brewer for the position of District Attorney of Judicial District 9A. Harrison told Bradsher that she intended to file a grievance against Judge Galloway, Daniel and others with the State Bar. Harrison told Bradsher that the grievance "needed to be made public" before the November 2, 2002 general election to boost her campaign.

29. On or about September 26, 2002, Harrison filed grievances with the State Bar against Judges Gentry and Galloway and attorneys Daniel, Ramsey, Tolin, Farmer, Hubbard Cates and Woodruff.

30. Harrison represented that the judges and six of the attorneys had hired Woodruff to draft and file more than 200 false complaints against Harrison with the Judicial Standards Commission. Harrison also represented that the same group had solicited one or more persons to kill her in 1998. Harrison attached copies of the two complaints she had made to the United States Department of Justice to support her State Bar grievance.

31. In her State Bar complaint, Harrison falsely stated that Bradsher had told her about the conspiracy to file the false grievances against her on March 3, 2002.

32. There was no credible evidence of any conspiracy by the named attorneys and judges to file false grievances against Harrison with Judicial Standards Commission, nor was there any credible evidence of any conspiracy by any attorneys or judges to have Harrison killed. The statements in Harrison's grievance concerning these alleged conspiracies were untrue.

33. Harrison testified during the hearing that she based her belief that the seven attorneys and two judges were engaged in a conspiracy to kill her in part on these facts: she had overheard racist remarks directed against her by a magistrate shortly after she became Chief District Court Judge, the 1998 alleged contract on her life, an incident in 1998 in which two teenage women confronted her in the courthouse parking lot and an incident in September 2002 in which Harrison claimed that someone had fired a shot at her car. Harrison also testified that she was informed by Curtis Cates, a former drug court participant, that two attorneys had put a contract on her life. The Hearing Committee did not find Cates' testimony to be credible and found that there was no credible evidence linking any these incidents to any lawyer or judge.

34. There was no credible evidence upon which a reasonable attorney could have concluded that there was a conspiracy by any judges or attorneys to have Harrison killed or a conspiracy to file over 200 false grievances against her with the Judicial Standards Commission.

35. Records of the Judicial Standards Commission show that as of September 2002, when Harrison filed her grievances with the State Bar, a total of 33 complaints had been filed against her with the Commission and she had received official notice from the Commission of only 10 of those matters. The remaining complaints were summarily dismissed without investigation or notification to Harrison that they had been made.

36. Harrison knew or should have known that the allegations in her State Bar grievances concerning the two alleged conspiracies were false.

37. In early October 2002 and shortly after Harrison filed the grievances with the State Bar, copies of the grievance and attached Justice Department complaints were released to the news media, which then widely publicized their contents. There is no credible evidence indicating that the grievance was "leaked" to the press by employees of the State Bar or any of the judges or lawyers named in the grievance.

38. Harrison testified at the hearing that she gave copies of her grievance to her sister, Dossie Harrison Goods, and to her former secretary and campaign worker, Sherry Wrenn, both of whom had denied under oath that they released the grievance to the news media.

39. Harrison gave at least three interviews in October 1998 to the media following the disclosure of the grievance. In these interviews, Harrison confirmed that she had filed the grievance with the State Bar, insisted that she believed her allegations to be true and claimed to have factual information that supported her belief.

40. Harrison never retracted any of the accusations she made against the lawyers and judges she named.

41. There is no credible evidence that the actions of the two judges and the seven attorneys in opposing Harrison and working to defeat her in elections for District Court judgeships were based on her race or gender.

42. In May 2004, the Judicial Standards Commission filed a formal complaint against Harrison alleging, among other things, that Harrison had falsely accused two judges and seven lawyers of conspiring to kill her and to file frivolous grievances against her with the Commission.

43. On October 20, 2004, shortly before the scheduled hearing on the Judicial Standards Commission complaint, Harrison settled the matter with the Commission and signed stipulations of evidentiary facts that supported the settlement. Among other things, Harrison stipulated that she knew or should have known that there was insufficient evidence to support her assertions against the lawyers and judges.

Based on the foregoing Findings of Fact, and any mixed finding of fact and conclusions of law howsoever designated, the Hearing Committee hereby enters the following:

CONCLUSIONS OF LAW

1. The Disciplinary Hearing Commission of the N.C. State Bar has jurisdiction over the person of the defendant, Pattie S. Harrison, and over the subject matter of this proceeding.

2. By filing grievances alleging that two members of the state judiciary had hired one or more persons to assassinate her in 1998 when she knew or should have known the allegation were false, Harrison made false or reckless statements concerning the integrity or qualifications of a judge, in violation of Rule 8.2(a).

3. By filing grievances alleging that two state judges and seven lawyers had hired one or more persons to assassinate her in 1998 when she knew or should have known the allegations were false, Harrison engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4 (d) of the Revised Rule of Professional Conduct, engaged in conduct involving misrepresentation in violation of Rule 8.4 (c) and made knowing, false statements of material fact to a disciplinary authority in violation of Rule 8.1.

4. By filing grievances alleging that two members of the state judiciary had retained another attorney to file more than 200 false complaints about Harrison with the Judicial Standards Commission when she knew or should have known the allegations were false, Harrison made false or reckless statements concerning the integrity or qualifications of a judge, in violation of Rule 8.2 (a).

5. By filing grievances alleging that two state judges and seven lawyers had conspired to file more than 200 false complaints against Harrison with the Judicial Standards Commission, when she knew or should have known the allegations were false, Harrison engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4 (d), engaged in conduct involving misrepresentation in violation of Rule 8.4 (c) and made a knowing, false statement of material fact to a disciplinary authority in violation of Rule 8.1.

Based upon the foregoing Findings of Fact and Conclusions of Law, and any mixed findings of fact and conclusions of law howsoever designated, the Hearing Committee enters the following

FINDINGS OF FACT REGARDING DISCIPLINE

1. At least two of the attorneys named in Harrison's State Bar complaint, Charlie Hubbard and Walter Cates, testified that they or relatives were personally embarrassed and upset by the accusations in the complaint.

2. Harrison's misconduct is aggravated by the following factors:

- a) Pattern of misconduct,
- b) Refusal to acknowledge wrongful nature of conduct, and
- c) Substantial experience in the practice of law.

3. Harrison's misconduct is mitigated by the following factors:

- d) Imposition of other penalties and sanctions by the Judicial Standards Commission,
- e) Good reputation,
- f) The defendant was suffering from physical problems at the time of the misconduct, and
- g) Absence of prior disciplinary record.

4. The aggravating and mitigating factors are equally balanced.

5. Harrison's misconduct has caused substantial actual harm to the public, the judicial system and to the integrity of the political process.

6. An order of discipline of less than a stayed suspension would not sufficiently protect the public for the following reasons:

(a) Harrison engaged in multiple violations of the Revised Rules of Professional Conduct over a substantial period of time. Her conduct, therefore, was not the result of an aberration or mistake, but instead is the product of a serious personality flaw that is not readily changeable.

(b) Harrison has offered no evidence that she has addressed the problem or flaw that motivated her conduct. Consequently, the Committee finds that there is a substantial risk that Harrison would continue to engage in misconduct if she were permitted to retain her law license without sufficient safeguards in place.

(c) Entry of an order imposing less serious discipline would fail to acknowledge the seriousness of the offenses that Harrison committed and would send the wrong message to attorneys and the public regarding the conduct expected of members of the Bar of this State.

BASED UPON the foregoing Findings of Fact, Conclusions of Law and Findings of Fact Regarding Discipline, and any mixed findings of fact and conclusions of law howsoever designated, the Hearing Committee hereby enters the following:

ORDER OF DISCIPLINE

1. The Defendant, Pattie S. Harrison, is hereby suspended from the practice of law for a period of one year. The suspension of Harrison's law license is stayed for three years upon the following conditions:

(a) Within 3 months of the date of this order, Harrison shall undergo an examination by a psychiatrist approved by the State Bar and shall present a written report to the State Bar Office of Counsel from the psychiatrist verifying that she is not disabled within the meaning of 27 NCAC 1B § .0103 (19) and does not suffer from any mental, or physical condition that would prevent her from practicing law in a competent, ethical manner. Harrison shall execute a release permitting the Office of Counsel to discuss her evaluation with the examining psychiatrist no later than 3 months from the date of this order. The examination shall be performed at Harrison's expense. All documents provided by the psychiatrist shall be sealed and are to be made available only to the parties hereto and the Disciplinary Hearing Commission, pending further orders of Chair of the Commission.

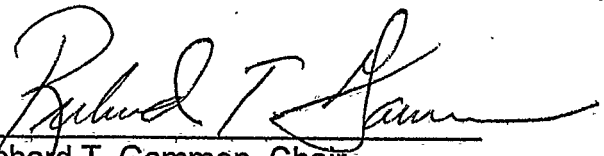
(b) Harrison shall not violate the laws of this state or the United States.

(c) Harrison shall not violate any provisions of the Revised Rules of Professional Conduct.

2. The costs of this action are taxed to Harrison. The costs shall include the expenses incurred by the State Bar for the depositions taken by the State Bar, which the Hearing Committee finds and concludes were reasonable and necessary in the litigation of this case. Harrison must pay the costs, as calculated by the Secretary of the State Bar, within three years of the date of this order.

3. If the stay of the suspension of Harrison's law license is lifted at any time, she must comply with Paragraph 1 (a) above prior to seeking reinstatement of her law license.

Signed by the Chair of the Hearing Committee with the knowledge and
consent of all Committee members, this is the 3RD day of January
2005.


Richard T. Gammon, Chair
Disciplinary Hearing Committee