

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
17G1108 & 18G0425

IN THE MATTER OF)	
)	REPRIMAND
DOUGLAS K. SIMMONS,)	
ATTORNEY AT LAW)	

On July 26, 2018 the Grievance Committee of the North Carolina State Bar met and considered the grievances filed against you by the North Carolina State Bar. The grievances were assigned to a Subcommittee, which thoroughly reviewed the results of the State Bar staff's investigation of these matters.

Pursuant to Section .0113(a) of the Discipline and Disability Rules of the North Carolina State Bar, the Grievance Subcommittee conducted a preliminary hearing. After considering the information available to it, including your response to the letter of notice, the Grievance Subcommittee found probable cause. Probable cause is defined in the rules as "reasonable cause to believe that a member of the North Carolina State Bar is guilty of misconduct justifying disciplinary action."

The rules provide that after a finding of probable cause, the Grievance Committee may determine that the filing of a complaint and a hearing before the Disciplinary Hearing Commission are not required, and the Grievance Committee may issue various levels of discipline depending upon the misconduct, the actual or potential injury caused, and any aggravating or mitigating factors. The Grievance Committee may issue an admonition, a reprimand, or a censure to the respondent attorney.

A reprimand is a written form of discipline more serious than an admonition issued in cases in which an attorney has violated one or more provisions of the Rules of Professional Conduct and has caused harm or potential harm to a client, the administration of justice, the profession, or a member of the public, but the misconduct does not require a censure.

The Grievance Committee was of the opinion that a censure is not required in this case and issues this reprimand to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this reprimand.

You associated with Lexington Law, a company engaged in the unauthorized practice of law in North Carolina. Prior to Lexington Law's registration as an interstate law firm, you provided legal services to North Carolina residents on behalf of and at the direction of Lexington Law, thereby aiding another entity in the unauthorized practice of law in violation of Rule 5.5(f). Moreover, you shared a fee with a nonattorney and collected an illegal fee by accepting a portion

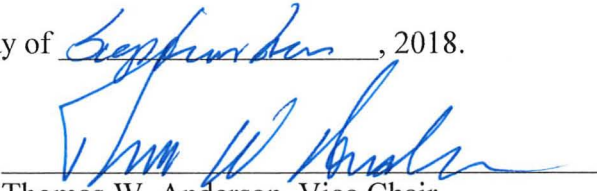
of the fees collected by Lexington Law from North Carolina consumers, in violation of Rule 5.4(a) and Rule 1.5(a). By allowing Lexington Law to direct and control the legal services you provided on behalf of the firm, you allowed a nonlawyer to regulate your professional judgment in rendering legal services in violation of Rule 5.4(c). After Lexington Law registered as an interstate law firm, you became the firm's only North Carolina attorney and thus were responsible for the firm's actions in this state. Your nonattorney assistants at Lexington Law thereafter directly solicited clients in North Carolina and provided them with legal advice. You indicated that you were unaware of these solicitations. By failing to supervise nonattorney employees of Lexington Law such that they were permitted to provide legal services directly to clients of the firm thereby engaging in the unauthorized practice of law, you failed to take reasonable efforts to ensure that your nonlawyer assistants were acting in accordance with the professional obligations of the profession in violation of Rule 5.3(a). Finally, by permitting your nonattorney assistants to directly solicit clients, you violated Rule 7.3(a).

In determining that a Reprimand was appropriate in this case, the Committee took into account the harm that necessarily results whenever attorneys aid unregistered, out-of-state entities in the unauthorized practice of law, particularly when money exchanges hands, court appearances are made, and legal forms are drafted or filed on behalf of others. The Committee also considered the remorse you expressed in your response that inspires confidence that this behavior will not be repeated.

You are hereby reprimanded by the North Carolina State Bar for your professional misconduct. The Grievance Committee trusts that you will heed this reprimand, that it will be remembered by you, that it will be beneficial to you, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession.

In accordance with the policy adopted July 23, 2010 by the Council of the North Carolina State Bar regarding the taxing of administrative fees and investigative costs to any attorney issued a reprimand by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this the 5th day of September, 2018.



Thomas W. Anderson, Vice Chair
Grievance Committee

TA/lb