

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
14G1191

IN THE MATTER OF

Bobby P. Khot,
Attorney At Law

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REPRIMAND

On April 16, 2015 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by the North Carolina State Bar. The grievance was assigned to a Subcommittee, which thoroughly reviewed the results of the State Bar staff's investigation of this matter.

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 agreed to be a participating attorney in an unregistered prepaid legal services plan (Veritas). You completed a State Bar attorney certification form that stated to the State Bar that you understood your obligations to investigate the plan and develop a good faith

belief in its compliance with the rules and regulations governing prepaid legal services plans, and you accepted funds from Veritas to provide legal services to North Carolina residents under the plan. Had you properly investigated the plan, you would have discovered that it was not being operated in compliance with the rules and that it was not registered with the North Carolina State Bar.

By accepting fees from Veritas out of a portion of the fees Veritas charged the clients, you shared a fee with a nonlawyer in violation of Rule 5.4(a). Second, by working with Veritas to provide legal services to North Carolina residents, you assisted another entity in the unauthorized practice of law in violation of Rule 5.5(d). Finally, by providing legal services on behalf of an unregistered prepaid legal services plan and failing to conduct a reasonable investigation so as to develop a good faith belief in the plan's compliance, you violated Rule 7.3(d)(2) (B) and (D).

In determining that a reprimand was appropriate in this case, the Committee took into account the possible 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 risks of this type of arrangement include divided loyalties, fee splitting, inadequate representation, excessive fees, and criminal activity. Although there does not appear to be any evidence that you mishandled any of the cases you received from Veritas, there is the inherent danger in this type of conduct that someone other than a licensed North Carolina attorney will provide legal services to North Carolina residents, thereby hampering the State Bar's ability to protect the public by regulating the practice of law in this state.

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 6th day of MAY, 2015.



John M. Silverstein, Chair
Grievance Committee