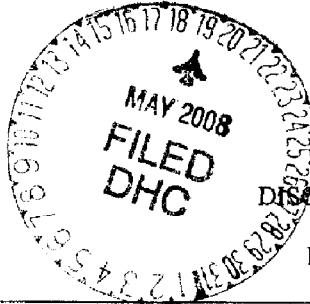


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NORTH CAROLINA
WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
07 DHC 23

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

AMANDA S. SMITH, Attorney,

Defendant

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER
OF DISCIPLINE

This matter was heard on 2 May 2008 before a hearing committee of the Disciplinary Hearing Commission composed of Sharon B. Alexander, Chair, and members M. Ann Reed and H. Dale Almond. Carmen K. Hoyme represented Plaintiff, the North Carolina State Bar. Defendant, Amanda S. Smith, was not represented and was not present at the hearing. Based upon the pleadings and admissions pursuant to 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0114(f), the Hearing Committee hereby finds by clear, cogent, and convincing evidence 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, Amanda S. Smith ("Smith" or "Defendant"), was admitted to the North Carolina State Bar on 23 August 1991 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 Revised Rules of Professional Conduct.

3. Defendant was properly served with process and the hearing was held with due notice to all parties.

4. During all or part of the relevant periods referred to herein, Smith was engaged in the practice of law in the State of North Carolina and maintained a law office in the town of Winterville, Pitt County, North Carolina.

5. In December 2004, Gregory Thomas ("Thomas") and his wife retained Smith to file an adoption petition.

6. Thomas paid Smith a \$1,200.00 flat fee in advance for her services.

7. For several months after Thomas retained Smith, he received no communication from Smith.

8. In April 2005, Thomas contacted the clerk of court to inquire about the status of his case and was told that no petition for adoption had been filed.

9. Thomas then attempted to contact Smith by phone, but received no response from her for approximately one and a half months.

10. When Thomas eventually contacted Smith about the matter, she stated there had been a "mix-up" in filing the adoption petition.

11. Smith never filed an adoption petition on Thomas's behalf.

12. During a telephone conversation in June 2005, Thomas discharged Smith as his attorney.

13. During their June 2005 telephone conversation, Smith said she would return Thomas's client file and refund the fee he had paid.

14. Smith did not return Thomas's file or refund his fee.

15. After their June 2005 telephone conversation, Thomas received no further communication from Smith.

16. On or about 19 March 2004, Jane Ellis ("Ellis") hired Smith to file an action for divorce on Ellis's behalf.

17. Ellis's sister, Sue Dittman ("Dittman"), paid Smith \$1,600.00 as an advance on Smith's hourly fees for the legal services Smith was to provide to Ellis.

18. In the ensuing year, many telephone calls from Ellis and Dittman to Smith inquiring about the status of Ellis's case were not returned.

19. The email address Smith provided to Ellis and Dittman was not valid.

20. In April 2005, Ellis contacted Smith by telephone and told Smith that her husband had forged her signature on a tax return, and as a result, Ellis was unable to obtain her refund from the Internal Revenue Service (IRS).

21. Smith told Ellis she would send her the necessary paperwork to sign and submit to the IRS regarding this issue.

22. Ellis never received any documents from Smith to be submitted to the IRS.
23. On or about 2 August 2005, Dittman sent Smith a letter by certified mail, which requested a refund of the \$1,600.00 paid by Dittman on Ellis's behalf and indicated that they would be hiring another attorney to represent Ellis.
24. Smith received Dittman's 2 August 2005 letter on 4 August 2005, but did not respond to the letter.
25. Smith did not refund any of the fees paid by Dittman on Ellis's behalf.
26. Smith never provided Ellis or Dittman with an accounting of the \$1,600.00 advance on Smith's hourly fees paid by Dittman on behalf of Ellis.
27. In March 2005, Scott Grady ("Grady") hired Smith to represent him in a child custody action.
28. Grady paid Smith \$2,500.00 as an advance on Smith's hourly fees for her services.
29. Smith prepared and filed an answer and counterclaim on Grady's behalf.
30. Smith failed to appear at the 29 March 2005 hearing in Grady's case.
31. Smith arrived at the courthouse only after Grady called Smith and asked why she was not at the hearing.
32. When Smith arrived at the courthouse, she asked that Grady's case be continued.
33. Smith did not respond to Grady's subsequent telephone calls and emails inquiring about his case.
34. In July 2005, the phone number at which Grady was attempting to contact Smith was disconnected.
35. On or about 20 July 2005, Grady sent Smith a letter by certified mail to her South Evans Street Address, in which he discharged Smith as his attorney, and requested an accounting of work performed on the case and a partial refund of fees paid.
36. Grady's 20 July 2005 letter to Smith was returned with a notation indicating it was undeliverable and no forwarding information was available.
37. Smith did not refund any of the fees paid by Grady.
38. Smith never provided Grady with an accounting of the \$2,500.00 advance on Smith's hourly fees paid by Grady.

39. In November 2005, Charlotte W. Woolard ("Woolard") hired Smith to represent her in seeking to intervene in a juvenile case involving Woolard's granddaughter, who was in the custody of social services. Woolard wanted to seek custody of her granddaughter by intervening in the case.

40. Woolard also hired Smith to assist her in the process of adopting two other grandchildren who are in Woolard's legal custody.

41. Woolard provided Smith with original documents related to the potential adoption, including signed and notarized documents showing Woolard's daughter's consent to the adoption of her children by Woolard.

42. Woolard paid Smith \$2,500.00 as an advance on Smith's hourly fees for her services.

43. Smith did not deposit the \$2,500.00 paid by Woolard into her trust account.

44. Smith drafted a motion to intervene in the juvenile case, which was reviewed and approved by Woolard.

45. Smith later told Woolard she had filed the motion to intervene.

46. Smith did not file the motion to intervene on behalf of Woolard.

47. The juvenile case involving Woolard's granddaughter was scheduled for hearing on 15 December 2005 in Chapel Hill, North Carolina.

48. On 13 December 2005, Smith's husband called Woolard and advised her that Smith was sick and would therefore be unable to attend the 15 December 2005 hearing.

49. The juvenile case involving Woolard's granddaughter was continued to 5 January 2006.

50. Woolard and her husband ("the Woolards") attended the 5 January 2006 hearing of the juvenile case involving Woolard's granddaughter, but Smith was not present.

51. The Woolards told the juvenile court that they wished to intervene in the case so that they could seek custody of their granddaughter. The court indicated it would continue the case until 6 July 2006, or until such earlier date as was arranged by Woolard's attorney.

52. Woolard didn't receive any communication from Smith from 13 December 2005 through 7 February 2006.

53. On or about 7 February 2006, Woolard contacted Smith by telephone.

54. In their 7 February 2006 conversation, Smith told Woolard that the juvenile case involving Woolard's granddaughter was scheduled to be heard on 6 April 2006.

55. On the morning of 6 April 2006, Smith called Woolard and stated that she was sick and unable to appear in court that day, but the case had been continued until 20 April 2006.

56. Woolard later contacted the clerk of court and was told that the juvenile case involving her granddaughter had not been on the docket for 6 April 2006.

57. Both the Woolards and Smith were present for the juvenile court session in Chapel Hill on 20 April 2006, but the juvenile case involving Woolard's granddaughter was not called.

58. Woolard's granddaughter's case was not on the 20 April 2006 juvenile court docket.

59. Beginning on or about 21 April 2006, Woolard left repeated phone messages for Smith inquiring about the status of the case.

60. Smith did not return Woolard's telephone calls.

61. In late May 2006, Woolard managed to contact Smith by phone, at which time Woolard asked Smith to return her file, including the original signed documents required for the adoption of Woolard's two grandchildren.

62. Smith said she was traveling, but that she would mail Woolard's file to her when she returned.

63. Smith never provided Woolard with her client file.

64. Woolard received no further communication from Smith.

65. In or about May 2005, Angela Shockey (who has since returned to use of her maiden name, Forbes, and will be referred to hereinafter as "Forbes") retained Smith to prepare a separation agreement and file for divorce.

66. Forbes paid Smith \$1,200.00 in advance for her services.

67. In or about June 2005, Forbes reviewed a draft separation agreement at Smith's office and approved sending the separation agreement to her husband for his signature and subsequent filing with the court.

68. From June through November 2005, Forbes inquired several times about the status of the separation agreement.

69. In response to these inquiries, Smith told Forbes that the separation agreement had been sent to Forbes's husband by certified mail.

70. In December 2005, Smith told Forbes the separation agreement had not been sent to Forbes's husband.

71. Forbes's mother then picked up the separation agreement and personally delivered it to Forbes's husband for his signature.

72. Smith did not file a divorce complaint on Forbes's behalf.

73. On or about 13 February 2006, Forbes contacted Smith by phone to ask why the divorce complaint had not been filed.

74. Smith told Forbes that she would draft the divorce complaint and send a copy to Forbes by certified mail the next week.

75. Forbes never received the divorce complaint from Smith.

76. From February through June 2006, Forbes made repeated telephone calls and left messages for Smith inquiring about the status of her case.

77. In June 2006, Forbes sent a letter to Smith in which she terminated the representation and requested a refund of fees paid.

78. Smith did not respond to Forbes's phone messages or to Forbes's June 2006 letter, and did not refund any of the fees paid by Forbes.

79. On 15 September 2005, Dittman filed a Petition for Resolution of Disputed Fee ("Dittman/Ellis fee dispute") with the North Carolina State Bar. The Dittman/Ellis fee dispute was assigned file number 05FD0530.

80. Notice of the Dittman/Ellis fee dispute was sent to Smith's South Evans Street address by certified mail on or about 15 September 2005, and was returned marked "unclaimed."

81. Notice of the Dittman/Ellis fee dispute was re-sent to Smith's Wimbeldon Drive address on or about 6 October 2005, and was also returned marked "unclaimed."

82. On 22 September 2005, Grady filed a Petition for Resolution of Disputed Fee ("fee dispute") with the North Carolina State Bar. Grady's fee dispute was assigned file number 05FD0543.

83. Notice of Grady's fee dispute was sent to Smith's South Evans Street address by certified mail on or about 22 September 2005, and was returned marked "unclaimed."

84. On 5 October 2005, Thomas filed a Petition for Resolution of Disputed Fee ("fee dispute") with the North Carolina State Bar. Thomas's fee dispute was assigned file number 05FD0574.

85. Notice of Thomas's fee dispute was sent to Smith's South Evans Street address by certified mail on or about 5 October 2005, and was returned marked "unclaimed."

86. On 19 October 2005, the fee dispute mediator assigned to the Dittman/Ellis, Grady, and Thomas fee disputes contacted the State Bar councilor for Smith's district and requested his assistance in contacting Smith.

87. The district councilor contacted Smith by telephone, provided Smith with the fee dispute mediator's contact information, and advised Smith to address all fee disputes pending against her with the State Bar.

88. Smith failed to contact the fee dispute mediator or otherwise respond to the Dittman/Ellis, Grady, and Thomas fee disputes.

89. On 31 July 2006, Forbes filed a Petition for Resolution of Disputed Fee ("fee dispute") with the North Carolina State Bar. Forbes's fee dispute was assigned file number 06FD0445.

90. Notice of Forbes's fee dispute was sent to Smith's Winterville post office box by certified mail on or about 31 July 2006, and was returned marked "unclaimed."

91. Notice of Forbes's fee dispute was re-sent to Smith's Barrell Drive address by certified mail on or about 11 September 2006, and was also returned marked "unclaimed."

92. Smith was served by sheriff with the notice of Forbes's fee dispute on 9 October 2006 at her Barrell Drive address.

93. Smith was required to respond within fifteen days of receipt of the notice of fee dispute, as specified in the notice. Smith failed to respond to the notice of Forbes's fee dispute.

94. On or about 28 October 2005, the State Bar opened a grievance file concerning Smith's conduct in the matters of Ellis, Grady, and Thomas, and Smith's failure to participate in the fee dispute resolution process related to these clients. This grievance was assigned file number 05G1176.

95. The State Bar issued a letter of notice to Smith in the grievance regarding the Ellis, Grady, and Thomas matters on or about 10 November 2005. The letter of notice was sent by certified mail to Smith's South Evans Street address and to Smith's Winterville post office box. Both letters of notice were returned marked "unclaimed."

96. The letter of notice in the grievance regarding the Ellis, Grady, and Thomas matters was re-sent to Smith's Winterville post office box on or about 19 June 2006.

97. Smith received the letter of notice regarding the Ellis, Grady and Thomas matters by certified mail on 22 June 2006.

98. Smith was required to respond within fifteen days of receipt of the letter of notice. She failed to respond to the grievance regarding the Ellis, Grady, and Thomas matters within that time period.

99. On 2 June 2006, Woolard filed a grievance with the State Bar regarding Smith's failure to provide the services for which she was retained and failure to return her client file. Woolard's grievance was assigned file number 06G0608.

100. The State Bar issued a letter of notice to Smith regarding Woolard's grievance on or about 8 June 2006. The letter of notice was sent by certified mail to Smith's Winterville post office box and was returned marked "unclaimed."

101. On or about 11 July 2006, the letter of notice regarding Woolard's grievance was re-sent to Smith's Winterville post office box and was returned marked "unclaimed."

102. On or about 14 September 2006, the letter of notice regarding Woolard's grievance was re-sent to Smith's Barrell Drive address.

103. Smith received the letter of notice regarding Woolard's grievance by certified mail on 16 September 2006.

104. Smith was required to respond within fifteen days of receipt of the letter of notice. She failed to respond to the letter of notice regarding Woolard's grievance within that time period.

105. On or about 2 November 2006, the State Bar opened a grievance file concerning Smith's conduct in Forbes's case and Smith's failure to participate in the fee dispute resolution process initiated by Forbes. This grievance was assigned file number 06G1153.

106. The State Bar issued a letter of notice to Smith in the grievance regarding the Forbes matter on or about 13 November 2006. The letter of notice was sent by certified mail to Smith's Barrell Drive address.

107. Smith received the letter of notice in the grievance regarding the Forbes matter by certified mail on 16 November 2006.

108. Smith was required to respond within fifteen days of receipt of the letter of notice. She failed to respond to the grievance regarding the Forbes matter within that time period.

109. On 15 November 2006, Smith requested additional time to respond to Woolard's grievance and to the grievance regarding the Ellis, Grady, and Thomas matters. The State Bar gave Smith an extension until 29 November 2006 to respond.

110. Smith failed to respond to Woolard's grievance or the grievance regarding the Ellis, Grady, and Thomas matters by 29 November 2006.

111. By letter dated 3 January 2007, the State Bar noted Smith's failure to respond to Woolard's grievance, the grievance regarding the Forbes matter, and the grievance regarding the Ellis, Grady, and Thomas matters. In the 3 January 2007 letter, the State Bar notified Smith that 7 February 2007 was the final deadline for her to respond to all pending grievances.

112. Smith failed to respond to Woolard's grievance, the grievance regarding the Forbes matter, or the grievance regarding the Ellis, Grady, and Thomas matters by 7 February 2007 or thereafter.

As previously found in the Default Judgment and now recited herein, based on the foregoing Findings of Fact the Committee enters the following

CONCLUSIONS OF LAW

1. All the parties are properly before the Hearing Committee and the Committee has jurisdiction over Defendant, Amanda S. Smith, and the subject matter.

2. Defendant's conduct, as set out in the Findings of Fact above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. §§ 84-28(b)(2) and (3) as follows:

- (a) By failing to perform the legal services Thomas, Ellis, Grady, Woolard and Forbes hired her to perform, Smith failed to act with reasonable diligence and promptness in representing a client in violation of Rule 1.3;
- (b) By failing to return calls from Thomas, Ellis, Grady, Woolard and Forbes inquiring about their cases, Smith failed to keep her clients reasonably informed about the status of their legal matters and failed to promptly comply with reasonable requests for information in violation of Rule 1.4(a);
- (c) By collecting fees from Thomas and Dittman (on behalf of Ellis), and then failing to provide the legal services for which the fee was paid, Smith collected clearly excessive fees in violation of Rule 1.5(a);
- (d) By failing to communicate with the fee dispute mediator or otherwise respond to the Dittman/Ellis, Grady, and Thomas fee disputes and by failing to respond to written notice of Forbes's fee dispute, Smith failed to

participate in good faith in the fee dispute resolution process in violation of Rule 1.5(f);

- (e) By failing to deposit the \$2,500.00 paid by Woolard as an advance on Smith's hourly fees into her trust account, Smith failed to maintain entrusted property separate from her own property in violation of Rule 1.15-2(a), and failed to promptly deposit trust funds received into a trust account in violation of Rule 1.15-2(b);
- (f) By failing to provide either Ellis or Dittman with an accounting of the \$1,600.00 paid by Dittman on behalf of Ellis, and by failing to provide an accounting of the fees paid by Grady, Smith failed to render to a client a written accounting of all trust funds at least annually in violation of Rule 1.15-3(d);
- (g) By failing to refund any unearned portion of the fees paid by Thomas, Dittman (on behalf of Ellis), Woolard, and Forbes, and by failing to return the client file to Thomas and Woolard, Smith failed to protect a client's interests upon termination of the representation in violation of Rule 1.16(d);
- (h) By failing to respond to letters of notice in Woolard's grievance, the grievance regarding the Forbes matter, and the grievances regarding the Ellis, Grady, and Thomas matters, Smith failed to respond to lawful demands for information from a disciplinary authority in violation of Rule 8.1(b) and N.C. Gen. Stat. § 84-28(b)(3); and
- (i) By telling Woolard that she had filed the motion to intervene on her behalf when she had not done so, and by telling Woolard that her granddaughter's case was scheduled for hearing when it was not on the docket, Smith engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c).

Based upon the foregoing Findings of Fact and Conclusions of Law and upon the evidence and arguments presented at the hearing concerning appropriate discipline, the Hearing Committee hereby finds by clear, cogent, and convincing evidence the following additional

FINDINGS OF FACT REGARDING DISCIPLINE

1. Smith's misconduct is aggravated by the following factors:
 - a. Prior disciplinary record;
 - b. Pattern of misconduct;

- c. Multiple offenses;
 - d. Bad faith obstruction of the disciplinary proceedings by intentionally failing to comply with rules or orders of the disciplinary agency;
 - e. Refusal to acknowledge the wrongful nature of the conduct;
 - f. Substantial experience in the practice of law; and
 - g. Indifference to making restitution.
2. Smith's misconduct is mitigated by the following factors:
- a. Personal or emotional problems; and
 - b. Mental disability or impairment.
3. Defendant has engaged in conduct that has caused significant harm to her clients, in that:
- a. Smith accepted fees from Thomas, Dittman (on behalf of Ellis), Grady, Woolard, and Forbes and did not provide the legal services for which the fee was paid, thereby causing her clients financial loss.
 - b. Smith's failure to perform the services for which she was hired delayed resolution of the legal matters of Thomas, Ellis, Grady, Woolard and Forbes.
 - c. The delay caused by Smith's neglect of her clients' child custody and adoption matters also caused those clients emotional distress.
 - d. Charlotte Woolard lost the opportunity to intervene in her granddaughter's case and no longer has any contact with her granddaughter, due at least in part to Smith's failure to file the petition on Woolard's behalf.
4. Defendant's failure to participate in the fee dispute resolution process and failure to respond to letters of notice from the State Bar regarding grievances caused significant harm to the profession and results in significant potential harm to the public. The legal profession is entrusted with the privilege of self-regulation. The State Bar can only regulate the profession if its members respond to inquiries of the State Bar and otherwise participate in this self-regulation. Defendant's failure to participate in the self-regulation of the profession shows an unacceptable disregard for the regulatory authority of the State Bar. Defendant's failure to participate in the profession's self-regulation impedes effective self-regulation and jeopardizes the privilege of the profession to remain self-regulating.

5. During the pendency of the instant disciplinary case, Smith continued her pattern of refusing to participate in the process of self-regulation by failing to participate in the fee dispute resolution process for two additional fee disputes initiated by Smith's former clients, Kathy Hardison and Thomas and Linda Thigpen.

6. Defendant's conduct caused significant harm and potential harm to clients, to the profession, and to members of the public.

7. This DHC Hearing Committee has considered lesser alternatives and finds that a public censure or reprimand would not be sufficient discipline because of the gravity of the harm to Defendant's clients, and to the profession caused by Defendant's conduct, and the significant potential harm Defendant poses to the public.

8. An Order imposing discipline short of a suspension of Defendant's law license would fail to acknowledge the seriousness of the offenses, would be inconsistent with other orders of discipline entered by this body in similar cases, and would send the wrong message to attorneys regarding the conduct expected of members of the Bar.

Based upon the foregoing Findings of Fact, Conclusions of Law, and additional Findings of Fact and Conclusions Regarding Discipline, the hearing committee hereby enters the following

ORDER OF DISCIPLINE

1. The license of Defendant, Amanda S. Smith, is hereby suspended for five years.

2. Smith shall submit her license and membership card to the Secretary of the North Carolina State Bar no later than 30 days following the service of this order upon Defendant.

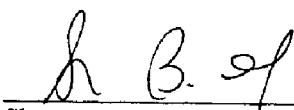
3. Smith shall comply with the wind down provisions contained in 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0124 of the North Carolina State Bar Discipline and Disability Rules, including but not limited to distributing any client property, including funds held for clients in her trust account, to her former clients or initiating appropriate escheat procedures. Defendant shall file an affidavit certifying she has complied with the wind down rule with the Secretary of the North Carolina State Bar within 10 days of the effective date of this order.

4. At the conclusion of the five year active suspension of her license, Defendant may apply to be reinstated to the practice of law by filing a petition with the Secretary of the North Carolina State Bar demonstrating compliance with the general provisions for reinstatement set forth in 27 N.C. Admin. Code Chapter 1, Subchapter B § .0125(b) and demonstrating by clear, cogent, and convincing evidence that she:

- a. Properly wound down her law practice and complied with the terms of 27 N.C. Admin. Code Chapter 1, Subchapter B § .0124 of the State Bar Discipline & Disability Rules;
- b. Paid the costs of this proceeding within 30 days of service of the statement of costs upon her;
- c. Kept the North Carolina State Bar Membership Department advised of her current business and home addresses;
- d. Has responded to all communications from the North Carolina State Bar received after the effective date of this order within 30 days of receipt or by the deadline stated in the communication, whichever is sooner;
- e. Has not violated the Revised Rules of Professional Conduct or the laws of the United States or any state;
- f. Has complied with all Continuing Legal Education (CLE) requirements on a timely basis as if still in practice during the suspension. *The State Bar does not send CLE notices to members who are suspended, so it is Defendant's obligation to contact the appropriate department on a timely basis, ascertain her CLE obligations during her suspension, and timely satisfy those obligations;*
- g. Has been examined, at her own expense, within three months prior to the filing the petition, by a board certified psychiatrist approved by the North Carolina State Bar and obtained a written report from that psychiatrist setting forth: (i) the findings of the examination; and (ii) the psychiatrist's opinion as to whether Defendant has any physical or mental condition that could adversely affect her ability to practice law;
- h. Prior to or at the time of filing her petition, provided a copy of the psychiatrist's report described in paragraph (g) to the State Bar, and executed a written release authorizing the examining psychiatrist to provide medical records to, and communicate with, the Office of Counsel of the North Carolina State Bar regarding the evaluation and report;
- i. Paid restitution in the amount of \$1,000.00 to Scott Grady;
- j. Paid restitution in the amount of \$1,200.00 to Gregory Thomas
- k. Paid restitution in the amount of \$1,200.00 to Angela Forbes;

- l. Paid restitution in the amount of \$2,500.00 to Charlotte Woolard; and
- m. In the event her former clients Kathy Hardison and/or Thomas and Linda Thigpen obtain a judgment against Smith for recovery of unearned legal fees, that she has satisfied those judgments.

Signed by the Chair with the consent of the other Hearing Committee members,
this the 19 day of May, 2008.



Sharon B. Alexander, Chair
Disciplinary Hearing Committee

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NEXT FILE !!!!!!!!,299

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
16G0748

IN THE MATTER OF)
)
CRAIG O. ASBILL,)
ATTORNEY AT LAW)

On July 27, 2017 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by T. N. 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.

In October 2013 you agreed to represent Ms. T. N. regarding her personal injury case. Ms. N. had some difficulty reading and writing English. Consequently, in June 2014, Ms. N. enlisted the aid of her friend, Ms. L. S., in facilitating written communications between you and Ms. N. Ms. S. took on the role of Ms. N.'s advocate and go-between with you regarding the handling of Ms. N.'s case. Ms. S. emailed you on numerous occasions in 2015 and 2016. You

often failed to respond to Ms. S.'s emails for many months. Indeed, there was a pattern of delay and lack of diligence in your communications with Ms. N through Ms. S.

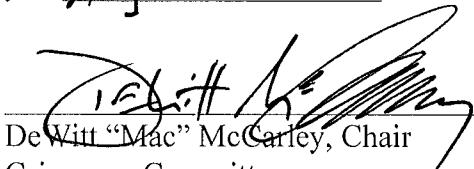
In response to this grievance, you stated that Ms. N. did not authorize you to communicate with Ms. S. regarding Ms. N.'s case. There is no evidence to show that you otherwise communicated directly with Ms. N. when Ms. S. requested information about Ms. N's case on her behalf. Rather the evidence shows that you never raised a concern about confidentiality in your few responses to Ms. S.'s requests for information. Furthermore, you did not tell Ms. S. that she should have Ms. N. contact you to authorize further communications with Ms. S.

The Grievance Committee found that your woefully inadequate communications either directly with Ms. N. or through Ms. S. violated Rules 1.3 and 1.4(a)(2)(3)(4) of the Rules of Professional Conduct.

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 5th day of Aug - 1, 2017.



De Witt "Mac" McCarley, Chair
Grievance Committee

DM/lb

kyle,asdf

NEXT FILE !!!!!!!!,301

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
15G0881

IN THE MATTER OF)
)
JOSEPH STANLEY ATWELL,) CENSURE
ATTORNEY AT LAW)

On April 20, 2017, 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.

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

The Grievance Committee believes that a hearing before the Disciplinary Hearing Commission is not required in this case and issues this censure to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this censure.

In 2009, you were appointed the executor of an estate. You did not file the final account for the estate despite numerous notifications and an order to do so necessitating the clerk's office issuing a show cause order in August 2015. You failed to appear at the show cause hearing. On October 16, 2015, the clerk's office entered an order revoking the Letters Testamentary issued to you and appointing the Public Administrator (PA) to administer the estate. The order required you to immediately turn over all assets of the estate to the PA. On December 18, 2015, the PA wrote you asking you to deliver the estate funds by December 31, 2015. You did not do so. After being contacted by a State Bar Investigator, you provided the PA a check for the estate funds on January 8, 2016. Your neglect of this estate, which required the clerk's office to devote time and expense towards attempting to get you to fulfill your responsibilities, your failure

to appear at the show cause hearing, and your delay in complying with the order to turn over the estate funds violated Rule 8.4(d). Your failure to file the final account violated Rule 1.15-3(f).

On May 5, 2016, Deputy Counsel sent you a follow up letter to the letter of notice and requested a response by May 23, 2016. When you did not respond, Deputy Counsel sent you another letter on May 26, 2016 asking for a response. Again, you did not respond. Deputy Counsel called you and left a voicemail message. You did not return the call. A State Bar Investigator then contacted you and on June 26, 2016, you provided your response to the May 5 letter. On November 23, 2016, Deputy Counsel sent you another follow up letter requesting, among other things, the tax documents concerning the trust you were administering for the decedent and requested a response by December 5, 2016. When you did not respond, Deputy Counsel sent you another letter asking for a response. Again, you did not respond. The State Bar ultimately had to subpoena you and the tax documents. On February 17, 2017, in response to the subpoena, you appeared at the State Bar and met with Deputy Counsel and a State Bar Investigator. When asked why the decedent's federal tax obligations were so great, you responded that trusts are taxed at the highest tax rate. You did not disclose in response to that inquiry that you had filed the decedent's 2010 federal and state income tax returns for the trust late and had paid the Department of Treasury from the trust funds \$10,102.43 in late filing and late payment penalties and interest. Deputy Counsel sent you a follow up letter inquiring about the late filing and your misleading explanation about how much was paid and you did not reply. Your failure to respond to the State Bar on multiple occasions violated Rule 8.1(b). Your response to the State Bar about the taxes was misleading and violated Rule 8.4(c).

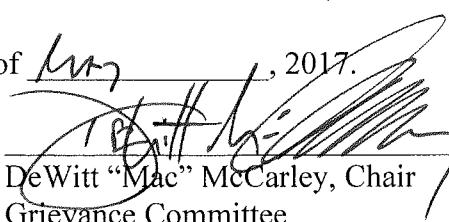
You maintained the estate funds and the funds that were held in the decedent's revocable trust for which you were the trustee in your firm's general trust account. You included the estate funds and the trust funds on the same client ledger. Rule 1.15-3(b)(5) requires that attorneys maintain "in the case of a general trust account, a ledger containing a record of receipts and disbursements for each person or entity from whom and for whom funds are received and showing the current balance of funds held in the trust account for each such person or entity." Your inclusion of the trust and the estate funds on the same ledger was a technical violation of Rule 1.15-3(b)(5).

In issuing this Censure, the Grievance Committee considered your lack of a prior disciplinary record after practicing law for over thirty years as well as the harm caused by your neglect.

You are hereby censured by the North Carolina State Bar for your violation of the Rules of Professional Conduct. The Grievance Committee trusts that you will ponder this censure, recognize the error that you have made, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession. This censure should serve as a strong reminder and inducement for you to weigh carefully in the future your responsibility to the public, your clients, your fellow attorneys and the courts, to the end that you demean yourself as a respected member of the legal profession whose conduct may be relied upon without question.

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 censure by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this 10th day of July, 2017.

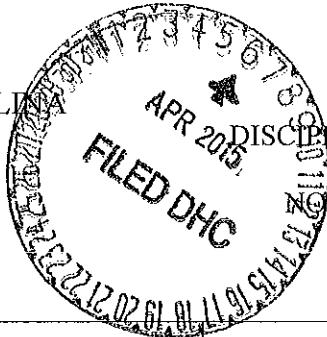

DeWitt "Mac" McCarley, Chair
Grievance Committee
The North Carolina State Bar

kyle,asdf

NEXT FILE !!!!!!!!,302

STATE OF NORTH CAROLINA
WAKE COUNTY

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
15 DHC 5



THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

ROBERT GRAY AUSTIN III, Attorney,

Defendant

CONSENT
ORDER OF DISCIPLINE

This matter was considered by a Hearing Panel of the Disciplinary Hearing Commission composed of Renny W. Deese, Chair, and members Walter E. Brock, Jr. and Randy A. Moreau pursuant to North Carolina Administrative Code, Title 27, Chapter 1, Subchapter B, § .0114(h). Plaintiff was represented by Deputy Counsel Margaret T. Cloutier. Defendant was represented by Deanna S. Brocker.

Both Plaintiff and Defendant stipulate and agree to the findings of fact and conclusions of law recited in this Consent Order and to the discipline imposed. Austin has freely and voluntarily stipulated to the foregoing findings of fact and consents to the conclusions of law and entry of the Order of Discipline. Austin freely and voluntarily waives any and all right to appeal the entry of this consent Order of Discipline.

Based upon the pleadings in this matter, the parties' stipulations of fact, and with the consent of the parties, the Hearing Panel hereby enters 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, Robert Gray Austin III (hereinafter "Austin" or "Defendant"), was admitted to the North Carolina State Bar on August 26, 2003 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 the times relevant herein, Defendant actively engaged in the practice of law in the State of North Carolina and maintained a law office in Indian Trail, Union County, North Carolina.

4. Between March 1, 2012 and March 31, 2014 (hereinafter "the audit period) Defendant maintained a client trust account with Fifth Third Bank, account number ending in the digits 3479 (hereinafter the "trust account").

5. Defendant used the trust account as a general trust account in which Defendant deposited and disbursed client funds.

6. From time to time during the audit period, Defendant electronically transferred earned fees from the trust account to Defendant's operating account without identifying on the transfer the client balance from which each disbursement was drawn.

7. On several occasions during the audit period, Defendant disbursed funds for expenses relating to specific clients before depositing funds from those clients to cover these disbursements.

8. On several occasions during the audit period, Defendant disbursed more funds for specific clients than he received on behalf of those clients.

9. From time to time during the audit period, Defendant accepted credit card payments directly into the trust account. Defendant allowed the credit card companies to deduct the fees they charged Defendant directly from the trust account.

10. While Defendant maintained in the trust account some funds specifically to cover such things as service charges, credit card fees and the like, the amount was often insufficient to cover the advanced fees, overdisbursements and credit card fees described above.

11. During the audit period, Defendant did not promptly remove earned fees from the trust account.

12. Although Defendant did not correlate these earned fees specifically to the advances, overdisbursements and credit card fees described above, the fees were sufficient to prevent other clients' funds from being used to cover those disbursements.

13. Defendant did not prepare and keep client ledger cards reflecting funds held in trust for his clients. Defendant did not prepare and keep a ledger card for his own funds Defendant held in the trust account.

14. Although Defendant made efforts to reconcile the trust account's bank statement balance with the checkbook balance, Defendant did not then reconcile the adjusted bank balance with the individual client balances. Thus, Defendant failed to conduct a proper quarterly reconciliation.

Based upon the consent of the parties and the foregoing stipulated Findings of Fact, the Hearing Panel enters the following:

CONCLUSIONS OF LAW

1. All parties are properly before the Hearing Panel and the Panel has jurisdiction over Defendant and the subject matter of this proceeding.

2. Defendant's conduct, as set out in the stipulated Findings of Fact above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) as follows:

- (a) by failing to indicate on electronic disbursements the client balance from which each disbursement was made, Defendant withdrew lawyer's fees without indicating on the item the client balance on which it was drawn in violation of Rule 1.15-2(h) and failed to maintain minimum records for a trust account in violation of Rule 1.15-3(b);
- (b) by disbursing funds on behalf of clients before depositing funds from those clients and by disbursing more funds for specific clients than he received on behalf of those clients, Defendant failed to pay or deliver to the client or third parties funds belonging to the client to which the client is currently entitled in violation of Rule 1.15-2(a) and (m);
- (c) by failing to promptly remove earned fees from the trust account thereby commingling his earned fees with entrusted funds of his clients, Defendant did not hold entrusted property separate from the property of the lawyer in violation of Rule 1.15-2(a);
- (d) by failing to prepare and keep client ledger cards reflecting funds held in trust for his clients and for himself, Defendant did not maintain ledgers containing a record of receipts and disbursements for each person or entity from whom and for whom funds are received and showing the current balance of funds held in the trust account for each such person or entity in violation of Rule 1.15-3(b)(5); and
- (e) by failing to at least quarterly total and reconcile the individual client balances with the adjusted bank statement balance for the account, Defendant did not conduct proper quarterly reconciliations in violation of Rule 1.15-3(d)(1).

Based upon the foregoing Findings of Fact and Conclusions of Law, and with the consent of the parties, the Hearing Panel enters the following:

FINDINGS OF FACT REGARDING DISCIPLINE

1. Defendant's actions in failing to adhere to the trust accounting requirements put the entrusted funds belonging to his clients at risk of being mishandled and /or misappropriated.

2. Although no client funds were used to cover the deficiencies created by advancing funds for his clients, excess disbursements and credit card fees, this was not the result of the exercise of diligence by Defendant. Defendant did not timely track or correlate the deficiencies with his own funds commingled in the account. Thus, Defendant was not aware at the time of writing checks advancing funds for clients, disbursing more than he deposited, and using funds in the trust account for credit card fees whether he had sufficient earned fees in the account to cover these disbursements.

3. By commingling his personal funds in the form of earned fees with entrusted funds belonging to his clients, Defendant put his clients' funds at risk of garnishment, attachment or other legal process affecting Defendant's assets.

4. Defendant has fully cooperated with the State Bar's review of his trust account.

5. Defendant has no prior professional discipline.

6. Defendant enjoys a reputation for good character in his community.

7. Defendant's failure to properly maintain, manage, and handle entrusted funds betrays a vital trust clients and the public place in attorneys and the legal profession.

8. The Hearing Panel has carefully considered all of the different forms of discipline available to it, including admonition, reprimand, censure, suspension, and disbarment, in considering the appropriate discipline to impose in this case.

Based on the Findings of Fact and Conclusions of Law above and the additional Findings of Fact Regarding Discipline, and with the consent of the parties, the Hearing Panel makes the following:

CONCLUSIONS REGARDING DISCIPLINE

1. The Hearing Panel has carefully considered all of the different forms of discipline available to it. In addition, the Hearing Panel has considered all of the factors enumerated in 27 N.C.A.C. 1B § .0114(w)(1) of the Rules and Regulations of the North

Carolina State Bar and concludes the following factors warrant suspension of Defendant's license:

- (a) Intent of Defendant to commit acts where the harm or potential harm is foreseeable; and
- (b) Negative impact of Defendant's actions on the public's perception of the profession.

2. The Hearing Panel has considered all of the factors enumerated in 27 N.C.A.C. 1B § .0114(w)(2) of the Rules and Regulations of the North Carolina State Bar and concludes no factors are present in this instance that would warrant disbarment.

3. The Hearing Panel has considered all of the factors enumerated in 27 N.C.A.C. 1B § .0114(w)(3) of the Rules and Regulations of the North Carolina State Bar and concludes the following factors are applicable in this matter:

- (a) Absence of prior professional discipline;
- (b) Absence of dishonest or selfish motive;
- (c) Existence of a pattern of misconduct;
- (d) Defendant's full and free disclosure to the Hearing Panel and cooperative attitude toward the proceedings;
- (e) Defendant's remorse; and
- (f) Defendant's good character and reputation.

4. The Hearing Panel has considered issuing an admonition, reprimand or censure but concludes that such discipline would not be sufficient discipline because of the gravity of the potential harm to the clients. The Panel further concludes that such discipline would fail to acknowledge the seriousness of the violations committed by Defendant and send the wrong message to attorneys regarding the conduct expected of members of the Bar in this State.

5. This Hearing Panel has considered lesser alternatives and concludes that a stayed suspension with conditions is necessary and sufficient to adequately protect the public.

6. For these reasons, this Hearing Panel finds that an order imposing discipline short of a stayed suspension of Defendant's law license would not be appropriate.

Based upon the foregoing Findings of Fact and Conclusions of Law and the Findings of Fact and Conclusions Regarding Discipline, and based upon the consent of the parties, the Hearing Panel enters the following:

ORDER OF DISCIPLINE

1. Defendant, Robert Gray Austin III, is hereby suspended from the practice of law for two years, effective thirty days from service of this Order upon him. This suspension is stayed immediately, as set forth in, and subject to the terms of, paragraph 3 below.
2. Administrative fees and costs are taxed to Defendant.
3. The two-year suspension is stayed for a period of two years as long as Defendant complies, and continues to comply during the period of the stay, with the following conditions:
 - (a) Defendant shall pay all administrative fees and costs of this proceeding as assessed by the Secretary within thirty days after service of the statement of costs on him;
 - (b) Within thirty days of the date this Order is served upon him, Defendant shall properly disburse all funds that are appropriate to be distributed as of that date. Defendant shall provide the State Bar Office of Counsel proof of such distribution within ten days thereafter;
 - (c) Within the first year of the stayed period of suspension, Defendant shall complete four hours of continuing legal education in the area of trust account management approved by the Office of Counsel of the State Bar. At least one such session shall be taken before the end of the next calendar quarter (i.e., by March 30, June 30, etc.) following the entry of this order and at least one such session shall be the Trust Accounting Rules Continuing Legal Education Program taught by Peter Bolac, Trust Account Compliance Counsel for The North Carolina State Bar. Defendant shall provide written proof of successful completion of the CLE courses to the State Bar within ten days of completing the courses. These four hours are in addition to the continuing legal education requirements set out in 27 N.C.A.C. ID § .1518;
 - (d) During the stayed suspension, Defendant shall personally perform the three-way reconciliations of his trust account(s) using the reconciliation method described in the State Bar Lawyer's Trust Account Handbook. Defendant shall provide the three-way reconciliation report and all appropriate supporting documentation to the CPA as provided below within fifteen days of the end of each quarter;

- (e) Defendant shall engage the services of a Certified Public Accountant (CPA) to audit his trust account on a quarterly basis to ensure Defendant's compliance with the Rules of Professional Conduct.
- i. The CPA must submit quarterly a written report to the Office of Counsel concerning the compliance of Defendant's reconciliations and trust account with the Rules of Professional Conduct, including but not limited to any accounting irregularities and any deviation from the requirements of the Rules of Professional Conduct, with a copy of the report sent simultaneously to Defendant. The CPA's reports are due no later than thirty days after the end of each quarter (each January 30, April 30, July 30, and October 30 during the period of stay). It is Defendant's sole responsibility to ensure the CPA completes and submits the reports as required herein;
 - ii. If any of the CPA reports note any irregularities or deficiencies, Defendant shall take all remedial action necessary to bring the trust account into compliance with the Rules of Professional Conduct and shall provide proof of the remedial action and compliance to the CPA and to the Office of Counsel of the State Bar within fifteen days of the date of the CPA's report;
 - iii. All CPA evaluations, reports, and services referred to herein will be completed and submitted at Defendant's sole expense; and
 - iv. Failure of Defendant to ensure the CPA submits any report required by this Order shall be grounds to lift the stay and activate the suspension;
- (f) Defendant shall not violate any state or federal laws or any provisions of the Rules of Professional Conduct during the period of the stayed suspension;
- (g) Defendant shall respond to all State Bar requests for information as required by Rule 8.1(b) of the Rules of Professional Conduct by the earlier of the deadline stated in the communication or within thirty days of receipt;
- (h) Defendant shall timely comply with all State Bar membership and Continuing Legal Education requirements; and
- (i) Defendant shall keep the North Carolina State Bar membership department advised of his current home and business street (not P.O. Box) addresses and telephone numbers.

4. If Defendant fails to comply with any one or more of the conditions set out in this Order of Discipline, then the stay of the suspension of his law license may be lifted and the suspension activated as provided in § .0114(x) of the North Carolina State Bar Discipline and Disability Rules.

5. Unless Defendant's obligations under this Order are modified by further order of the DHC, Defendant's obligations under this Order end two years from the effective date of the Order provided there are no motions or show cause proceedings pending alleging lack of compliance with the conditions of the stay of the suspension. Pursuant to § .0114(x) of the North Carolina Discipline and Disability Rules, the DHC retains jurisdiction until all conditions of the stay of the suspension have been met. If a motion or show cause proceeding alleging lack of compliance with the conditions for the stay of the suspension is pending when the period of the stay of the suspension would otherwise have terminated, the DHC retains the jurisdiction and ability to lift the stay of the suspension and activate the two years suspension in whole or in part if it finds that any of the conditions of the stay have not been met. The stay of the suspension and Defendant's obligation to comply with the conditions for the stay will continue until resolution of any such pending motion or show cause proceeding

6. If the stay of the suspension is lifted and the suspension is activated for any reason, the DHC may enter an Order imposing such conditions as it deems necessary for the reinstatement of Defendant's license at the end of the suspension. Furthermore, Defendant will have complied with each of the following conditions before he will be eligible for reinstatement:

- (a) Submitted his license and membership card to the Secretary of the North Carolina State Bar no later than thirty days from the effective date of the order activating his suspension;
- (b) Complied with all provisions of 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0124 of the North Carolina State Bar Discipline and Disability Rules on a timely basis;
- (c) Paid any outstanding disciplinary administrative fees and costs; and
- (d) Within fifteen days of the effective date of the order activating the suspension Defendant shall have provided the State Bar with an address and telephone number at which clients seeking return of files could communicate with Defendant and obtain such files, and Defendant shall have promptly returned all files to clients upon request.

7. The Disciplinary Hearing Commission will retain jurisdiction of this matter pursuant to 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0114(x) of the

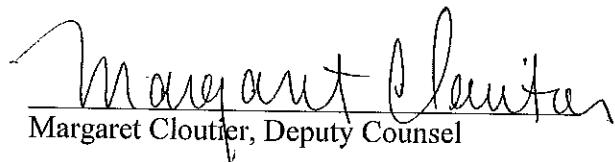
North Carolina State Bar Discipline and Disability Rules throughout the period of the stayed suspension.

31st Signed by the Chair with the consent of the other Hearing Panel members, this the day of March, 2015.

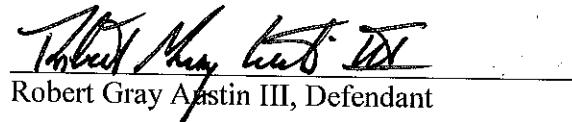


Kay W. Dunn
Chair, Disciplinary Hearing Panel

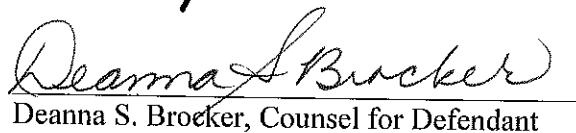
CONSENTED TO:



Margaret Cloutier, Deputy Counsel



Robert Gray Austin III, Defendant



Deanna S. Broeker, Counsel for Defendant

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NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
14G1188

IN THE MATTER OF)
)
)
W. TRAVIS BARKLEY,) CENSURE
ATTORNEY AT LAW)

On July 27, 2017, 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.

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

The Grievance Committee believes that a hearing before the Disciplinary Hearing Commission is not required in this case and issues this censure to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this censure.

You agreed to work as a "local counsel" for "BK Net Legal Services," an out-of-state law firm. While working in this capacity, you aided BK Net Legal Services in providing legal services to North Carolina residents.

By working with BK Net to provide legal services to North Carolina residents, you assisted an entity in the unauthorized practice of law in violation of Rule 5.5(d) (now 5.5(f)), but at the time of your conduct, it was 5.5(d)). Additionally, by accepting a portion of the fee from BK Net that they contracted with the clients to collect, you shared a fee with a nonlawyer in violation of Rule 5.4. Finally, by claiming to clients that you were able to provide legal services via an out-of-state entity that

is not authorized to provide legal services here, you participated in making false or misleading statements about your services in violation of Rule 7.1(a).

In determining that a censure was appropriate in this case, the Committee took into account the harm that necessarily results whenever attorneys aid 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.

You are hereby censured by the North Carolina State Bar for your violation of the Rules of Professional Conduct. The Grievance Committee trusts that you will ponder this censure, recognize the error that you have made, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession. This censure should serve as a strong reminder and inducement for you to weigh carefully in the future your responsibility to the public, your clients, your fellow attorneys and the courts, to the end that you demean yourself as a respected member of the legal profession whose conduct may be relied upon without question.

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 censure by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this 9th day of August, 2017.



DeWitt "Mac" McCarley, Chair
Grievance Committee
The North Carolina State Bar

DM/Ib

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NEXT FILE !!!!!!!!,337

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
14G0957

IN THE MATTER OF)
)
Hiram C. Bell, Jr.) REPRIMAND
Attorney At Law))
)

On July 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.

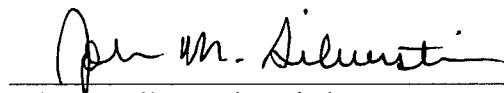
In October of 2014, you self-reported the theft by your employee from clients' cash funds intended for your firm's trust account. Following your internal investigation of the amount of the missing funds, you replenished the missing trust account funds. However, you acknowledged that your employee took your firm's trust account records to her residence where she destroyed them and that your employee discontinued using and maintaining client ledger

cards for the receipt and disbursement of entrusted funds from clients. Thus, you failed to properly supervise the recordkeeping of the firm's trust account in violation of Rules 1.15-3(b) and 5.3(b). You also acknowledged that you failed to conduct or supervise your employee in conducting quarterly and monthly reconciliations of the firm's trust account between January of 2014 and August of 2014, and thus you violated the trust account reconciliation requirements of Rule 1.15-3(d), in conjunction with Rule 5.3(b).

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 30th day of July, 2015.



John M. Silverstein, Chair
Grievance Committee

JMS/lb

kyle,asdf

NEXT FILE !!!!!!!!,341

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
15G0993

IN THE MATTER OF)
) CENSURE
JEFFREY S. BERMAN,)
ATTORNEY AT LAW)

On July 21, 2016, 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.

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

The Grievance Committee believes that a hearing before the Disciplinary Hearing Commission is not required in this case and issues this censure to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this censure.

During the 30 days before you were suspended from the practice of law in September 2014, you were required to comply with the provisions of 27 N.C. Admin. Code Ch. 1B, § .0124 ("Rule .0124") in winding down your practice. The letter by which you notified your clients of the suspension did not state the reasons for the suspension, as required by Rule .0124, and you did not notify all of your clients "promptly," as required by the Rule. In addition, you failed to timely withdraw from several client matters, and did not refund unearned fees to a client for whom you had not completed agreed-upon services. By failing to comply with Rule .0124 as ordered by the DHC, you knowingly disobeyed an obligation under the rules of a tribunal in violation of Rule 3.4(c). Your failure to promptly notify several clients, timely withdraw from at least two cases, and refund an unearned fee were also in violation of Rule 1.16(d), which

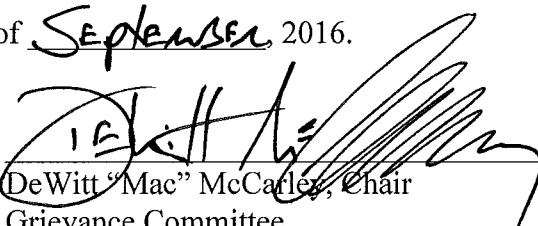
obligated you to take reasonably practicable steps to protect clients' interests upon termination of the representation.

One of the cases from which you did not timely withdraw when you were suspended was *Wheely v. Wheely*. In the Wheely case, the certificate of service on your motion to withdraw stated that you served the motion on 12 September 2014, but you did not actually serve the motion until after it was filed on 23 September 2014. Your false certification regarding the date of service violated Rule 11 of the Rules of Civil Procedure and therefore is an additional instance in which you violated Rule 3.4(c). In response to an inquiry from the State Bar about the Wheely case, you falsely stated that you were unaware that the opposing party was represented at the time you prepared the motion to withdraw, and falsely stated that you eventually told opposing counsel that you were closing your practice. These misrepresentations were in violation of Rules 8.1(b) and 8.4(c).

You are hereby censured by the North Carolina State Bar for your violation of the Rules of Professional Conduct. The Grievance Committee trusts that you will ponder this censure, recognize the error that you have made, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession. This censure should serve as a strong reminder and inducement for you to weigh carefully in the future your responsibility to the public, your clients, your fellow attorneys and the courts, to the end that you demean yourself as a respected member of the legal profession whose conduct may be relied upon without question.

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 censure by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this 14th day of September, 2016.


DeWitt "Mac" McCarley, Chair
Grievance Committee
The North Carolina State Bar

DM/lb

kyle,asdf

NEXT FILE !!!!!!!!,355

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
14G0151

IN THE MATTER OF)
)
Victoria L. Block,) REPRIMAND
Attorney At Law)
)

On July 24, 2014 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by R. S.

Pursuant to Section .0113(a) of the Discipline and Disability Rules of the North Carolina State Bar, the Grievance Committee conducted a preliminary hearing. After considering the information available to it, including your response to the letter of notice, the Grievance Committee 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.

R. S. hired you in 2008 to handle the administration of the estate of his brother. You failed to timely file annual accountings, and the clerk of court issued notices regarding those late filings. You stated in your response to the Grievance Committee that you had no explanation for the late filings, other than the press of work and your perception of the court clerks’ lenient attitude toward compliance with filing deadlines. The Grievance Committee found that your

failure to file promptly the annual accountings in the estate violated Rule 1.3 of the Rules of Professional Conduct.

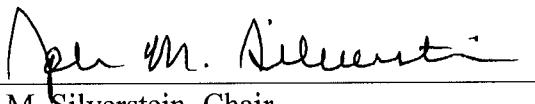
You agreed to handle tax issues associated with the estate. You told Complainant that you would communicate with the IRS about the estate tax issues, but you did not talk with the IRS about those issues. Your failure to diligently attend to the tax accounting issues violates Rule 1.3. You admitted in your response to this grievance that you did not have the expertise to handle the tax issues and that you should have consulted "a more experienced attorney to assist me in handling this estate due to its complexity..." The Grievance Committee found that you violated Rule 1.1 since you were not competent to handle the tax issues without associating with a lawyer who was competent to handle the matter.

The Grievance Committee also found that you failed to adequately and promptly communicate with Mr. S. about the status of his brother's estate, in violation of Rule 1.4(a)(3) and (4).

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 15th day of August, 2014.


John M. Silverstein, Chair
Grievance Committee

kyle,asdf

NEXT FILE !!!!!!!!,367

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
16G1137

IN THE MATTER OF)
)
RUSSELL R. BOWLING,) REPRIMAND
ATTORNEY AT LAW))

On July 27, 2017 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by M.H. 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.

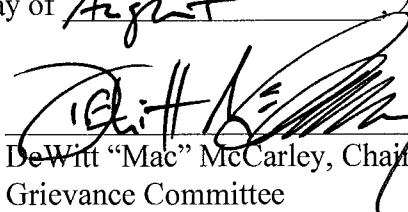
You represented M.H. in a personal injury matter. You collected settlement proceeds on behalf of M.H. in 2009, but failed to disburse the funds collected for payment of medical liens and your legal fee until after you were contacted by the State Bar in 2016. Also, you failed for several years to disburse funds collected for payment of medical liens on behalf of two other clients. Your conduct violated Rules 1.3, 1.15-2 (a), (f), and (n). You represented R.A. in a

personal injury matter. During your representation of R.A., you loaned \$200 to him in violation of Rule 1.8(a).

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 15th day of August, 2017.


DeWitt "Mac" McCarley, Chair
Grievance Committee

DM/lb

kyle,asdf

NEXT FILE !!!!!!!!,412

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
16G0617

IN THE MATTER OF)
)
) REPRIMAND
BRANDI B. J. BULLOCK,)
ATTORNEY AT LAW)

On January 26, 2017 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.

In 2015, you agreed to work for Brownstone, P.A., an out-of-state law firm not authorized to practice law in North Carolina. While working in this capacity, you aided Brownstone in providing legal services to North Carolina residents.

By working with Brownstone to provide legal services to North Carolina residents, you assisted an entity in the unauthorized practice of law in violation of Rule 5.5(f). Additionally, by claiming to clients that you were able to provide legal services via an out-of-state entity that is not authorized to provide legal services here, you participated in making false or misleading statements about your services in violation of Rule 7.1(a). Moreover, you shared a fee with a nonlawyer by accepting a portion of the fees Brownstone collected from North Carolina consumers in violation of Rule 5.4(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.

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 10th day of February, 2017.



DeWitt "Mac" McCarley, Chair
Grievance Committee

DM/lb

kyle,asdf

NEXT FILE !!!!!!!!,421

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
14G0113

IN THE MATTER OF)
)
HILDA BURNETT-BAKER) REPRIMAND
Attorney At Law)
)

On July 24, 2014 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you in the above-referenced grievance file number.

Pursuant to Section .0113(a) of the Discipline and Disability Rules of the North Carolina State Bar, the Grievance Committee conducted a preliminary hearing. After considering the information available to it, including your response to the letter of notice, the Grievance Committee 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.

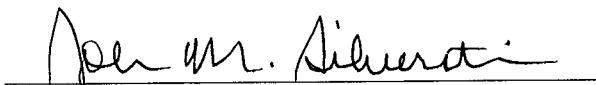
On September 24, 2013, you filed a motion on behalf of the North Carolina Department of Transportation (“NCDOT”) in a bankruptcy case, *In re NCVAMD, Inc.*, No. 10-03098-8-SWH (Bankr. E.D.N.C.), seeking to lift the automatic stay pursuant to 11 U.S.C. § 362. Paragraph 6 of your motion falsely disclaimed NCDOT’s knowledge of the bankruptcy proceedings prior to NCDOT’s filing of a condemnation complaint in state court, *Department of Transportation v. Henry L. Burke, et al.*, No. 12-CVS-3293 (Cabarrus County Superior Court, Oct. 9, 2012), despite the fact that the bankruptcy trustee was named as a party defendant in the condemnation

complaint. Email communications between the NCDOT and the trustee in May 2012 also showed that NCDOT had knowledge of the bankruptcy prior to filing the condemnation complaint. At the October 22, 2013 hearing before the bankruptcy judge on NCDOT's motion, you acknowledged that you had learned of NCDOT's knowledge about the bankruptcy proceedings two days prior to filing the September 24, 2013 motion. Even after filing the motion and prior to your appearance before the bankruptcy judge at the October 22, 2013 hearing, you did not correct or amend paragraph 6 of your motion to correct the falsehood. By signing and filing the motion on behalf of NCDOT, you knowingly made a false statement of material fact to a tribunal, and/or failed to correct a false statement of material fact previously made to the tribunal by her, in violation of Rule 3.3(a)(1).

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 27th day of August, 2014.


John M. Silverstein, Chair
Grievance Committee

JMS/lb

kyle,asdf
NEXT FILE !!!!!!!!,423

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
13G1125

IN THE MATTER OF)
BETSY BUTLER,) REPRIMAND
ATTORNEY AT LAW)

On October 22, 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.

Your trust accounts were randomly audited by the State Bar in September 2013. The audit revealed that although the bookkeeper you had hired earlier that year was complying with the trust accounting rules, her predecessor had not done so. Prior to the replacement of the bookkeeper in 2013, you had not performed quarterly reconciliations of your trust accounts in violation of Rule 1.15-3 (d), and had not always identified the source of deposits or the recipients

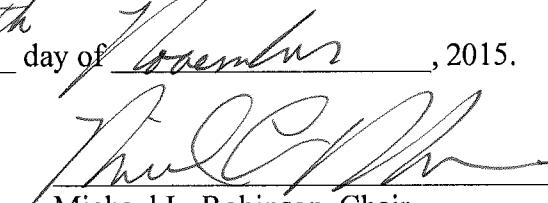
of disbursements made by wire/electronic transfer in violation of Rule 1.15-3(b). Prior to the audit, you also had not directed your banks to notify the State Bar if an item drawn on one of your trust accounts was presented against insufficient funds in violation of Rule 1.15-2(k). Your failure to reconcile your trust accounts over a period of years made it possible for a non-lawyer employee to divert funds out of one of your trust accounts undetected, thereby creating a risk of harm to entrusted client funds. Your inadequate supervision of this employee was in violation of Rule 5.3(a).

In determining that a reprimand is sufficient discipline in this case, the Committee noted the following factors: (a) you cooperated and were candid with the State Bar's auditor; (b) you responded promptly and fully to the Letter of Notice regarding this grievance; and (c) you had already established proper trust accounting procedures before the random audit, which demonstrated your ability and willingness to comply with the trust accounting rules.

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 6th day of November, 2015.



Michael L. Robinson, Chair
Grievance Committee

MLR/hp

kyle,asdf

NEXT FILE !!!!!!!!,429

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
15G0323

IN THE MATTER OF)
) REPRIMAND
R. KELLY CALLOWAY, JR.,)
ATTORNEY AT LAW)

On April 21, 2016 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by K. B. 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.

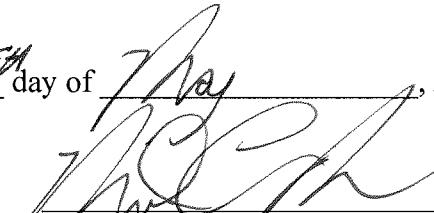
When your bankruptcy client, KB, became dissatisfied with your legal advice, communication, and performance, he terminated your services and requested a refund before you filed the bankruptcy petition. You refused the refund and KB contacted the State Bar's Fee Dispute Resolution Program (FDRP). You failed to respond to the FDRP facilitator's requests for information following your initial response. This was a violation of Rule 1.5(f)(2). The file was

then transferred to the Grievance Department and you failed to file a timely response to the grievance in violation of Rule 8.1(b). These failures to respond to the Bar were reminiscent of your similar conduct in 1998. Additionally, you failed to offer any explanation of the work you did to earn the fees paid by KB. The presumption is that your fees were clearly excessive as described by KB which violated Rule 1.5(a).

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 10th day of May, 2016.



Michael L. Robinson, Chair
Grievance Committee

MLR/lb

kyle,asdf

NEXT FILE !!!!!!!!,435

STATE OF NORTH CAROLINA **FILED** IN THE GENERAL COURT OF JUSTICE
WAKE COUNTY SUPERIOR COURT DIVISION
15 CVS 3040

2015 MAY 18 P 12:56

THE NORTH CAROLINA STATE BAR, BY Petitioner	WAKE COUNTY C.S.C.	CONSENT ORDER OF DISBARMENT
PETER C. CAPECE, Attorney, Respondent		

THIS MATTER came before the undersigned Judge of the Superior Court of Wake County upon the tender of surrender of the law license of Peter C. Capece. Petitioner, the North Carolina State Bar, was represented by Margaret Cloutier. Respondent, Peter C. Capece was represented by T. Richard Kane.

Based upon the Affidavit of Surrender of Law License submitted to the Court by Peter C. Capece and the consent of the parties, the court makes the following:

FINDINGS OF FACT

1. Capece was licensed to practice law on August 27, 2002.
2. During all periods relevant hereto, Capece was actively engaged in the practice of law in Lincolnton, Lincoln County, North Carolina.
3. Capece served as Executor of the Estate of Fritz E. Detmers, as Trustee of the Fritz E. Detmers Living Trust, and as the Guardian of the Estate of John Paul Tols Detmers. Capece also maintained a general trust account at BB&T Bank ending in digits 7156.
4. Between December 2009 and February 2015, Capece misappropriated at least \$1,584,904.51 from funds entrusted to him in his fiduciary capacities identified above, as follows:
 - (a) From the Detmers Guardianship, at least \$705,995.89;
 - (b) From the Detmers Trust, at least \$816,667.97; and
 - (c) From Capece's BB&T general trust account, at least \$62,240.65.

Based upon the foregoing Findings of Fact, the Court makes the following:

CONCLUSIONS OF LAW

1. This court has jurisdiction over Capece and over the subject matter of this proceeding.
2. The courts of this State have the inherent authority to take disciplinary action against attorneys licensed to practice law in North Carolina.
3. By misappropriating funds entrusted to him in a fiduciary capacity, Capece used entrusted property for the benefit of one other than the legal or beneficial owner in violation Rule of Professional Conduct 1.15-2(j), engaged in criminal acts that reflect adversely on his honesty, trustworthiness, or fitness as a lawyer in violation of Rule of Professional Conduct 8.4(b), and engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule of Professional Conduct 8.4(c);
4. Capece's misconduct constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2).
5. Capece has engaged in professional misconduct warranting disbarment.

IT IS NOW, THEREFORE, ORDERED:

1. The surrender of the license of Peter C. Capece is hereby accepted.
2. Peter C. Capece is DISBARRED from the practice of law in North Carolina effective upon entry of this Order.
3. Capece shall comply with the provisions of 27 N.C. Admin. Code 1B §.0124 and shall surrender his law license and permanent membership card to the Secretary of the North Carolina State Bar along with the affidavit required by 27 N.C. Admin. Code 1B § .0124.
4. Capece shall not petition for reinstatement of his law license until the expiration of at least five years from the date of entry of this order.
5. Capece's law license shall not be reinstated until he has demonstrated to the satisfaction of the Disciplinary Hearing Commission and the Council of the North Carolina State Bar that he has complied with 27 N.C. Admin. Code 1B § .0125.

6. The costs of this action are taxed against Peter C. Capece.

Done and Ordered this 15 day of May, 2015.

Donald W. Stephens
Superior Court Judge Presiding

Seen and consented to:

Peter C. Capece
Peter C. Capece, Respondent

T. Richard Kane
T. Richard Kane
Counsel for Respondent

Margaret Cloutier
Margaret Cloutier
Deputy Counsel, North Carolina State Bar
Counsel for Petitioner

STATE OF NORTH CAROLINA
WAKE COUNTY

FILED
2015 MAY 18 P 12:56

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
15 CVS 3040

WAKE COUNTY, C.S.C.

BY THE NORTH CAROLINA STATE BAR, v. PETER C. CAPECE, Attorney,	Petitioner
	Respondent

AFFIDAVIT OF
SURRENDER OF LAW LICENSE

Peter C. Capece, 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. It is not the result of coercion or duress. I am fully aware of the implication of submitting my resignation.
3. I served as Executor of the Estate of Fritz E. Detmers, as Trustee of the Fritz E. Detmers Living Trust, and as the Guardian of the Estate of John Paul Tols Detmers. I also maintained a general trust account at BB&T Bank ending in digits 7156.

4. Between December 2009 and February 2015, I misappropriated at least \$1,584,904.51 from funds entrusted to him in his fiduciary capacities identified above, as follows:

- (a) From the Detmers Guardianship, at least \$705,995.89;
- (b) From the Detmers Trust, at least \$816,667.97; and
- (c) From Capece's BB&T general trust account, at least \$62,240.65.

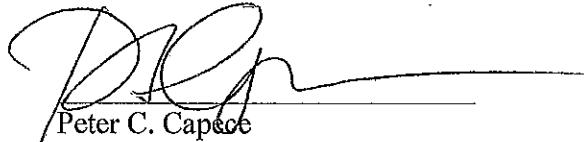
I utilized these entrusted client and trust funds for my own personal benefit or for the benefit of third parties without authorization to do so from the beneficial owners of the funds.

5. I am aware that there is presently pending an investigation with the North Carolina State Bar regarding my conduct as described above.

6. I acknowledge that the material facts upon which the investigation is predicated are true.

7. I am submitting my resignation because I know that if disciplinary charges were predicated upon the misconduct under investigation, I could not successfully defend against them.

This the 12 day of May, 2015.



Peter C. Capece

I, Lisa A. Zatorski, Notary Public of the County of Lincoln, State of North Carolina, certify that Peter C. Capece personally appeared before me this day and acknowledged the due execution of the foregoing Affidavit.

Sworn to and subscribed before me, this the 13 day of May, 2015.



Notary Public

My Commission Expires: 3-19-18



kyle,asdf

NEXT FILE !!!!!!!!,445

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
15G1323

IN THE MATTER OF)
Linnie W. Causey,) CENSURE
ATTORNEY AT LAW)

On July 21, 2016, 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.

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

The Grievance Committee believes that a hearing before the Disciplinary Hearing Commission is not required in this case and issues this censure to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this censure.

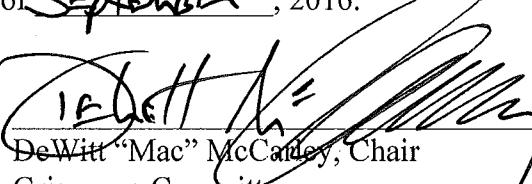
Between December 2013 and April 2015, you submitted inaccurate reimbursement requests to your law firm for CLE expenses, resulting in your receipt of funds to cover expenses that you had not actually incurred. Although you ultimately reimbursed your law firm for any funds unnecessarily disbursed to you, your submission of inaccurate requests for CLE expenses not incurred constituted dishonest conduct in violation of Rule 8.4(c). Although this conduct was concerning to the Grievance Committee and would typically result in referral to the DHC, the Committee determined that your conduct was significantly mitigated by the unique and devastating personal circumstances that you experienced which contributed to your mindset and misconduct. These circumstances subjected you to multiple instances of extreme psychological and physical distress, and the Committee is of the opinion that these exceptional circumstances distorted your judgment. Additionally, the Committee took into

consideration your efforts to proactively seek assistance for your various psychological issues, as well as the support of your former law firm.

You are hereby censured by the North Carolina State Bar for your violation of the Rules of Professional Conduct. The Grievance Committee trusts that you will ponder this censure, recognize the error that you have made, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession. This censure should serve as a strong reminder and inducement for you to weigh carefully in the future your responsibility to the public, your clients, your fellow attorneys and the courts, to the end that you demean yourself as a respected member of the legal profession whose conduct may be relied upon without question.

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 censure by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this 14th day of September, 2016.



DeWitt "Mac" McCandley, Chair
Grievance Committee
The North Carolina State Bar

DM/lb

kyle,asdf

NEXT FILE !!!!!!!!,446

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
14G0432

IN THE MATTER OF)
) CENSURE
DAVID E. GURGANUS,)
ATTORNEY AT LAW)

On April 21, 2016, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by J. B. 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.

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

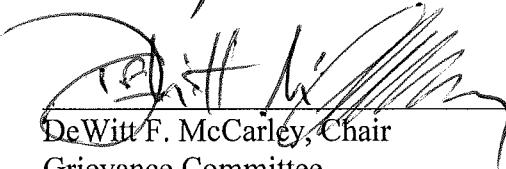
The Grievance Committee believes that a hearing before the Disciplinary Hearing Commission is not required in this case and issues this censure to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this censure.

You prepared estate planning documents for J.M.B. The documents you prepared for J.M.B. transferred ownership of J.M.B.'s real property assets to his daughter and gave her access to J.M.B.'s IRA. J.M.B. subsequently revoked the actions taken during your representation of him and reinstated his prior estate plans which included all of his children sharing J.M.B.'s assets upon his death. J.M.B.'s daughter was your girlfriend with whom you hoped to use some of J.M.B.'s assets to purchase a home. Your representation of J.M.B. was materially limited by your personal relationship with his daughter. Your conduct violated Rule 1.7(a)(2). You failed to adequately communicate with J.M.B. about the representation in violation of Rule 1.4. You collected a clearly excessive fee for your representation of J.M.B. in violation of Rule 1.5(a). Lastly, during a 10 September 2012 discussion with J.M.B.'s son, you revealed confidential information obtained during your representation of J.M.B. without J.M.B.'s consent in violation of Rule 1.6.

You are hereby censured by the North Carolina State Bar for your violation of the Rules of Professional Conduct. The Grievance Committee trusts that you will ponder this censure, recognize the error that you have made, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession. This censure should serve as a strong reminder and inducement for you to weigh carefully in the future your responsibility to the public, your clients, your fellow attorneys and the courts, to the end that you demean yourself as a respected member of the legal profession whose conduct may be relied upon without question.

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 censure by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this 20th day of July, 2016.


DeWitt F. McCarley, Chair
Grievance Committee
The North Carolina State Bar

kyle,asdf

NEXT FILE !!!!!!!!,463

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
15G0948

IN THE MATTER OF)
) REPRIMAND
DANIEL J. CLIFTON,)
ATTORNEY AT LAW)

On July 21, 2016 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by R. F. 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.

Mr. R. F. hired you to represent him in action against the City of Charlotte and two police officers. A lawsuit was filed on February 12, 2013. You did not answer the written discovery requests from the City of Charlotte on behalf of your client.

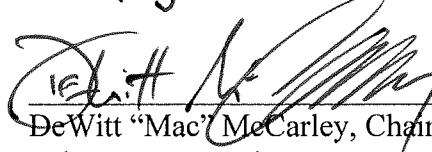
In December 2014, you were served with a notice of Mr. F.'s deposition by certified mail and email. The deposition was scheduled for January 8, 2015. You indicated that you had problems with your email and you did not check your mailbox for the notice of deposition. As a result, you and Mr. F. missed the scheduled deposition. The city attorney filed a Motion to Compel Discovery and a Motion to Compel Deposition and/or Sanctions. A hearing was scheduled on those motions for January 26, 2015 but you incorrectly noted the hearing date on your calendar as January 28. Consequently, you missed the hearing on the motions.

At the January 26, 2015 hearing, the judge dismissed Mr. F.'s claims with prejudice due to the discovery violations. The judge found that dismissal of the case with prejudice was the only appropriate sanction in view of the totality of the circumstances, which the court found to be "the severity of the disobedience of counsel for plaintiff in failing to make discovery – by failing to produce responses to properly propounded written discovery and by failing to produce his clients for duly noticed deposition for which subpoenas were issued." The Grievance Committee found that your conduct violated Rule 1.3.

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 12th day of August, 2016.



DeWitt "Mac" McCarley, Chair
Grievance Committee

DM/lb

kyle,asdf
NEXT FILE !!!!!!!!,490

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
17G0171

IN THE MATTER OF)
)
JUNIUS A. CRUMPLER, III,)
ATTORNEY AT LAW)

CENSURE

On July 27, 2017, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by L. T. 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.

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

The Grievance Committee believes that a hearing before the Disciplinary Hearing Commission is not required in this case and issues this censure to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this censure.

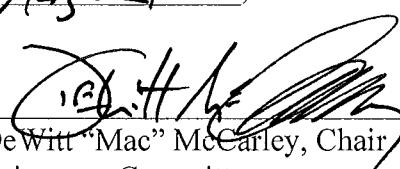
In 2016, you were suspended for not complying with your CLE requirements. You were informed of your suspension. You continued to practice law, knowing you were suspended. By practicing law without an active license, you engaged in the unauthorized practice of law in violation of Rule 5.5(a). Moreover, by holding out to others as able to practice law despite not being actively licensed in this state, you made a misleading statement regarding the services you could provide in violation of Rule 7.1(a) and engaged in conduct involving misrepresentation in violation of Rule 8.4(c). Finally, by charging others legal fees despite not having an active license, you charged or collected an illegal or excessive fee in violation of Rule 1.5(a).

In determining that a censure was appropriate in this case, the Committee considered the harm and potential harm caused by your activity, the fees you earned while not licensed, the deceptive nature of your voicemails to the Complainant in this matter, and your unavailing response to the allegations.

You are hereby censured by the North Carolina State Bar for your violation of the Rules of Professional Conduct. The Grievance Committee trusts that you will ponder this censure, recognize the error that you have made, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession. This censure should serve as a strong reminder and inducement for you to weigh carefully in the future your responsibility to the public, your clients, your fellow attorneys and the courts, to the end that you demean yourself as a respected member of the legal profession whose conduct may be relied upon without question.

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 censure by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this 9th day of August, 2017.



DeWitt "Mac" McCarley, Chair
Grievance Committee
The North Carolina State Bar

DM/lb

kyle,asdf

NEXT FILE !!!!!!!!,492

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
15G0373

IN THE MATTER OF)
WAYNE E. CRUMWELL,) REPRIMAND
ATTORNEY AT LAW)

On April 21, 2016 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by the North Carolina State Bar.

Pursuant to Section .0113(a) of the Discipline and Disability Rules of the North Carolina State Bar, the Grievance Committee conducted a preliminary hearing. After considering the information available to it, including your response to the letter of notice, the Grievance Committee 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.

In March 2003, you filed an application with the Dispute Resolution Commission ("DRC") for certification as a mediator in the family financial mediated settlement conference program. In your application, you failed to disclose the fact that you had been subject to disciplinary action by the North Carolina State Bar Disciplinary Hearing Commission ("DHC") in 1991, and the fact that the DHC imposed a three-year stayed suspension on your license to practice law. Rules of the DRC required you to disclose this information on your application and

in submitting the application you certified that the information you were giving was true, accurate and complete information. You were certified as a mediator based on your application.

In subsequent years, you failed to disclose civil judgments that had been entered against you on renewal applications you filed with the DRC. Rules of the DRC required you to disclose civil judgments. Your renewal application in each instance affirmed that no civil judgments had been taken against you and you certified that the information you were giving was true, accurate and complete information.

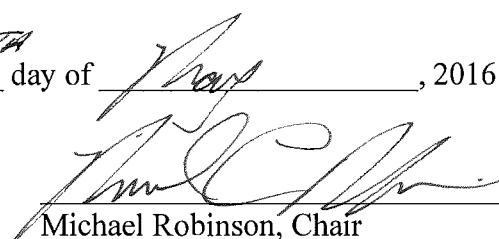
DRC rules also required you to report to the Commission within 30 days of receiving notice of any disciplinary complaint(s) filed with or actions taken by a professional licensing or regulatory body. You were served with letters of notice by the State Bar between 2010 and 2014 that you did not disclose to the DRC. On renewal applications that you filed in 2009 and 2011, you failed to disclose disciplinary proceedings that were pending against you as required by DRC rules.

Your failure to disclose professional discipline you received, report disciplinary complaints filed against you, and your repeated failure to disclose pending disciplinary proceedings and civil judgments on renewal applications demonstrates a pattern of engaging in conduct involving deceit or misrepresentation in violation of Rule 8.4(c) of the Rules of Professional Responsibility. This conduct was also prejudicial to the administration of justice in violation of Rule 8.4(d) of the Rules of Professional Conduct as it interfered with the DRC's ability to perform its function of regulating the certification of mediators in North Carolina.

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 9th day of May, 2016.



Michael Robinson, Chair
Grievance Committee

MLR/hp

kyle,asdf

NEXT FILE !!!!!!!!,494

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
15G0879

IN THE MATTER OF)
LAWRENCE J. D'AMELIO, III,) REPRIMAND
ATTORNEY AT LAW)

On January 21, 2016 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.

Zeh & Associates, P.C., an out-of-state law firm not licensed to practice law in North Carolina, indicated that you were one of its North Carolina "local partners." You claimed to have never been associated with or paid by Zeh & Associates, but you later admitted to receiving a wire transfer from Zeh & Associates to provide a North Carolina client with legal services.

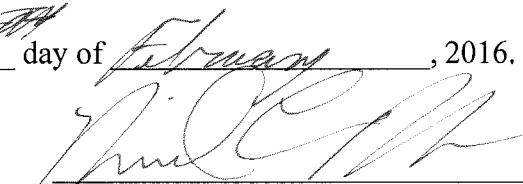
By providing legal services to North Carolina residents on behalf of Zeh & Associates, you aided another entity in the unauthorized practice of law. Moreover, you shared a legal fee with a nonlawyer by accepting a portion of the fees collected by Zeh & Associates from a North Carolina consumer.

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 lack of remedial actions you took upon learning of your violations, your history of discipline, and your lack of understanding of the wrongfulness of your actions, engendering no 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 15 day of February, 2016.


Michael L. Robinson, Chair
Grievance Committee

MLR/lb

kyle,asdf
NEXT FILE !!!!!!!!,497

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
16G0593

IN THE MATTER OF)
BERNELL DANIEL-WEEKS,) REPRIMAND
ATTORNEY AT LAW)

On January 26, 2017 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Y. N. 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.

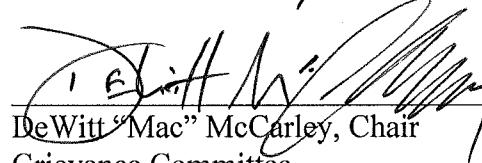
You were hired by your client, YCN, following a car accident with injury that occurred in August 2012. You initiated some of the claims, but did not contact or respond to YCN's insurance company. You were slow to present the demand package to the other driver's insurance company and did not provide YCN with any meaningful information about the settlement until September, 2015. From September, 2015 through May, 2016 you failed to answer YCN's calls or

hold a meeting with her about the settlement. When YCN requested that you deliver the file to a new attorney, you failed to do so and failed to answer the request. The State Bar's Attorney Client Assistance Program attempted to reach you at your known email address and phone numbers and you failed to respond. After being served with notice of the grievance you failed to submit a response. Your conduct in this matter violated Rules 1.3, 1.4(a)(2), (3), and (4), 1.16(d), and 8.1(b).

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 10th day of FEBRUARY, 2017.



DeWitt "Mac" McCarley, Chair
Grievance Committee

DM/lb

kyle,asdf
NEXT FILE !!!!!!!!,502

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
15G0423

IN THE MATTER OF)
) REPRIMAND
KENNETH T. DAVIES,)
ATTORNEY AT LAW)

On April 20, 2017, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by 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.

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

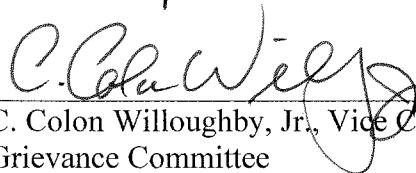
On or about June 1, 2012, you employed former North Carolina licensed attorney Neal Rodgers ("Mr. Rodgers") as your paralegal after his disbarment became effective. Mr. Rodgers introduced you to one of his former clients (L.C.L.) and thereafter L.C.L. and his companies became your clients. As your paralegal, Mr. Rodgers continued to work on the matters involving L.C.L. and his companies. Rule 5.5(h) of the Rules of Professional Conduct prohibits a law firm from employing a disbarred lawyer as a paralegal to work on the cases of the disbarred lawyer's former clients. When Rule 5.5(h) was brought to your and Mr. Rodgers' attention by opposing

counsel, Mr. Rodgers terminated his employment as your paralegal on or about August 9, 2012. Therefore, you violated Rule 5.5(h) during the approximate June 1, 2012 to August 9, 2012 time period that Mr. Rodgers worked as your paralegal at the same time that you represented Mr. Rodgers' former clients, L.C.L. and his companies. Even after Rule 5.5(h) was brought to your attention and Mr. Rodgers left your employment, Mr. Rodgers continued to work for and be paid by L.C.L., contrary to Rule 5.5(h). After leaving your employment, Mr. Rodgers continued meeting with L.C.L. and you at your firm to discuss the litigation and strategize about how to prepare for upcoming hearings and other issues. Mr. Rodgers' continuing communications and interactions with L.C.L. violated Rule 5.5(h) notwithstanding the client's desire for Mr. Rodgers to remain involved.

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 15 day of May, 2017.



C. Colon Willoughby, Jr., Vice Chair
Grievance Committee

CW/lb

kyle,asdf

NEXT FILE !!!!!!!!,511

STATE OF NORTH CAROLINA

WAKE COUNTY

BEFORE THE

DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
12 DHC 25

THE NORTH CAROLINA STATE BAR

Plaintiff

VOLUNTARY DISMISSAL OF
PETITION FOR REINSTATEMENT

v.

STEVEN B. DECILLIS,

Defendant

NOW COMES THE DEFENDANT, representing himself, and pursuant to 27 NCAC 1B .0125(b)(7) and NCGS 1A-1, Rule 41, files a voluntary dismissal without prejudice of his Petition for Reinstatement filed on August 8, 2016.

This the 13th day of September 2016.

Steven B. DeCillis
PO BOX 49652
Charlotte, NC 28277

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Voluntary Dismissal of Petition for Reinstatement was served on the Plaintiff by depositing three copies a copy of it in the US Mail addressed to Dottie Miani, Clerk of The North Carolina State Bar, PO BOX 25908, Raleigh, NC 27611-5908 and requesting that she provide a copy to Mary D. Winstead, Attorney for the Plaintiff.

This the 13th day of September 2016.

Steven B. DeCillis
PO BOX 49652
Charlotte, NC 28277

kyle,asdf
NEXT FILE !!!!!!!!,512

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
14G0084

IN THE MATTER OF)
)
JO ANN DeJOURNETTE,) REPRIMAND
ATTORNEY AT LAW)
)

On July 27, 2017, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Mary Louise C. McWhorter. 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.

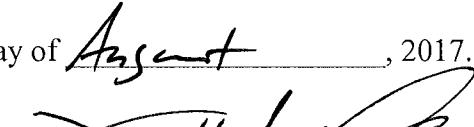
After being appointed as the Administratrix CTA for the estate of M.B. in December 2002, you failed to file annual accountings for M.B.'s estate between December 2002 and April 2005. You also failed to file the required fiduciary income tax returns for M.B.'s estate. Following the filing of one annual accounting in April 2005, you failed to file additional yearly annual accountings for M.B.'s estate until 2011, when the Clerk agreed to allow another attorney and public administrator to assist you in attempting to bring the estate records current. In December 2012, the Clerk agreed to permit you to resign as the Administratrix CTA, and

appointed the public administrator to complete the administration of M.B.'s estate. Because of your inattention to M.B.'s estate, certain stock belonging to the estate escheated to the State of North Carolina in 2009. Because of your inactions, M.B.'s estate incurred approximately \$15,000 in legal fees, taxes, penalties and interest, which you eventually partially mitigated by agreeing to a settlement of \$5,000 paid to M.B.'s estate in 2014. Your admitted lack of competence and diligence in the handling of M.B.'s estate violated Rules 1.1 and 1.3 of the Rules of Professional Conduct.

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 9th day of August, 2017.


DeWitt "Mac" McCarley, Chair
Grievance Committee

DM/lb

kyle,asdf

NEXT FILE !!!!!!!!,518

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
12G0458

IN THE MATTER OF)
C. CALEB DECKER,) REPRIMAND
ATTORNEY AT LAW)

On October 22, 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.

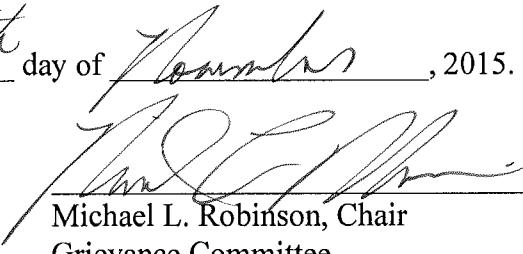
A 2011 random audit of your trust account revealed that you were not in compliance with a number of the Rules of Professional Conduct involving trust accounting. Among the violations were: (a) failure to maintain individual client ledgers for each person on whose behalf you received entrusted funds in violation of Rule 1.15-3(b)(5); (b) failure to conduct required

reconciliations in violation of Rule 1.15-3(d); (c) failure to consistently provide written accountings of your receipt and disbursement of entrusted funds in violation of Rule 1.15-3(e); (d) failure to provide an NSF directive to your bank in violation of Rule 1.15-2(k); (e) occasional failure to promptly disburse entrusted funds in violation of Rule 1.15-2(m); and (f) not maintaining deposit slips in violation of Rule 1.15-3(b)(1). The following factors were determinative in the Committee's decision that a reprimand is the appropriate discipline: (1) that you responded promptly and fully to the State Bar throughout the pendency of this grievance, and (2) that you provided documentation showing corrections of all deficiencies in your trust accounting procedures, including consistent proper reconciliations.

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 6th day of November, 2015.


Michael L. Robinson, Chair
Grievance Committee

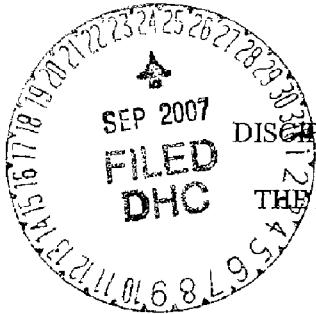
MLR/hp

kyle,asdf

NEXT FILE !!!!!!!!,527

NORTH CAROLINA

WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF
THE NORTH CAROLINA STATE BAR
07 DHC 13

THE NORTH CAROLINA STATE
BAR,

Plaintiff

v.

PETER K. GEMBORYS, Attorney,
Defendant

**Order Transferring Defendant
to
Disability Inactive Status
and
Setting Hearing Date on Disability**

This matter came before the Chair of the Hearing Committee in the above captioned proceeding based upon the pleadings. The Chair makes the following:

Findings of Fact

1. The Plaintiff, the North Carolina State Bar, filed a disciplinary complaint against the Defendant, Peter K. Gemborys, on July 9, 2007. Summons was also issued on July 9, 2007. Defendant accepted service of the Summons on July 26, 2007.
2. On August 2, 2007, the Chair of the Disciplinary Hearing Commission appointed the three members of the Hearing Committee to hear and determine the Plaintiff's disciplinary complaint. The Hearing Committee consists of Sharon B. Alexander, Chair, M. Ann Reed, and Michael J. Houser.
3. On August 22, 2007, Defendant, through counsel, filed a Notice of Disability raising a question about whether the Defendant had a disability that impaired his ability to practice law.

Based upon the foregoing Findings of Fact, the Chair makes the following:

Conclusions of Law

1. Defendant has raised a contention that he is disabled within the meaning of 27 N.C.A.C. 1B § .0103(19) during the course of a disciplinary proceeding.
2. In accordance with 27 N.C.A.C. 1B § .0118(c), the disciplinary proceeding should be stayed pending a determination by the Hearing Committee whether the Defendant's disability exists.

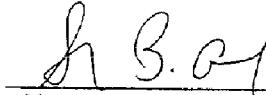
3. In accordance with 27 N.C.A.C. 1B § .0118(c), the Defendant should be immediately transferred to disability inactive status pending the conclusion of a hearing by the Hearing Committee on Defendant's disability.

Based upon the foregoing Findings of Fact and Conclusions of Law, the Chair enters the following:

Order

1. The Defendant is hereby immediately transferred to disability inactive status pending a determination whether the Defendant's disability exists.
2. The disciplinary proceeding is hereby stayed pending a determination whether the Defendant's disability exists.
3. The Hearing Committee will conduct a hearing on Defendant's disability in accordance with the requirements of 27 N.C.A.C. 1B § .0118(c).
4. The hearing on Defendant's disability is hereby set for November 29 & 30, 2007 at 10:00 a.m. in the third floor courtroom in the North Carolina State Bar Building at 208 Fayetteville Street, Raleigh, North Carolina.

This the 17 day of September, 2007.



Sharon B. Alexander, Chair
Disciplinary Hearing Committee

kyle,asdf

NEXT FILE !!!!!!!!,541

**NOTE: THIS LINK RELATES ONLY
TO DAVID E. DUKE OF
YOUNGSVILLE.**

THIS LINK DOES **NOT** RELATE TO DAVID M. DUKE
OF RALEIGH.

STATE OF NORTH CAROLINA
WAKE COUNTY



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

THE NORTH CAROLINA STATE BAR,

Plaintiff

ORDER OF DISBARMENT

v.

DAVID E. DUKE, Attorney,

Defendant

THIS MATTER coming before the undersigned Chair of the Disciplinary Hearing Commission pursuant to 27 N.C. Admin. Code 1B § .0117(d) upon an affidavit of surrender of license executed by David E. Duke ("Defendant" or "Duke") dated 16 August 2013 and filed by the Clerk of the Disciplinary Hearing Commission on 16 August 2013.

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

FINDINGS OF FACT

1. Plaintiff, the North Carolina 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 promulgated thereunder.
2. Defendant was admitted to the North Carolina State Bar on 20 March 2004.
3. During all periods relevant hereto, Defendant was engaged in the practice of law in North Carolina.
4. Defendant has indicated his consent to disbarment by filing an affidavit with the Disciplinary Hearing Commission. The affidavit meets all requirements set forth in 27 N.C. Admin. Code 1B § .0117(a)(1), (2), (3), (4) and (d).

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

CONCLUSIONS OF LAW

1. 27 N.C. Admin. Code 1B § .0108 provides that the Chair of the Disciplinary Hearing Commission has the power to enter orders disbarring members by consent.

2. Defendant's affidavit meets all requirements set forth in 27 N.C. Admin. Code 1B § .0117(a)(1), (2), (3), (4) and (d) and the facts upon which the affidavit is predicated warrant Defendant's disbarment.

3. Defendant has admitted the material facts as alleged in the State Bar's complaint, incorporated herein by reference, and the misconduct alleged in the complaint has been established.

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 David E. Duke is hereby accepted.
2. David E. Duke is DISBARRED from the practice of law in North Carolina effective upon the entry of this order with the Secretary of the North Carolina State Bar.
3. David E. Duke shall comply with the provisions of 27 N.C. Admin. Code 1B § .0124 of the State Bar Discipline and Disability Rules and shall surrender his license and permanent membership card to the Secretary of the North Carolina State Bar along with the affidavit required by 27 N.C. Admin. Code 1B § .0124 of the State Bar Discipline and Disability Rules.
4. The costs and administrative fees of this action are taxed against the Defendant.

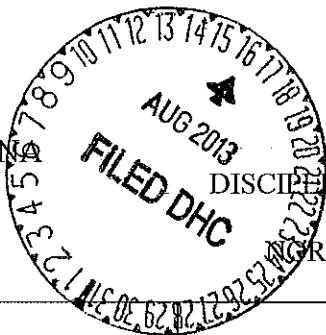
This the 14 day of August, 2013.



Sharon Alexander, Chair
Disciplinary Hearing Commission

STATE OF NORTH CAROLINA

WAKE COUNTY



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

THE NORTH CAROLINA STATE BAR,

Petitioner

v.

DAVID E. DUKE, Attorney,

Respondent

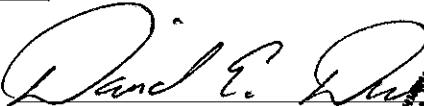
AFFIDAVIT OF
SURRENDER OF LAW LICENSE

**TO: The Chair of the Disciplinary Hearing Commission
of the North Carolina State Bar**

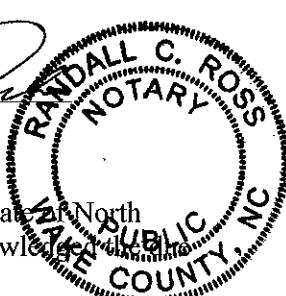
David E. Duke, being first duly sworn, deposes and says as follows:

1. I desire to resign and hereby tender my license to practice law in North Carolina pursuant to State Bar Discipline and Disability Rule 27 N.C. Admin. Code 1B § .0117(d).
2. My resignation is freely and voluntarily rendered. It is not the result of coercion or duress. I am fully aware of the implication of submitting my resignation.
3. I am aware that there is pending a formal complaint against me before the Disciplinary Hearing Commission, a copy of which is attached and incorporated herein.
4. I acknowledge that the material facts alleged in the complaint are true.
5. I am submitting my resignation because I know that I cannot successfully defend against the charges in the complaint.

This the 16th day of August, 2013.



David E. Duke



RANDALL C. ROSS
NOTARY
PUBLIC
WAKE COUNTY, NC

I, Randall C. Ross, Notary Public of the County of Wake, State of North Carolina, certify that David E. Duke personally appeared before me this day and acknowledged the execution of the foregoing Affidavit.

Sworn to and subscribed before me, this the 16th day of August, 2013.



Notary Public

My Commission Expires: 1/4/17

STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR

13 DHC 18

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

DAVID E. DUKE, Attorney,

Defendant

COMPLAINT

Plaintiff, complaining of Defendant, alleges and says:

1. Plaintiff, the North Carolina State Bar ("Plaintiff" or "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 promulgated thereunder.

2. Defendant, David E. Duke ("Defendant" or "Duke"), was admitted to the North Carolina State Bar on 20 March 2004 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 the times relevant herein, Duke actively engaged in the practice of law in the State of North Carolina and maintained a law office in Raleigh and Wendell, Wake County, North Carolina.

FIRST CLAIM FOR RELIEF

4. Paragraphs 1 through 3 are re-alleged and incorporated as if fully set forth herein.
5. In or around June 2011, Beverly Stevens ("Stevens") retained Duke for representation concerning a traffic citation. Stevens paid Duke \$268.00 for the representation.
6. Stevens's \$268.00 payment to Duke included Duke's fee for legal services as well as any anticipated court costs and fines associated with Stevens's traffic citation.
7. Duke did not deposit Stevens's \$268.00 payment in his attorney trust account.
8. Stevens's traffic citation was scheduled for hearing on 29 June 2011.

9. In or around July 2011, Duke's law firm contacted Stevens and informed Stevens that her traffic citation had been resolved and all court costs and fines associated with the citation had been paid.

10. Duke did not pay the court costs and fines associated with Stevens's traffic citation as he indicated to Stevens.

11. By letter dated 26 July 2011, Stevens was notified by the North Carolina Division of Motor Vehicles ("NCDMV") that her license was scheduled to be suspended on 24 September 2011 for her failure to pay the fine associated with her traffic citation.

12. On or about 5 August 2011, Stevens's father, John Check ("Check"), contacted Duke by phone concerning his daughter's traffic citation.

13. Duke informed Check the court costs and fines were paid and Duke did not understand why the NCDMV had sent Stevens the notice. Duke told Check to disregard the notice.

14. Duke had not paid the court costs and fines associated with Stevens's traffic citation as he indicated to Check on 5 August 2011.

15. On or about 8 August 2011, Check contacted the Wake County Clerk of Court and was informed the traffic citation had not been paid. Check was also informed that a \$50.00 penalty had been added to the \$141.00 court costs and fines assessed to Stevens's traffic citation.

16. On or about 9 August 2011, Check called Duke to request a copy of the receipt showing Duke had paid the court costs and fines. Duke told Check he would go to the courthouse the next morning to make sure everything was taken care of.

17. On 10 August 2011, Check went to Duke's office to pick up a copy of the receipt reflecting the court costs and fines associated with Stevens's traffic citation had been paid.

18. The receipt showed the court costs and fines associated with Stevens's traffic citation had been paid on 10 August 2011.

19. On or about 15 August 2011, Check filed a grievance against Duke with the State Bar, grievance file no. 11G0964.

20. By letter dated 14 September 2011, the Tenth Judicial District Bar's Grievance Committee sent a Letter of Notice regarding grievance file no. 11G0964 to Duke at his address on record with the North Carolina State Bar.

21. Duke did not respond to the Tenth Judicial District Bar's Letter of Notice.

22. A representative of the Tenth Judicial District Bar's Grievance Committee spoke with Duke on or about 7 November 2011 and left voicemail messages with Duke on or about 17, 18, and 21 November 2011 regarding his failure to respond to the Letter of Notice in grievance file no. 11G0964.

23. Duke did not respond to the Tenth Judicial District Bar's inquiries and never provided a response to the Tenth Judicial District Bar's Letter of Notice.

24. Duke subsequently did not respond to letters from State Bar investigators dated 20 December 2011, 6 January 2012, and 31 January 2012.

25. On 21 March 2012, Duke delivered Stevens's client file to the State Bar, at which time a State Bar investigator personally served Duke with the Letter of Notice in grievance file no. 11G0964. Duke was required to respond to the Letter of Notice within fifteen days of receiving the letter.

26. Duke did not respond to the Letter of Notice in grievance file no. 11G0964 as required.

THEREFORE, the State Bar alleges that Defendant's foregoing actions constitute grounds for discipline pursuant to N.C. Gen. Stat. §§ 84-28(b)(2) & (b)(3) in that he failed to answer a formal inquiry issued by the State Bar in a disciplinary matter and he violated one or more of the Rules of Professional Conduct in effect at the time of the actions as follows:

- (a) By failing to promptly pay the court costs and fines associated with Stevens's traffic citation, Duke failed to act with reasonable diligence and promptness in representing a client in violation of Rule 1.3 and failed to promptly pay entrusted property belonging to his client to a third party as his client instructed in violation of Rule 1.15-2(m);
- (b) By failing to notify Stevens of his failure to pay the court costs and fines associated with Stevens's traffic citation, Duke failed to keep his client reasonably informed about the status of the matter in violation of Rule 1.4(a)(3);
- (c) By responding to Stevens's and Check's inquiries with false representations that the court costs and fines associated with her traffic citation had been paid, Duke failed to comply with reasonable requests for information in violation of Rule 1.4(a)(4) and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation in violation of Rule 8.4(c);
- (d) By failing to deposit into his attorney trust account the funds Stevens provided to Duke for her court costs and fines associated with her traffic citation, Duke failed to safeguard entrusted client funds in violation of Rules 1.15-2(a) & (b); and
- (e) By failing to respond to the Tenth Judicial District Bar's inquiries, by failing to respond to the State Bar investigator's inquiries, and by failing to respond to the State Bar's Letter of Notice in grievance file no. 11G0964, Duke failed to respond to a lawful demand for information from a disciplinary authority in violation of Rule 8.1(b).

SECOND CLAIM FOR RELIEF

27. Paragraphs 1 through 26 are re-alleged and incorporated as if fully set forth herein.
28. In or around September 2009, Terrisha Jones ("Jones") retained Duke for representation in a criminal matter, including having her criminal record expunged. Jones paid Duke \$750.00 for the representation.
29. On 14 December 2009, Jones's criminal case was voluntarily dismissed. Duke told Jones he would immediately file the petition for expunction.
30. In or around July 2011, Jones learned her criminal record had not been expunged.
31. On or about 5 August 2011, Jones went to Duke's office. Duke told Jones that the petition for expunction had been coded incorrectly and was rejected. Duke told Jones he would file another petition and the matter would be resolved in about 30 days. Duke provided Jones with a letter stating the same.
32. Duke did not respond to Jones's subsequent inquiries requesting an update on the status of the petition for expunction.
33. On or about 26 September 2011, Jones contacted the Wake County Clerk of Court. Jones learned that Duke had not filed a petition for expunction in her case.
34. Duke never filed a petition for expunction on Jones's behalf.
35. Jones subsequently filed a petition for expunction without Duke's assistance. Jones's petition was granted in May 2012.
36. On or about 21 October 2011, Jones filed a grievance against Duke, grievance file no. 11G1249.
37. On or about 9 November 2011, the State Bar sent Duke a Letter of Notice regarding grievance file no. 11G1249 via certified mail to Duke's address on record with the North Carolina State Bar. Duke was served with the Letter of Notice on 21 November 2011. Duke was required to respond to the Letter of Notice within fifteen days of receiving the letter.
38. Duke did not respond to the Letter of Notice concerning grievance file no. 11G1249 within fifteen days as required.
39. On 21 March 2012, a State Bar investigator personally served Duke with the Letter of Notice in grievance file no. 11G1249. Duke was required to respond to the Letter of Notice within fifteen days of receiving the letter.
40. Duke did not respond to the Letter of Notice concerning grievance file no. 11G1249 within fifteen days as required. Duke responded to the Letter of Notice on or about 4 May 2012.

41. By letter dated 15 May 2012, the State Bar sent Duke a follow-up letter requesting additional information concerning grievance file no. 11G1249. The letter requested that Duke respond by 25 May 2012.

42. Duke did not respond to the request for additional information concerning grievance file no. 11G1249 as required.

THEREFORE, the State Bar alleges that Defendant's foregoing actions constitute grounds for discipline pursuant to N.C. Gen. Stat. §§ 84-28(b)(2) & (b)(3) in that he failed to answer a formal inquiry issued by the State Bar in a disciplinary matter and he violated one or more of the Rules of Professional Conduct in effect at the time of the actions as follows:

- (a) By failing to complete the representation for which he was retained and for which he received a fee, Duke failed to act with reasonable diligence and promptness in representing a client in violation of Rule 1.3 and collected a clearly excessive fee in violation of Rule 1.5(a);
- (b) By failing to notify Jones that he had not filed the petition for expunction, Duke failed to keep his client reasonably informed about the status of the matter in violation of Rule 1.4(a)(3);
- (c) By responding to Jones's inquiries with false representations that the petition of expunction had been filed, Duke failed to comply with reasonable requests for information in violation of Rule 1.4(a)(4) and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation in violation of Rule 8.4(c); and
- (d) By failing to timely respond to the State Bar's Letter of Notice and by failing to respond to a request for additional information concerning grievance file no. 11G1249, Duke failed to respond to a lawful demand for information from a disciplinary authority in violation of Rule 8.1(b).

THIRD CLAIM FOR RELIEF

43. Paragraphs 1 through 42 are re-alleged and incorporated as if fully set forth herein.

44. In or around May 2011, Benita Gardner ("Gardner") retained Duke for representation concerning a traffic citation. Gardner paid Duke \$500.00 for the representation.

45. Gardner's \$500.00 payment to Duke included Duke's fee for legal services as well as any anticipated court costs and fines associated with Gardner's traffic citation.

46. Duke did not deposit Gardner's \$500.00 payment in his attorney trust account.

47. Duke did not appear on Gardner's behalf at Gardner's scheduled hearing date. As a result of Duke's failure to appear on her behalf, Gardner received a failure to appear and her driver's license was suspended.

48. Gardner made multiple inquiries to Duke requesting an update on the status of her case and requesting a refund of her \$500.00 payment.

49. Duke did not refund any portion of Gardner's \$500.00 payment.

50. Duke used Gardner's funds that were intended to pay for her court costs and fines for the benefit of someone other than Gardner without Gardner's knowledge or consent.

51. In or around December 2011, Gardner filed a fee dispute petition with the State Bar against Duke, fee dispute file no. 11FD0622.

52. By letter dated 24 January 2012, the Tenth Judicial District Bar's Fee Dispute Resolution Committee sent Duke a Notice of Mandatory Fee Dispute Resolution in file no. 11FD0622 to Duke's address on record with the North Carolina State Bar.

53. Duke did not respond to the fee dispute as required. Duke also failed to respond to subsequent letters dated 21 March 2012 and 26 April 2012 requesting Duke's response to file no. 11FD0622.

54. On or about 21 May 2012, the State Bar opened a grievance file against Duke, grievance file no. 12G0473.

55. On or about 30 May 2012, the State Bar sent Duke a Letter of Notice regarding grievance file no. 12G0473 via certified mail to Duke's address on record with the North Carolina State Bar. Duke was served with the Letter of Notice on 1 June 2012. Duke was required to respond to the Letter of Notice within fifteen days of receiving the letter.

56. Duke did not respond to the Letter of Notice concerning grievance file no. 12G0473 within fifteen days as required.

THEREFORE, the State Bar alleges that Defendant's foregoing actions constitute grounds for discipline pursuant to N.C. Gen. Stat. §§ 84-28(b)(2) & (b)(3) in that he failed to answer a formal inquiry issued by the State Bar in a disciplinary matter and he violated one or more of the Rules of Professional Conduct in effect at the time of the actions as follows:

- (a) By failing to take any action in Gardner's case for which he was retained and for which he received a fee, Duke failed to act with reasonable diligence and promptness in representing a client in violation of Rule 1.3 and collected a clearly excessive fee in violation of Rule 1.5(a);
- (b) By failing to respond to Gardner's inquiries and by failing to inform Gardner that he had not appeared in court, Duke failed to keep his client reasonably informed about the status of the matter in violation of Rule 1.4(a)(3) and failed to respond to reasonable requests for information from his client in violation of Rule 1.4(a)(4);

- (c) By failing to deposit into his attorney trust account the funds Gardner provided to Duke for her court costs and fines associated with her traffic citation, Duke failed to safeguard entrusted client funds in violation of Rules 1.15-2(a) & (b);
- (d) By using Gardner's funds for the benefit of someone other than the beneficial owner of the funds, Duke misappropriated entrusted client funds in violation of Rule 1.15-2(j), engaged in a criminal act showing professional unfitness in violation of Rule 8.4(b), and engaged in conduct involving dishonesty, fraud, deceit, and misrepresentation in violation of Rule 8.4(c);
- (e) By failing to respond to the Notice of Mandatory Fee Dispute Resolution filed by Gardner, concerning fee dispute file no. 11FD0622, Duke failed to participate in good faith in the fee dispute resolution process in violation of Rule 1.5(f); and
- (f) By failing to timely respond to the State Bar's Letter of Notice concerning grievance file no. 12G0473, Duke failed to respond to a lawful demand for information from a disciplinary authority in violation of Rule 8.1(b).

FOURTH CLAIM FOR RELIEF

57. Paragraphs 1 through 56 are re-alleged and incorporated as if fully set forth herein.

58. In or around May 2011, Todd Goode ("Goode") retained Duke for representation concerning a 13-year old criminal charge of driving while intoxicated. Goode paid Duke a flat fee of \$750.00 for the representation.

59. Duke entered into a fee contract with Goode in which Duke labeled his \$750.00 fee as "non-refundable."

60. Duke never appeared on Goode's behalf in court and did not take any action to resolve Goode's matter.

61. Duke did not respond to Goode's or Goode's wife's repeated telephone calls requesting an update on the status of his case and requesting a refund of his fee. Duke did not refund any portion of the \$750.00 fee Goode paid Duke.

62. In January 2012, Goode filed a fee dispute petition with the State Bar against Duke, fee dispute file no. 12FD0010.

63. On or about 24 January 2012, the Tenth Judicial District's Fee Dispute Resolution Committee sent Duke a Notice of Mandatory Fee Dispute Resolution in file no. 12FD0010 to Duke's address on record with the North Carolina State Bar.

64. Duke did not respond to the fee dispute as required. Duke also failed to respond to subsequent letters dated 21 March 2012 and 26 April 2012 requesting Duke's response to file no. 12FD0010.

65. On 21 May 2012, the State Bar opened a grievance file against Duke, grievance file no. 12G0472.

66. On or about 30 May 2012, the State Bar sent a Letter of Notice regarding grievance file no. 12G0472. Duke was served with the Letter of Notice in grievance file no. 12G0472 on 1 June 2012. Duke was required to respond to the Letter of Notice within fifteen days of receiving the letter.

67. Duke did not respond to the Letter of Notice in grievance file no. 12G0472 as required.

THEREFORE, the State Bar alleges that Defendant's foregoing actions constitute grounds for discipline pursuant to N.C. Gen. Stat. §§ 84-28(b)(2) & (b)(3) in that he failed to answer a formal inquiry issued by the State Bar in a disciplinary matter and he violated one or more of the Rules of Professional Conduct in effect at the time of the actions as follows:

- (a) By failing to take any action in Goode's case for which he was retained and for which he received a fee, Duke failed to act with reasonable diligence and promptness in representing a client in violation of Rule 1.3 and collected a clearly excessive fee in violation of Rule 1.5(a);
- (b) By failing to respond to Goode's requests for information and by failing to provide Goode with any information concerning Goode's case, Duke failed to keep his client reasonably informed about the status of the matter in violation of Rule 1.4(a)(3) and failed to comply with reasonable requests for information in violation of Rule 1.4(a)(4);
- (c) By failing to respond to the Notice of Mandatory Fee Dispute Resolution concerning fee dispute file no. 12FD0010, Duke failed to participate in good faith in the fee dispute resolution process in violation of Rule 1.5(f);
- (d) By entering into a contract in which he termed the flat fee for his services to be non-refundable, Defendant made a false or misleading communication about his services in violation of Rule 7.1(a); and
- (e) By failing to timely respond to the State Bar's Letter of Notice, concerning grievance file no. 12G0472, Duke failed to respond to a lawful demand for information from a disciplinary authority in violation of Rule 8.1(b).

FIFTH CLAIM FOR RELIEF

68. Paragraphs 1 through 67 are re-alleged and incorporated as if fully set forth herein.

69. In or around August 2011, Duke was appointed to represent Ira Henderson ("Henderson") on a criminal charge.

70. Throughout the representation, Duke failed to respond to Henderson's requests for updates on his case and otherwise failed to provide Henderson with any information concerning his case.

71. On 13 February 2012, Henderson filed a grievance file against Duke, grievance file no. 12G0151.

72. On 21 March 2012, a State Bar investigator personally served Duke with the Letter of Notice in grievance file no. 12G0151. Duke was required to respond to the Letter of Notice within fifteen days of receiving the letter.

73. Duke did not timely respond to the Letter of Notice in grievance file no. 12G0151 as required.

74. Duke responded to the Letter of Notice in grievance file no. 12G0151 on 23 April 2012.

75. By letter dated 15 May 2012, the State Bar requested further information from Duke regarding his response to the allegations contained in grievance file no. 12G0151.

76. Duke did not respond to the State Bar's 15 May 2012 follow-up letter.

77. On 7 June 2012, Deputy Counsel with the State Bar spoke with Duke about his failure to respond to the State Bar's 15 May 2012 follow-up letter. Duke informed Deputy Counsel that he sent his response to the 15 May 2012 letter on 6 June 2012.

78. The State Bar never received Duke's claimed 6 June 2012 response to the State Bar's 15 May 2012 follow-up letter.

79. Duke never responded to the State Bar's 15 May 2012 letter as indicated.

80. On 20 June 2012, the State Bar sent Duke another letter requesting his response to the State Bar's 15 May 2012 follow-up letter.

81. Duke failed to respond to the State Bar's 20 June 2012 letter.

THEREFORE, the State Bar alleges that Defendant's foregoing actions constitute grounds for discipline pursuant to N.C. Gen. Stat. §§ 84-28(b)(2) & (b)(3) in that he failed to answer a formal inquiry issued by the State Bar in a disciplinary matter and he violated one or more of the Rules of Professional Conduct in effect at the time of the actions as follows:

- (a) By failing to respond to Henderson's requests for information and by failing to provide Henderson with any information concerning Henderson's case, Duke failed to keep his client reasonably informed about the status of the matter in violation of Rule 1.4(a)(3) and failed to comply with reasonable requests for information in violation of Rule 1.4(a)(4); and

- (b) By failing to timely respond to the State Bar's Letter of Notice in grievance file no. 12G0151, by failing to respond to the State Bar's 15 May 2012 and 20 June 2012 requests for further information concerning grievance file no. 12G0151, and by falsely indicating to the State Bar that he had previously sent a response to the State Bar's inquiries when he had not, Duke failed to respond to a lawful demand for information from a disciplinary authority in violation of Rule 8.1(b) and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation in violation of Rule 8.4(c).

WHEREFORE, Plaintiff prays that:

- (1) Disciplinary action be taken against Defendant in accordance with N.C. Gen. Stat. § 84-28(a) and § .0114 of the Discipline and Disability Rules of the North Carolina State Bar (27 N.C. Admin. Code 1B § .0114), 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.

This the 15 day of July, 2013.



Margaret M. Hunt, Chair
Grievance Committee

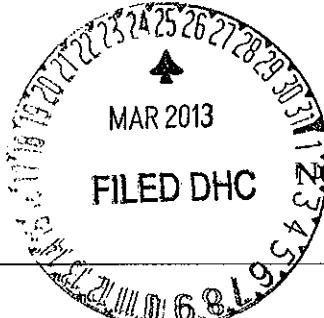


Brian P.D. Oten
Deputy Counsel
State Bar Number 34140
North Carolina State Bar
P. O. Box 25908
Raleigh, NC 27611
(919) 828-4620, Ext. 226

kyle,asdf

NEXT FILE !!!!!!!!,545

NORTH CAROLINA
WAKE COUNTY



BEFORE THE SECRETARY
OF THE
NORTH CAROLINA STATE BAR
12G1016 & 13 BSR 3

IN THE MATTER OF
THE REINSTATEMENT OF:
JAMES I. DURODOLA,
Attorney

)
)
)
)

ORDER OF REINSTATEMENT

THIS MATTER is before the Secretary of the North Carolina State Bar pursuant to a Petition for Reinstatement filed by James I. Durodola on 25 March 2013.

Based upon the petition and a review of the records of the North Carolina State Bar, the Secretary makes the following:

FINDINGS OF FACT

1. On 1 October 2012 the Massachusetts Supreme Judicial Court issued an order of discipline against James I. Durodola regarding Durodola's violation of Massachusetts Rules of Professional Conduct 3.4(c) and 8.4(c), (d), and (h). The Supreme Judicial Court suspended Durodola's license to practice law in the Commonwealth of Massachusetts for two months.
2. On 28 November 2012 the State Bar entered a Reciprocal Order of Discipline suspending Durodola from the practice of law in North Carolina for two months.
3. On 25 March 2013 Durodola filed a Petition for Reinstatement showing that he had satisfied the conditions set forth in the Order of Reciprocal Discipline and requesting that his license to practice law in North Carolina be reinstated.
4. Counsel for the North Carolina State Bar does not object to Durodola's petition.
5. Petitioner and Counsel for the State Bar have agreed to waive the thirty-day period provided in Rule .0125(b)(2) of the State Bar's Discipline and Disability Rules, and consent to Durodola's reinstatement to active status on a date less than thirty days from the filing of his petition.

Based upon the foregoing Findings of Fact, the Secretary makes the following

CONCLUSIONS OF LAW

1. Petitioner, James I. Durodola, has satisfied the requirements set out in the Reciprocal Order of Discipline and shall therefore be reinstated.

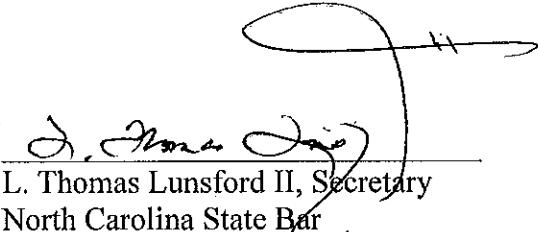
2. Petitioner, James I. Durodola, has satisfied the requirements set out in 27 NCAC 1B, § .0125(b) and is entitled to reinstatement of his license to practice law in this jurisdiction.

BASED UPON the foregoing Findings of Fact and Conclusions of Law, the Secretary enters the following:

ORDER OF REINSTATEMENT

James I. Durodola is hereby reinstated to the active practice of law in North Carolina as of the date of this order.

This the 25th day of March, 2013.



L. Thomas Lunsford II, Secretary
North Carolina State Bar

kyle,asdf

NEXT FILE !!!!!!!!,549

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
17G0369

IN THE MATTER OF)
)
J. MICHAEL EDNEY,) REPRIMAND
ATTORNEY AT LAW)

On July 27, 2017 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by S. M. 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.

In December 2014, you were hired to handle the estate of Complainant's father who died in October 2014. At the December 2014 meeting, Complainant's mother, Mrs. L.M., gave you two checks made payable to her late husband or his estate. You did not place those checks in a fiduciary account, but placed the checks in a file where they remained until Complainant spoke with you in April 2017. You admitted that you took no substantive action in the administration

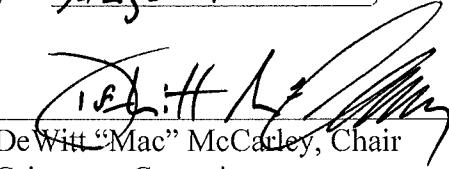
of the estate for over two years. You also admitted that you did not "adequately stay in touch" with Mrs. M. due to your busy law practice and other obligations.

The Grievance Committee found that you neglected the handling of Complainant's father's estate in violation of Rule 1.3. The Grievance Committee also found that you failed to communicate with Mrs. M. about the estate, in violation of Rule 1.4(a)(3)(4). Finally, the Grievance Committee found that you violated Rule 1.15-2(c) and Rule 1.15-3(e) when you did not place in trust the checks you received from Mrs. M.

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 5th day of August, 2017.



DeWitt "Mac" McCarley, Chair
Grievance Committee

DM/lb

kyle,asdf

NEXT FILE !!!!!!!!,550

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
14G0857

On April 16, 2015 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by T. M. 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.

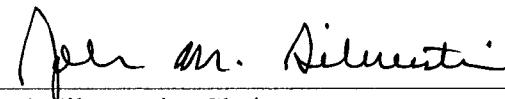
Indigent Defense Services (IDS) allows experts who provide court-approved services in indigent cases to receive payments electronically if they have submitted a Payment Method Verification Form (PMVF). While you were representing an indigent parent in a DSS case, you

discussed with a licensed counselor the possibility of her providing services in connection with the case. You subsequently submitted to IDS a PMVF which you had falsified to make it appear as if it had been prepared and submitted by the counselor. Your falsification of the PMVF was conduct involving dishonesty, deceit, or misrepresentation in violation of Rule 8.4(c). In your initial response to this grievance, you insisted that someone else had completed and submitted the PMVF without your knowledge. You later admitted that the statements about the PMVF in your initial response were false. By submitting your initial response to the grievance, you knowingly made false statements of material fact in connection with a disciplinary matter in violation of Rule 8.1(a). In determining that a reprimand was appropriate in this case, the Committee took into consideration that you did not attempt to obtain any payment from IDS, and that your conduct did not cause actual harm.

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 4th day of MAY, 2015.


John M. Silverstein, Chair
Grievance Committee

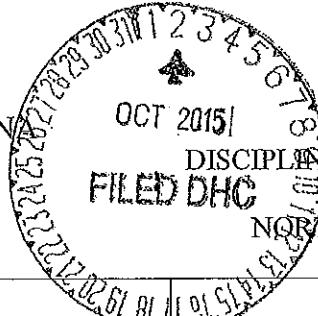
JMS/lb

kyle,asdf

NEXT FILE !!!!!!!!,551

STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
15 DHC 29

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

NOTICE OF VOLUNTARY
DISMISSAL

CHARLES A. EDWARDS, Attorney,

Defendant

TO: THE HONORABLE HEARING PANEL and CLERK OF THE
DISCIPLINARY HEARING COMMISSION

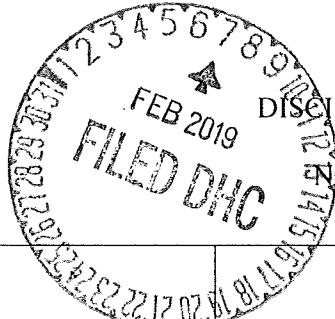
Plaintiff, through deputy counsel, pursuant to Rule 41(a) of the North Carolina Rules of Civil Procedure, hereby gives Notice of Voluntary Dismissal in this matter. As shown in the certificate of death attached to this NOTICE, the Defendant, Charles A. Edwards, died on September 10, 2015.

This the 2nd day of October 2015.

G. Patrick Murphy
Deputy Counsel
The North Carolina State Bar
P.O. Box 25908
Raleigh, NC 27611-5908
Attorney for Plaintiff

kyle,asdf
NEXT FILE !!!!!!!!,556

NORTH CAROLINA
WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
18 DHC 50

IN RE: H. TRADE ELKINS, Attorney

ORDER
OF
INTERIM SUSPENSION

THIS CAUSE was considered by the Chair of the Disciplinary Hearing Commission upon the North Carolina State Bar's ("State Bar") Motion for Order of Interim Suspension. Eleanor Bailey Hodge represented the State Bar. H. Trade Elkins' ("Elkins") did not file a response to the motion. Pursuant to 27 N.C. Admin. Code 1B.0115(l)(4) this matter was decided on the basis of the written submissions. Based upon the motion, the certified copy of the judgment in Elkins' criminal case, and the Affidavit of Service, and pursuant to 27 N.C. Admin. Code 1B.0119(b), the undersigned makes the following:

FINDINGS OF FACT

1. Elkins was licensed to practice law in North Carolina on 18 August 2000 and is and was at all times referred to herein, an attorney at law, subject to the laws of North Carolina and the rules, regulations and Rules of Professional Conduct of the North Carolina State Bar.

2. The current address of record for Elkins with the North Carolina State Bar is 228 6th Avenue East, Suite 1B, Hendersonville, NC 28792.

3. Elkins was administratively suspended from the practice of law on 25 September 2017.

4. On 14 June 2018, Elkins pled guilty to one count of wire fraud in violation of 18 U.S.C. § 1343, a class C felony. Judgment was entered in the United States District Court, Western District of North Carolina by the Honorable Martin Reidinger on 9 July 2018.

5. The State Bar's Motion for Order of Interim Suspension was properly filed with the clerk of the commission. A certified copy of the judgment entered in the case in which Elkins' entered his guilty plea was attached to the State Bar's motion.

6. Elkins was served with the Motion for Order of Interim Suspension, including the attached copy of the judgment, on 6 December 2018.

7. Elkins was sentenced to twenty-four (24) months of imprisonment and ordered to make restitution in the amount of \$545,738.90. Elkins will be placed on supervised release for the term of two years upon his release from imprisonment.

8. Elkins is presently an inmate incarcerated at the United States Federal Penitentiary McCreary in Kentucky.

9. The offense to which Elkins pled guilty is a criminal offense showing professional unfitness as defined by 27 N.C. Admin. Code 1B .0103(17).

10. Elkins' misconduct, as set forth in the Factual Basis attached to the State Bar's motion, caused harm to the victims of his fraud and to the profession.

11. More than ten days have passed since the motion was served on Elkins.

12. Elkins has not filed a response to the motion.

13. Interim suspension is warranted.

Based upon the foregoing findings of fact, the undersigned makes the following:

CONCLUSIONS OF LAW

1. All parties are properly before the Chair of the Disciplinary Hearing Commission and the Chair has jurisdiction over Elkins and the subject matter of this proceeding.

2. The crime of which Elkins was convicted is a criminal offense showing professional unfitness as defined in 27 N.C. Admin. Code 1B.0103(17) and qualifies as a proper basis for entry of an order of interim suspension.

3. Based on the nature of the conviction and the attendant harm to Elkins' clients and the legal profession, entry of an order of interim suspension is warranted.

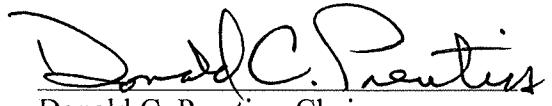
Based upon the foregoing findings of fact and conclusions of law, the undersigned Chair of the Disciplinary Hearing Commission enters the following:

ORDER

1. The State Bar's Motion for Order of Interim Suspension is hereby GRANTED.

2. The license to practice law in North Carolina of H. Trade Elkins a.k.a. Howard Trade Elkins, is hereby SUSPENDED until the conclusion of all disciplinary proceedings relating to Elkins' felony conviction for wire fraud in the United States District Court, Western District of North Carolina and the conduct underlying such conviction.

This the 7 day of February, 2019.



Donald C. Prentiss
Chair
Disciplinary Hearing Commission

kyle,asdf

NEXT FILE !!!!!!!!,559

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
16G1192

IN THE MATTER OF)
ERIC S. ELLISON,) REPRIMAND
ATTORNEY AT LAW)

On July 27, 2017 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by J. F. 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.

Your client, J.F., paid \$700 toward your \$1300 fee for representation on a DUI charge. You offered to assist J.F. in obtaining a limited driving privilege. Over the course of two months, you did not provide J.F. with any updates on the status of his driving privilege or how to prepare for the court date. You did not make an entry of appearance with the court. On J.F.'s court date you were half an hour late and J.F. was appointed a new attorney.

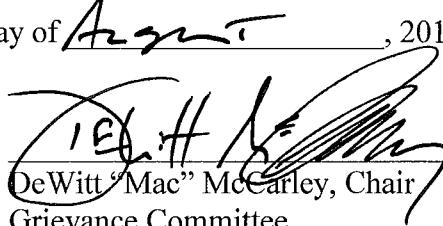
J.F. filed a fee dispute and, after proper service and a telephone follow-up by the fee dispute facilitator, you failed to respond. You stated that your failure to respond was because you were essentially out of the office from mid-October through Election Day for political campaign matters. However, you were served with the Fee Dispute September 25th, which was well before you state you were out of the office. The Grievance Committee did note that you provided a full refund to J.F. after the fee dispute had already been closed and transferred to the Grievance Department.

Your conduct violated Rules 1.4(a)(3) and (4) and 1.5(f)(2).

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 15th day of August, 2017.



DeWitt "Mac" McCarley, Chair
Grievance Committee

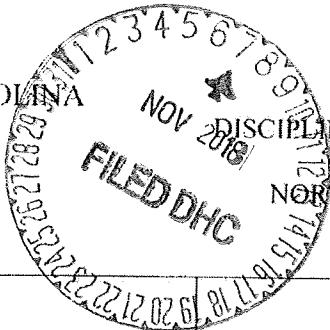
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kyle,asdf

NEXT FILE !!!!!!!!,560

STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
16 DHC 1R

IN THE MATTER OF

Motion for Stay and Petition for
Reinstatement of the License of

DAWN E. ELY

ORDER

THIS MATTER was heard on November 6, 2018 before a Hearing Panel of the Disciplinary Hearing Commission composed of R. Lee Farmer, Chair, and members Stephanie N. Davis and Michael S. Edwards. Joshua T. Walthall and Barry McNeill represented Plaintiff, the North Carolina State Bar. Defendant, Dawn E. Ely, was present and appeared *pro se*.

Based upon the pleadings, the Hearing Panel hereby finds by clear, cogent, and convincing evidence the following

FINDINGS OF FACT

1. In an Order of Discipline filed August 24, 2016, a hearing panel of the Disciplinary Hearing Commission suspended Ely from the practice of law for five years effective thirty days from entry of the Order.
2. Ely was served with the Order on November 28, 2016, and the effective date of the Order was December 28, 2016.
3. The Order provides that Ely may apply for a stay of the remainder of her suspension after two years: "No earlier than two years after the effective date of this Order, Defendant may seek a stay of the remaining period of suspension by filing a verified motion demonstrating by clear, cogent and convincing evidence that Defendant has met all requirements for reinstatement set out in 27 N.C.A.C. 1B § .0125(b), and has complied with" the other requirements of the Order.
4. 27 N.C.A.C. 1B § .0118(c) indicates, in part, that a "defendant shall file a motion for stay with the clerk and serve a copy of the motion and all attachments upon the counsel. Such motion shall be filed no earlier than 60 days before the first date of eligibility to apply for a stay. The commission will not consider any motion filed earlier than 60 days before the first date of eligibility to apply for a stay."

5. Two years after the effective date of the Order will be December 28, 2018.
6. Sixty days prior to the first date of eligibility to apply for a stay will be October 28, 2018.
7. Ely filed her "Motion for Stay and Petition for Reinstatement" on September 17, 2018
8. The Order of Discipline provides that, "with reference to her administrative suspension by the Administrative Committee, Defendant shall have: (1) satisfied all requirements for reinstatement as established by the Administrative Committee of the North Carolina State Bar for reinstatement from the suspension imposed by the Administrative Committee, including, but not limited to, the payment of all fees to the Continuing Legal Education and membership departments of the North Carolina State Bar; (2) submitted her petition for reinstatement from the administrative suspension to the Administrative Committee; and (3) been reinstated by the Administrative Committee or approved for reinstatement by the Administrative Committee contingent upon the DHC granting her petition for stay of the DHC suspension."
9. Ely has not "been reinstated by the Administrative Committee or approved for reinstatement by the Administrative Committee contingent upon the DHC granting her petition for stay of the DHC suspension."
10. 27 N.C.A.C. 1D § .0904(d)(4) indicates, in part, that "if 7 years or more have elapsed between the effective date of the suspension order and the date that the petition is filed, the member must obtain a passing grade on a regularly scheduled North Carolina bar examination."
11. Ely has been administratively suspended since June 10, 2011.
12. Seven years from the date of the administrative suspension was June 10, 2018.
13. Ely applied for reinstatement of her license on September 17, 2018.
14. As Ely has not obtained a passing grade on a regularly scheduled North Carolina bar examination, she has not satisfied the requirements of 27 N.C.A.C. 1D § .0904(d)(4).
15. Moreover, pursuant to this deficiency, on October 24, 2018, the Administrative Committee voted unanimously to deny Ely's petition for reinstatement.

Based on the foregoing Findings of Fact, the Hearing Panel enters the following:

CONCLUSIONS OF LAW

1. All of the parties are properly before the Hearing Panel and the Panel has jurisdiction over Defendant, Dawn E. Ely, and the subject matter.

2. Ely's petition for reinstatement is not timely filed and thus is not properly before the Disciplinary Hearing Commission in accordance with 27 N.C.A.C. 1B § .0118(c).

3. Ely has not satisfied all of the provisions of the Order of Discipline and is not entitled to a stay of the Order.

4. 27 N.C.A.C. 1B § .0115(l)(4) indicates that any "prehearing motion may be decided on the basis of the parties' written submissions" and that oral "argument may be allowed in the discretion of the chairperson of the hearing panel."

5. It is within the powers of the panel to grant judgment based on the written submissions, without the necessity of holding a hearing.

Based on the foregoing Findings of Fact and Conclusions of Law, the Hearing Panel hereby enters the following

ORDER

1. The Office of Counsel's Motion for Judgment on the Written Submissions is hereby GRANTED;

2. Defendant Dawn E. Ely's Motion for a Stay is hereby DENIED; and

3. Nothing herein shall be construed to alter the terms or requirements of the Order of Discipline filed in this matter on or around August 24, 2016.

Signed by the Chair with the consent of the other Hearing Panel members,
this the 7th day of November 2018.



R. Lee Farmer
Chair, Disciplinary Hearing Panel

kyle,asdf
NEXT FILE !!!!!!!!,563

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
14G0981

IN THE MATTER OF)
ALISON ERCA,) REPRIMAND
ATTORNEY AT LAW)

On October 22, 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.

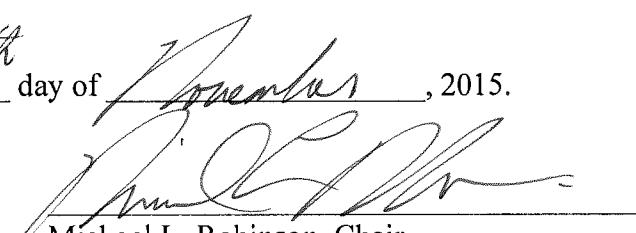
In October 2014, you removed a Megalodon tooth from a display case in the North Carolina Maritime Museum, and left the museum with it. Your unlawful removal of this artifact from the museum constituted conduct involving dishonesty in violation of Rule 8.4(c) and criminal conduct reflecting adversely on your honesty, trustworthiness, and fitness as a lawyer in violation of Rule 8.4(b). In determining that reprimand is sufficient discipline, the Committee

considered your remorse, and lack of prior discipline. The Committee also noted that this act was unrelated to your practice of law, and that no third party was harmed by your conduct, in that the tooth was ultimately returned to the museum.

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 January, 2015.


Michael L. Robinson, Chair
Grievance Committee

MLR/hp

kyle,asdf

NEXT FILE !!!!!!!!,576

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
17G0963

IN THE MATTER OF)
TODD J. FARLOW,) REPRIMAND
ATTORNEY AT LAW)

On January 25, 2018 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.

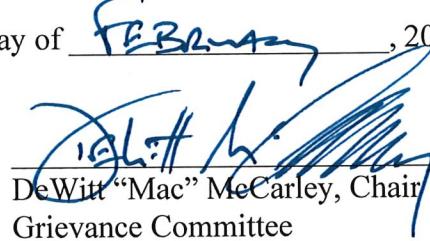
In June 2016, you notarized the signature of W.H. on a deed of trust, certifying that he had personally appeared before you, when in fact W.H. did not appear before you or sign the deed of trust in your presence. Thereafter you recorded the deed of trust with the Iredell County Register of Deeds. By notarizing W.H.'s signature on the deed of trust when W.H. had not appeared or signed in your presence, you engaged in a criminal act that reflects adversely on the

lawyer's 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). By uttering to the Register of Deeds office the deed of trust containing the false jurat, you engaged in a criminal act that reflects adversely on the lawyer's 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). W.H. later claimed that the signature of his name on the deed of trust was not his. The requirements to have signatures notarized and the restrictions applicable to notarial acts are designed to prevent the very situation that occurred here. Your conduct caused potential significant harm to W.H. and to the holder of the note secured by the deed of trust. You subsequently took appropriate corrective action, and pled guilty to misdemeanor common law uttering. In light of all of the circumstances in this case, the Grievance Committee determined it was appropriate to issue you this reprimand.

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 22 day of February, 2018.



DeWitt "Mac" McCarley, Chair
Grievance Committee

DM/lb

kyle,asdf
NEXT FILE !!!!!!!!,586

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
16G1030

IN THE MATTER OF)
)
) CENSURE
JONATHAN A. FINE,)
ATTORNEY AT LAW)

On April 20, 2017, 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.

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

The Grievance Committee believes that a hearing before the Disciplinary Hearing Commission is not required in this case and issues this censure to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this censure.

You continued to engage in the practice of law after the suspension of your license to practice despite accepting service of the Order of Administrative Suspension on March 29, 2016 as well as being advised via letter on April 29, 2016 of the wind-down period. On August 3, 2016, you filed a pleading entitled "Defendants Law Offices of Don Pumphrey, Jr., LLC and Law Offices of Don Pumphrey, Jr. P.A. Motion to Dismiss, Answer, and Defenses" in Mecklenburg County Superior Court, File No: 16-CVS-8482.

By practicing law without an active license in at least five cases, you engaged in the unauthorized practice of law in violation of Rule 5.5(a). Moreover, by holding out to others as able to practice law despite not being actively licensed to do so, you made misleading statements regarding the services you

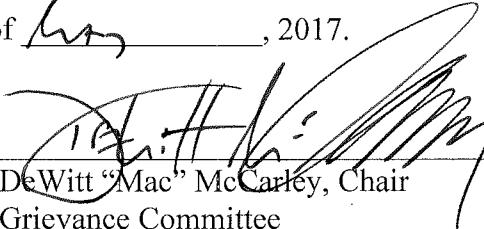
could provide in violation of Rule 7.1(a). You also made a false statement to a tribunal by holding out in the aforementioned filing as an actively licensed attorney in North Carolina despite being suspended at the time in violation of Rule 3.3(a) and Rule 8.4(c). Finally, by charging others legal fees despite not having an active license, you charged or collected an illegal or excessive fee in violation of Rule 1.5(a).

In determining that a censure was appropriate in this case, the Committee took into account the potential for serious harm that is created whenever unlicensed attorneys engage in the unauthorized practice of law and make misleading statements.

You are hereby censured by the North Carolina State Bar for your violation of the Rules of Professional Conduct. The Grievance Committee trusts that you will ponder this censure, recognize the error that you have made, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession. This censure should serve as a strong reminder and inducement for you to weigh carefully in the future your responsibility to the public, your clients, your fellow attorneys and the courts, to the end that you demean yourself as a respected member of the legal profession whose conduct may be relied upon without question.

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 censure by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this 10th day of July, 2017.



DeWitt "Mac" McCarley, Chair
Grievance Committee
The North Carolina State Bar

DM/lb

kyle,asdf

NEXT FILE !!!!!!!!,609

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
15G0450

IN THE MATTER OF)
ROBERT A. GARNER, IV,) REPRIMAND
ATTORNEY AT LAW)

On January 25, 2018 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.

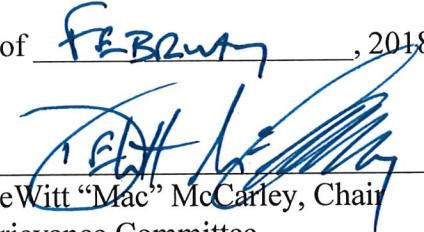
In April 2015 you represented C.L. in connection with criminal charges brought against him by R.D. C.L. expressed concern to you that the criminal charges he had brought against R.D. had earlier been dismissed by the district attorney's office. After the Assistant District Attorney prosecuting your client told you she would not reinstate the charges against R.D., you accompanied your client to the magistrate's office to refile the charges. When the magistrate

expressed concern about refiling the charges without the approval of the district attorney's office, you told the magistrate that the ADA did not have a problem with refiling the charges. This conduct violated Rule 8.4(c). You also denied telling this to the magistrate in your response to the State Bar's Letter of Notice in violation of Rules 8.4(c) and 8.1(a).

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 22 day of February, 2018.



DeWitt "Mac" McCarley, Chair
Grievance Committee

DM/lb

kyle,asdf

NEXT FILE !!!!!!!!,619

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
16G0822

IN THE MATTER OF)
BRYAN E. GATES, JR.,) REPRIMAND
ATTORNEY AT LAW)

On October 27, 2016 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by G. G. 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.

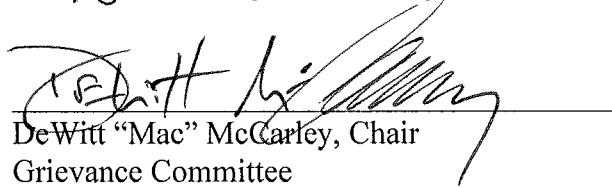
You were appointed by the Office of the Appellate Defender to represent indigent clients in appeals of their criminal convictions. In seven of those cases, you took no action to pursue the client's case, thereby jeopardizing the client's right to appellate review of his or her conviction. Due to this widespread abandonment of clients, you were removed from the roster of private appointed counsel maintained by the Appellate Defender. In these seven cases, you failed to act

with reasonable diligence in violation of Rule 1.3 and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d).

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 11th day of November, 2016.



DeWitt "Mac" McCarley, Chair
Grievance Committee

DM/lb

kyle,asdf

NEXT FILE !!!!!!!!,630

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
08G1224

IN THE MATTER OF)
)
Lori M. Glenn,) CENSURE
ATTORNEY AT LAW)
)

On July 23, 2009, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by B. S.

Pursuant to section .0113(a) of the Discipline and Disability Rules of the North Carolina State Bar, the Grievance Committee conducted a preliminary hearing. After considering the information available to it, including your response to the letter of notice, the Grievance Committee 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.

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

The Grievance Committee believes that a hearing before the Disciplinary Hearing Commission is not required in this case and issues this censure to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this censure.

You were the closing attorney for B.S.'s purchase of a home in Willow Springs on 29 June 2007, at which B.S. paid cash for the home and provided you with the title insurance premium, which you were to pay to the insurance company. You were aware at the time of B.S.'s closing that there was an outstanding deed of trust on the property. Although the sellers of the property told you that they had "applied" to transfer this deed of trust to another property, the deed of trust was still of record at closing. You did not explain this situation to B.S. before disbursing her funds and recording the deed, and as a result, B.S. was not afforded the opportunity to decide whether her money would be spent and she would become record owner of the property before this encumbrance was removed. B.S. did not learn until many months later that her property remained encumbered by the previous owners' debt. Thus, prior to closing, you failed to inform your client of a circumstance with respect to which her

informed consent was required in violation of Rule 1.4(a)(1), and failed to explain a matter to the extent reasonably necessary to permit your client to make an informed decision in violation of Rule 1.4(b). Because you knew about the outstanding deed of trust, your failure to ensure that B.S.'s interests were protected at closing constituted a lack of diligence in violation of Rule 1.3. B.S. suffered significant actual harm as a result.

After the closing, B.S. asked you repeatedly for a copy of the deed and the HUD-1 statement, but you did not provide the requested documents to B.S., nor did you communicate with her about efforts you were purportedly making to rectify the situation. You thereby failed to promptly comply with a reasonable request for information and failed to keep your client reasonably informed about the status of the matter in violation of Rule 1.4(a).

The title insurance policy for B.S.'s property was cancelled because you did not provide a final opinion or pay the premium for over a year after the closing. You did not refund the money entrusted to you for the insurance premium, nor did you provide an accounting of the entrusted funds to B.S. The money provided by B.S. for the title insurance premium (plus an additional \$3.00 in excess recording costs) has been in your trust account for the last two years. You have neither refunded this money nor provided B.S. with a written accounting for the funds remaining in your trust account, in violation of Rule 1.15-3(e), which requires a lawyer to render a written accounting of entrusted funds to the client at least annually.

You are hereby censured by the North Carolina State Bar for your violation of the Rules of Professional Conduct. The Grievance Committee trusts that you will ponder this censure, recognize the error that you have made, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession. This censure should serve as a strong reminder and inducement for you to weigh carefully in the future your responsibility to the public, your clients, your fellow attorneys and the courts, to the end that you demean yourself as a respected member of the legal profession whose conduct may be relied upon without question.

In accordance with the policy adopted January 24, 2008 by the Council of the North Carolina State Bar regarding the taxing of the administrative and investigative costs to any attorney issued a censure by the Grievance Committee, the costs of this action in the amount of \$100.00 are hereby taxed to you.

Done and ordered, this 18 day of August, 2009.



James R. Fox, Chair
Grievance Committee
The North Carolina State Bar

kyle,asdf

NEXT FILE !!!!!!!!,636

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
14G1197

IN THE MATTER OF)
)
James L. Goldsmith, Jr.) REPRIMAND
Attorney At Law)
)

On July 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.

In 2013, you signed an "Of Counsel Agreement" with Brownstone, P.A., an out-of-state law firm not licensed to practice law in North Carolina. While serving as "of counsel," you aided Brownstone in providing legal services to North Carolina residents. You signed and filed

pleadings on behalf of North Carolina clients of Brownstone in North Carolina courts. You were paid by Brownstone a portion of the fees Brownstone charged the North Carolina clients.

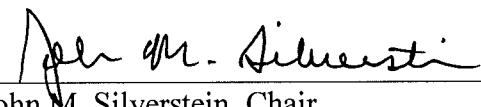
By accepting fees from Brownstone out of a portion of the fees Brownstone charged the clients, you shared a fee with a nonlawyer in violation of Rule 5.4(a). By working with Brownstone to provide legal services to North Carolina residents, you assisted another entity in the unauthorized practice of law in violation of Rule 5.5(f) (formerly 5.5(d)). Finally, by holding out to clients as able to provide legal services via an out-of-state entity that is not licensed to provide legal services here, you participated in making false or misleading statements about your services in violation of Rule 7.1(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 specifically considered the pleading you filed in the North Carolina Court of Appeals that was misleading and procedurally deficient and may have led to your client's case being dismissed.

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 30th day of July, 2015.


John M. Silverstein, Chair
Grievance Committee

JMS/lb

kyle,asdf

NEXT FILE !!!!!!!!,652

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
14G0053

IN THE MATTER OF)
)
Nichole B. Greene,) REPRIMAND
Attorney At Law)
)

On April 16, 2015 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by J. H. 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.

By failing to introduce yourself as your client's defense attorney, you implied to two State's witnesses that you were disinterested when speaking to them about a criminal case. You told one witness, who was present in court under a subpoena, that he could leave and did not

have to return for the next court date. You released your own witness from court when the case was still on the trial calendar and had not been continued. You violated Rules of Professional Conduct 3.2, 3.4(c), and 4.3(b).

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 4th day of MAY, 2015.

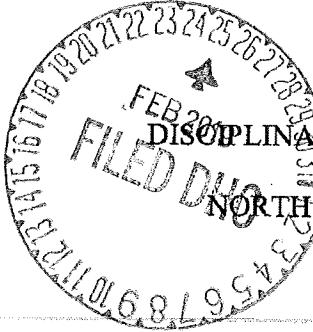
John M. Silverstein
John M. Silverstein, Chair
Grievance Committee

JMS/lb

kyle,asdf

NEXT FILE !!!!!!!!,666

WAKE COUNTY
NORTH CAROLINA



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
18-BCR-1

IN THE MATTER OF:)
PETITION FOR REINSTATEMENT OF) REPORT AND ORDER DENYING
THEODORE G. HALE) REINSTATEMENT

THIS MATTER came on to be heard on February 7, 2019 by a hearing panel of the Disciplinary Hearing Commission composed of Donald C. Prentiss, Chair, Fred W. DeVore, Jr. and Tyler B. Morris upon the Petition for Reinstatement of Theodore G. Hale ("Petitioner" or "Hale"). Petitioner appeared *pro se*. G. Patrick Murphy, Deputy Counsel in the Office of Counsel, represented the North Carolina State Bar. Based upon the oral stipulations of the parties, the evidence presented and the arguments of the parties, the Hearing Panel makes, by clear, cogent and convincing evidence, the following:

FINDINGS OF FACT

1. Hale was licensed to practice law in North Carolina on August 29, 1998.
2. Hale went to the Thomas Cooley School of Law in Lansing, Michigan. When Hale entered law school, he was married to his first wife, K. Hale, and had a child, A. Hale. During his third year, his daughter, P. Hale, was born.
3. After Hale was licensed, he joined the practice of Joseph Levinson ("Levinson") in New Hanover County, Levinson, Levinson & Hatch. Later, Levinson and Hale became partners and practiced as Levinson & Hale. Hale's law practice was general in nature and included criminal, civil, domestic and real estate matters.
4. Levinson did not mentor Hale to any significant degree and gave Hale free reign to develop his practice on his own. Hale enjoyed the freedom that his practice with Levinson provided.
5. Hale's law practice grew to the point that he was overwhelmed by the volume of cases he was accepting. At the same time, he was trying to cope with the death of his grandfather, his marriage was falling apart, and he began to abuse crack cocaine and alcohol.
6. Levinson and Hale terminated their business relationship in May/June 2003 and Hale continued to practice law as a solo practitioner.

7. Hale represented clients charged with felony violations of North Carolina's controlled substances act, and, in some cases, Hale would accept controlled substances as his fee.

8. Hale's drug habit got to the point that he could spend as much as \$600 to \$800 per day to support his addiction. During his active addiction, Hale appeared in court representing clients while under the influence of controlled substances and alcohol.

9. Based on information that Hale was suffering from a physical or mental condition that impaired his ability to practice law, on September 30, 2003 an Order Appointing Trustee of Disabled Attorney's Law Practice ("Order Appointing Trustee") was entered and filed in New Hanover County Superior Court by Senior Resident Superior Court Judge Ernest B. Fullwood.

10. At or about the time of the Order Appointing Trustee was entered, Hale was in a drug treatment facility.

11. On March 10, 2004, while he was being treated for his drug addiction, Hale agreed to the entry of a Consent Order of Preliminary Injunction ("Injunction") with the North Carolina State Bar ("State Bar"). The injunction was based on complaints that Hale had mishandled funds of former clients and the injunction enjoined Hale from accepting funds in a fiduciary capacity and from taking any action with respect to any entrusted funds he was holding.

12. On April 14, 2004, Hale signed a Consent Order and Agreement to Restricted Practice of Law ("Order Restricting Practice") with Judge Fullwood. The Order Restricting Practice imposed conditions on Hale's continued practice of law including participation in treatment programs for his addiction as recommended by mental health professionals, and the appointment of Wilmington Attorney Clay Collier ("Collier") as Hale's practice monitor. Collier was and had been a long-time friend to Hale.

13. Prior to agreeing to allow Hale to resume practicing under the Order Restricting Practice, Judge Fullwood reviewed the findings of Hale's treating professionals.

14. On May 19, 2004, the State Bar filed a complaint against Hale in the Disciplinary Hearing Commission ("DHC"), *The North Carolina State Bar v. Theodore G. Hale*, 04 DHC 26. The complaint alleged, among other violations, that Hale 1) converted money belonging to Levinson & Hale to his own use; 2) converted to his own use \$15,287.09 that should have been paid to his client, S. Robinson; and 3) obtained \$2,650 as purported legal fees from the parents of his court appointed client, W. Salmon, Jr., without disclosing to Salmon's parents that he was court appointed and would be paid by the State of North Carolina.

15. On August 13, 2004, Hale filed an answer to the State Bar's complaint denying that he violated the Rules of Professional Conduct as alleged in the State Bar's complaint.

16. Notwithstanding Hale's denial of any misconduct in his answer related to the \$15,287.09 he received on behalf of S. Robinson, the State Bar's Client Security Fund Board ("CSF") on April 22, 2004 considered S. Robinson's claim that Hale misappropriated the \$15,287.09. Though Hale had notice of the CSF's proceeding, he failed to participate and the CSF approved S. Robinson's claim and awarded her \$15,287.09.

17. After being allowed to resume the practice of law by Judge Fullwood under the Order Restricting Practice, Hale was sober for a period of time but later relapsed and began to abuse drugs and alcohol again.

18. On October 7, 2004, Hale was directed to appear before Judge Fullwood to assess his compliance with the Order Restricting Practice, but Hale failed to appear. On October 11, 2004, Judge Fullwood entered an Order suspending Hale's privilege to practice law in North Carolina pending further orders of the court.

19. On October 13, 2004, Hale signed an affidavit of surrender of his license in the DHC proceeding. In his affidavit of surrender, Hale acknowledged that the material facts in the State Bar's complaint were true, that he engaged in the misconduct to obtain money to buy alcohol and cocaine, drugs to which he was addicted, and that he could not successfully defend against the charges pending against him.

20. On October 14, 2004, the Chair of the DHC entered an order disbarring Hale from the practice of law in North Carolina. In the Order of Disbarment, the Chair found that Hale misappropriated money from his former law partner, charged and collected money from the parents of a criminal defendant whom he was appointed to represent without telling them that he was obligated to represent their son at State expense, and represented a woman in a divorce/equitable distribution case and collected and converted to his own use the proceeds of an annuity contract in the amount of \$15,287.09 that belonged to her.

21. On or about January 20, 2005, the CSF met and considered claims by former clients of Hale, Y. Johnson and W. Salmon, Jr. Hale obtained \$225 from Y. Johnson to represent her in a traffic case after Judge Fullwood suspended him from the practice of law and just two days before Hale surrendered his license to the DHC. The CSF approved the claims of Y. Johnson and W. Salmon, Jr. and awarded them \$225 and \$2,826, respectively.

22. On or about July 12, 2006, the State Bar filed a complaint against Hale in Wake County Superior Court seeking to recover money paid out by the CSF to Hale's former clients pursuant to the subrogation provisions of 27 NCAC 1D § .1419.

23. The subrogation action was transferred to New Hanover County and on June 15, 2009 the State Bar and Clay A. Collier, attorney for Hale, reached a consent judgment partially resolving the claims and resulting in a judgment for \$3,051 being entered against Hale for the Y. Johnson and W. Salmon, Jr. claims. The S. Robinson claim was unresolved by the consent judgment and the parties agreed to stay the claim, subject to review by the court in one year.

24. On or about July 10, 2017, Hale sold his residence and paid \$3,051 to the State Bar for the judgment related to the Y. Johnson and W. Salmon, Jr. CSF claims.

25. On November 13, 2017, Hale's son, A. Hale, paid the State Bar \$15,721.09 on behalf of Hale to satisfy the CSF award to S. Robinson. The S. Robinson award was never reduced to a judgment and Hale reimbursed the CSF because it was a condition of petitioning for reinstatement.

26. As noted above, Hale was abusing drugs and alcohol at the time he was disbarred, and he continued to do so for approximately a year after he was disbarred. During that time, Hale was homeless.

27. Shortly after he was disbarred, Hale committed misdemeanor larceny and damage to real property. He pled guilty and was convicted of those two offenses in February 2005.

28. In November 2005, Hale sought help for his addiction from his father who, though reluctant at the start, allowed Hale to stay in his home which helped begin Hale's recovery process.

29. With the help of AA, his church, and his family, Hale was able to stop using drugs on November 17, 2005. Since then, Hale has maintained employment for ten years working with disabled children and their families. He also participated in several volunteer efforts on behalf of the disabled community and the homeless. Hale is currently working for Corning, where he has been employed without incident since March 5, 2018.

30. Hale and his second wife, M. Hale, had a son, J. Hale. M. Hale and Petitioner later divorced.

31. Hale is under a child support order for J. Hale. Hale remains active in the lives of his children.

32. Hale has outstanding student loans from law school in excess of \$250,000.

33. Hale has not attended any AA meetings in approximately 5 years, he did not present an evaluation of his fitness for practice, or any mental health evaluation regarding any mental or emotional issues he may be suffering. Though Hale presented evidence that he has been able to stay clean from drug and alcohol abuse for an extended period and he finds support in his spirituality, he failed to present any material evidence of having a support system in place to verify his abstinence and provide accountability in his continued recovery.

34. Hale's misappropriation and misrepresentations that resulted in him acquiring funds to which he was not entitled were serious violations of the Rules of Professional Conduct and occurred in separate matters during a time of chronic substance abuse.

35. While Hale and his son, A. Hale, testified they hope to practice together some day, Hale did not present the Panel with a clear business plan going forward if he were to be reinstated.

36. On September 24, 2018, Hale filed his Petition for Reinstatement with supporting documents.

37. Hale and the State Bar stipulated and agreed that Hale met the following elements of 27 NCAC 1B § .0129(a)(3):

- a. (A) not more than six months or less than 60 days before filing the petition for reinstatement, a notice of intent to seek reinstatement has been published by the petitioner in an official publication of the North Carolina State Bar. The notice

will inform members of the Bar about the application for reinstatement and will request that all interested individuals file notice of their opposition or concurrence with the secretary within 60 days after the date of publication;

- b. (E) the petitioner's citizenship has been restored if the petitioner has been convicted of or sentenced for the commission of a felony;
- c. (G) the petitioner has complied with all applicable orders of the commission and the council;
- d. (H) the petitioner has complied with the orders and judgments of any court relating to the matters resulting in the disbarment;
- e. (K) the petitioner understands the current Rules of Professional Conduct, he passed the Multistate Professional Responsibility Exam in 2018;
- f. (L) the petitioner has reimbursed the CSF of the North Carolina State Bar for all sums, including costs other than overhead expenses, disbursed by the Client Security Fund as a result of the petitioner's misconduct;
- g. (M) the petitioner has reimbursed all sums which the SHC found in the order of disbarment were misappropriated by the petitioner and which have not been reimbursed by the Client Security Fund; and
- h. (N) the petitioner paid all dues, CSF assessments, and late fees owed to the North Carolina State Bar as well as all attendee fees and late penalties due and owing to the Board of Continuing Legal Education at the time of disbarment.

38. Regarding element (B) of 27 NCAC 1B § .0129(a)(3) that Hale notify the complainants in the disciplinary hearing proceeding of his intent to seek reinstatement, Hale's evidence only showed that he mailed letters to the complainants via certified mail. Return receipts, if any, were not produced as required by the rule.

39. Regarding element (F) of 27 NCAC 1B § .0129(a)(3) that Hale show that he complied with the wind-down provisions of Rule .0128, Hale's client files were managed by a trustee until Hale was permitted to resume a limited practice for a few months. After he relapsed, Hale relied upon Attorney Clay Collier to look after his wind-down obligations.

40. Regarding element (I) of 27 NCAC 1B § .0129(a)(3) that Hale has not engaged in the unauthorized practice of law during the period of disbarment, Hale's evidence established this condition.

41. Regarding element (J) of 27 NCAC 1B § .0129(a)(3) that requires Hale to show that he has not engaged in conduct during the period of disbarment constituting grounds for discipline, Hale committed two misdemeanor offenses shortly after he was disbarred while he was actively abusing drugs and alcohol and was convicted of the offenses in 2005.

42. Hale's misconduct leading to his disbarment occurred over a period lasting more than a year. Hale's misconduct occurred while he was under personal pressures and stress that he could face again if he is reinstated to the practice of law. There was no expert testimony or evidence presented by Hale as to the impact of the pressure and stress of a return to the practice of law if Hale was reinstated.

BASED UPON the foregoing Findings of Fact, the Hearing Panel makes the following:

CONCLUSIONS OF LAW

1. Either by stipulation of by evidence presented at the hearing, Hale established by clear, cogent and convincing evidence that he complied with elements (A), (E), (F), (G), (H), (I), (K), (L), (M) and (N) of 27 NCAC 1B § .0129(a)(3).
2. Hale has failed to satisfy his burden of proving by clear, cogent and convincing evidence that he met or complied with elements (B), (C), (D), and (J) of 27 NCAC 1B § .0129(a)(3).
3. Of the elements Hale failed to prove by clear, cogent and convincing evidence, the Hearing Panel finds Hale's evidence was particularly deficient regarding elements (C) and (D) of 27 NCAC 1B § .0129(a)(3) in that 1) given the gravity of Hale's misconduct and the pervasiveness of the stresses and pressure that contributed to his misconduct, Hale failed to establish that he has reformed and presently possesses the moral qualifications required for admission to the practice of law in this state; and 2) Hale failed to show that permitting him to resume the practice of law will not be detrimental to the integrity and standing of the bar, to the administration of justice, or to the public interest, taking into account the gravity of his misconduct.

BASED UPON the foregoing Findings of Fact and Conclusions of Law, the Hearing Panel enters the following ORDER:

1. The Hearing Panel considered all evidence offered at Hale's reinstatement hearing and recommends to the Council that Hale's petition for reinstatement to the practice of law in North Carolina be denied.
2. If Hale chooses not to ask the Counsel to review the decision of this Hearing Panel, this order will constitute the final order in this matter.

Signed on this the 25 day of February, 2019 with the knowledge and consent of the other members of this panel.


Donald C. Prentiss
Chair
Disciplinary Hearing Panel

kyle,asdf

NEXT FILE !!!!!!!!,667

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
14G1193

IN THE MATTER OF)
)
Douglas L. Hall,) REPRIMAND
Attorney At Law)
)

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 through which you 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. You also 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.

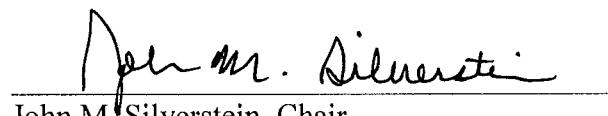
By accepting fees from Veritas out of a portion of the fees Veritas charged the clients, you shared a fee with a nonlawyer in violation of Rule 5.4(a). Second, by working with Veritas to provide legal services to North Carolina residents, you assisted another entity in the unauthorized practice of law 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 relatively few 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

kyle,asdf

NEXT FILE !!!!!!!!,670

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
13G0452

IN THE MATTER OF)
)
Jeanne P. Hall,) REPRIMAND
Attorney At Law)
)

On July 16, 2015 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by M. S. 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.

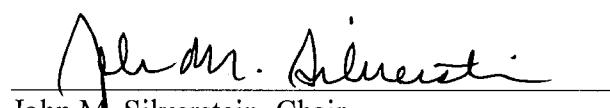
The Grievance Committee was of the opinion that a censure is not required in this case and issues this reprimand to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this reprimand.

You represented M.S. and J.S. in personal injury matters. You loaned money to M.S. and J.S for various personal expenses during your representation of them. Your conduct violated Rule 1.8(e).

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 7th day of August, 2015.



John M. Silverstein
Grievance Committee

JMS/lb

kyle,asdf

NEXT FILE !!!!!!!!,686

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
14G1208

IN THE MATTER OF)
) REPRIMAND
JAMES M. HARRINGTON,)
ATTORNEY AT LAW)

On July 21, 2016 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by S. H. 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.

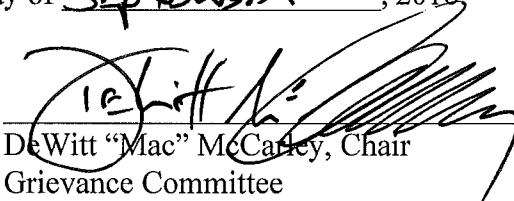
In August 2007, S.H. hired you to prepare and file a patent application with the United States Patent and Trademark Office (USPTO) and to defend S.H.'s claims against any objections from the examiner. Seven years later, after a missed deadline, a notice of abandonment, two petitions to revive the application, and a second filing of the patent application, S.H. was no closer to a final decision from the USPTO. According to you, an inordinate number of

coincidental mishaps affected S.H.'s case. If true, your explanation suggests that the U.S. Postal Service and the USTPO are incompetent at delivering mail and processing patent applications, respectively. If the USTPO is in fact as unreliable as you describe, minimal diligence would require a practitioner to perform "routine checks" of the USTPO's online filing system at least monthly to monitor the status of clients' cases and ensure adherence to deadlines. Throughout your protracted representation of S.H., you failed to act with reasonable diligence in violation of Rule 1.3 and failed to respond to reasonable requests for information from your client in violation of Rule 1.4(a). In determining that reprimand is the appropriate discipline in this matter, the Grievance Committee considered the fact that you were previously disciplined for similar conduct.

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.

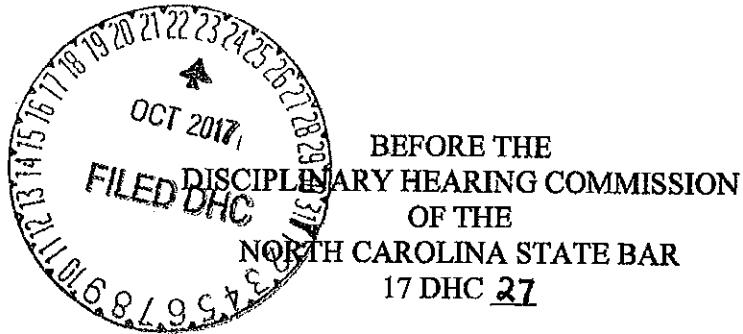
Done and ordered, this 14th day of September, 2016,


DeWitt "Mac" McCarley, Chair
Grievance Committee

DM/lb

kyle,asdf
NEXT FILE !!!!!!!!,696

NORTH CAROLINA
WAKE COUNTY



THE NORTH CAROLINA STATE BAR,)
Plaintiff) ORDER OF
v.) INTERIM SUSPENSION
PHILLIP H. HAYES, JR., Attorney,)
Defendant)

This matter is before the undersigned Chair of the Disciplinary Hearing Commission pursuant to 27 N.C. Admin. Code Chapter 1, Subchapter B, Rule .0119(b) of the Discipline & Disability Rules of the North Carolina State Bar on the State Bar's petition for an order of interim suspension of the law license of Phillip H. Hayes, Jr., based upon his conviction of a crime showing professional unfitness. Based upon the petition and the certified copy of Hayes' guilty plea, the undersigned hereby makes the following

FINDINGS OF FACT

1. Hayes was licensed to practice law in North Carolina on August 22, 1992.
2. Hayes' address of record with the North Carolina State Bar is 8845 Caratoke Highway, Suite 7, Point Harbor, NC 27964.
3. On August 28, 2017, Defendant entered a plea of guilty in the Superior Court for Currituck County, North Carolina to the felony of Possession of Schedule II Controlled Substance in violation of N.C. Gen Stat. § 90-95(A)(3).
4. The North Carolina State Bar intends to file a formal complaint against Hayes alleging he has violated the Rules of Professional Conduct based upon the conduct underlying the plea.

Based upon the foregoing findings of fact, the undersigned makes the following:

CONCLUSIONS OF LAW

1. The felony offense to which Hayes pled guilty is a serious crime showing professional unfitness to practice as defined by Rule .0103(17) of the State Bar Discipline & Disability Rules and N.C. Gen. Stat. § 84-28(b).

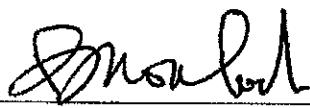
2. Rule .0119(b) of the N.C. State Bar Discipline & Disability Rules authorizes the Chair of the Disciplinary Hearing Commission to enter an order suspending an attorney's license upon receipt of a certified copy of a plea of guilty to a serious crime showing professional unfitness to practice law.

3. An order suspending Defendant's law license on an interim basis is necessary to uphold the standing of the legal profession.

Based upon the foregoing Findings of Fact and Conclusions of Law,

IT IS HEREBY ORDERED that the license to practice law in North Carolina of Phillip H. Hayes, Jr., is hereby SUSPENDED until the conclusion of all disciplinary matters pending before the North Carolina State Bar relating to Hayes' conviction to serious crimes showing professional unfitness and/or the underlying conduct.

This the 23rd day of October, 2017.



Fred M. Morelock, Chair
Disciplinary Hearing Commission

kyle,asdf

NEXT FILE !!!!!!!!,715

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
16G0095

IN THE MATTER OF)
THOMAS S. HICKS,)
ATTORNEY AT LAW)
)
) REPRIMAND

On July 21, 2016 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by R. B. 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 represented Mr. R. B. in a lawsuit regarding the purchase of property. The judge ruled against Mr. B. at a summary judgment hearing on November 16, 2015. You did not tell Mr. B. about the outcome of the November 16, 2015 summary judgment hearing until you wrote him on February 22, 2016. Mr. B.'s opportunity to appeal the summary judgment hearing had

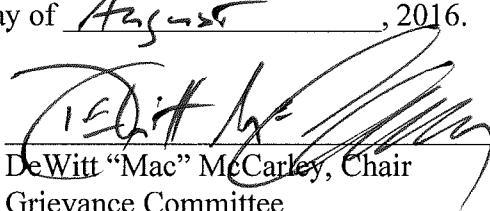
long since passed when you told him about the outcome of the hearing. Your failure to promptly advise Mr. B. of the disposition of the summary judgment hearing violated Rule 1.4(a)(1)(2)(3).

Mr. B. asked you to return his file on December 15, 2015. You did not send the file to him until February 22, 2016. Your failure to promptly return Mr. B.'s file violated Rule 1.16(d).

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 12th day of August, 2016.


DeWitt "Mac" McCarley, Chair
Grievance Committee

DM/lb

kyle,asdf

NEXT FILE !!!!!!!!,729

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
16G0346

IN THE MATTER OF)
)
JAMES C. HORD,)
ATTORNEY AT LAW)

On April 20, 2017 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by A. C. W. 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.

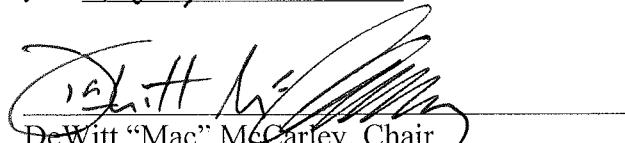
You represented a husband and wife who were preparing to file a bankruptcy petition. You advised the husband to transfer a piece of real property into joint ownership with wife. You received the filed deed and then immediately went forward with the bankruptcy petition. You failed to disclose the transfer on the Statement of Financial Affairs form. Having practiced in bankruptcy law for a number of years, you should have known that making this transfer less than

one year before filing and also failing to disclose the transfer is considered fraud by the bankruptcy court. This conduct placed your clients at a serious financial risk with the court. Your failure to disclose the transfer amounts to a lack of diligence in violation of Rule 1.3 and the fraud is a violation of Rule 8.4(c).

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 10th day of May, 2017.



DeWitt "Mac" McCarley, Chair
Grievance Committee

DM/lb

kyle,asdf

NEXT FILE !!!!!!!!,730

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
15G1112

IN THE MATTER OF)
) CENSURE
MARLON J. HOWARD,)
ATTORNEY AT LAW)

On April 21, 2016, 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.

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

The Grievance Committee believes that a hearing before the Disciplinary Hearing Commission is not required in this case and issues this censure to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this censure.

National Debt Relief is a typical debt adjusting business, advertising as able to help distressed debtors pay off their debts for less than what they owe by collecting a monthly amount from the debtors, keeping that money in a "settlement account," and then paying a portion of it to the debtor's creditors once a "settlement" has been negotiated by the company. You signed a contract in April 2015 to work as an "of counsel" attorney with the "Law Offices of Robert S. Gitmeid & Associates, PLLC," ("Gitmeid") a law firm based in New York that was, at that time, not authorized to provide legal services in North Carolina. Through your relationship with Gitmeid, you provided legal services to Gitmeid's North Carolina clients at the direction of National Debt Relief, another entity not authorized to provide legal services in North Carolina.

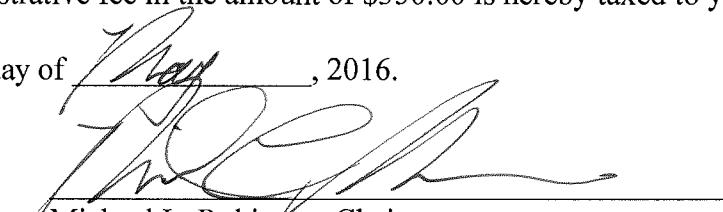
By providing legal services to North Carolina residents on behalf of Gitmeid and National Debt Relief, you aided others in the unauthorized practice of law. By claiming to provide legal services via an out-of-state law firm and business entity not authorized to provide legal services here, you made false or misleading statements about your services. Moreover, you shared a fee with a nonattorney and collected an illegal fee by accepting a portion of the fees collected by National Debt Relief and Gitmeid from North Carolina consumers. Finally, by aiding others in the unauthorized practice of law and engaging in debt adjusting, you committed criminal acts that reflect adversely on your fitness as a lawyer.

In determining that a censure 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 and debt adjusting, 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 fact that you are participating with two different entities engaged in the unauthorized practice of law, your direct engagement in debt adjusting, the lack of remorse shown in your response that inspires no confidence that you will not engage in this type of behavior again, and your lack of remedial actions.

You are hereby censured by the North Carolina State Bar for your violation of the Rules of Professional Conduct. The Grievance Committee trusts that you will ponder this censure, recognize the error that you have made, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession. This censure should serve as a strong reminder and inducement for you to weigh carefully in the future your responsibility to the public, your clients, your fellow attorneys and the courts, to the end that you demean yourself as a respected member of the legal profession whose conduct may be relied upon without question.

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 censure by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this 10th day of May, 2016.



Michael L. Robinson, Chair
Grievance Committee
The North Carolina State Bar

MLR/lb

kyle,asdf

NEXT FILE !!!!!!!!,751

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
14G0469 & 15G0095

IN THE MATTER OF)
) CENSURE
MO IDLIBY,)
ATTORNEY AT LAW)

On January 21, 2016, 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.

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

The Grievance Committee believes that a hearing before the Disciplinary Hearing Commission is not required in this case and issues this censure to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this censure.

In a May 2014 press conference and a subsequent post to a listserv for immigration lawyers, you accused a U.S. Immigration Judge of obstructing justice, tainting evidence, engaging in "numerous unethical *ex parte* communications," and making "inappropriate and racist comments from the Bench." These statements about the integrity of the Immigration Judge were made with reckless disregard as to their truth or falsity in violation of Rule 8.2(a).

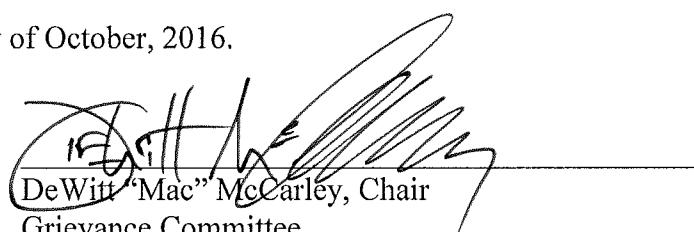
You filed a Motion for Appropriate Relief (MAR) on behalf of N.M. You failed to include in the MAR statutorily-required attorney certifications and the necessary supporting affidavit. After these deficiencies were pointed out in a motion filed by the State, you filed a Verified and Amended Motion for Appropriate Relief (VAMAR). You filed the VAMAR two days before the hearing. The VAMAR

contained a certification that you had notified N.M.'s prior counsel of the VAMAR. Although you had spoken with N.M.'s prior counsel about your concerns regarding N.M.'s guilty plea, you did not notify N.M.'s prior counsel of your filing of the MAR or the VAMAR. N.M.'s prior counsel was notified of the post-conviction proceedings by the State. In the VAMAR, you also asserted that the trial transcript was unavailable at the time the VAMAR was filed, when you had not personally made an attempt to obtain the transcript. Your certifications regarding notifying prior counsel and the unavailability of the transcript were misrepresentations in violation of Rule 8.4(c). Considerable court time was consumed addressing these issues, and your client's motion was dismissed. Accordingly, your conduct was also prejudicial to the administration of justice in violation of Rule 8.4(d).

You are hereby censured by the North Carolina State Bar for your violation of the Rules of Professional Conduct. The Grievance Committee trusts that you will ponder this censure, recognize the error that you have made, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession. This censure should serve as a strong reminder and inducement for you to weigh carefully in the future your responsibility to the public, your clients, your fellow attorneys and the courts, to the end that you demean yourself as a respected member of the legal profession whose conduct may be relied upon without question.

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 censure by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this 27th day of October, 2016.



DeWitt "Mac" McCarley, Chair
Grievance Committee
The North Carolina State Bar

DM/lb

kyle,asdf

NEXT FILE !!!!!!!!,753

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
15G0796, 15G0797, 15G0798
15G0799, 15G0973, 15G1029

IN THE MATTER OF)
) REPRIMAND
MO IDLIBBY,)
ATTORNEY AT LAW)

On July 21, 2016 the Grievance Committee of the North Carolina State Bar met and considered the above- referenced grievances. 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.

In six separate files with the same due date, you did not file timely responses to the State Bar's fee dispute facilitator and also submitted late responses in the resulting grievances despite multiple deadline extensions. While the Committee notes that you were experiencing significant adversity in your personal life, this conduct violated Rules 1.5(f)(2) and 8.1(b).

You were representing F.L. on his visa petition while he was in detention in the custody of the U.S. Marshal's Service for his criminal charge. In order to proceed with the visa paperwork, F.L. was required to attend a biometrics appointment with USCIS. You made multiple attempts to convince the U.S. Marshal's Service to transport F.L. to the biometrics appointment, but the U.S Marshal's Service refused to transport F.L. to this biometrics appointment. While you did explain this to F.L.'s point of contact (F.L.'s brother), you did not explain the situation to F.L. Meanwhile, you asserted to the State Bar's fee dispute facilitator on June 18, 2015 that F.L.'s visa was "not being held up because of [F.L.'s] USCIS biometrics appointment" and that U visa cases take a very long time to be adjudicated." You did not meet or speak with F.L. for at least seven months of your representation or adequately explain the serious obstacles in your ability to achieve the goals for which you were retained. You violated Rules 1.4(a)(3) and 1.4(b).

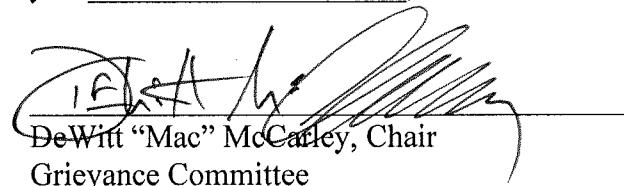
R.R. and his wife paid you \$5,000 to obtain U-visa certifications and file U-visa petitions. You were unable to obtain the certifications and you therefore never filed the petitions. You did not adequately explain how your work product or time invested could be valued at \$5,000. This was, therefore, a clearly excessive fee in violation of Rule 1.5(a). The Committee notes that you have since issued a full refund in the amount of \$5,000 to R.R. and his wife.

In representing J.G. and his wife for visa petitions you were paid \$2,000. Although you state that your office prepared the paperwork, it was never completed because the clients did not sign the forms and did not submit additional supporting documents to your office. When J.G. informed you that he would not be proceeding and wanted a full refund, you did not adequately explain how your work product or time invested could amount to \$2,000 and refused to grant a refund. You therefore charged a clearly excessive fee in violation of Rule 1.5(a). The Committee notes that you have since issued a full refund in the amount of \$2,000 to J.G. and his wife.

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 27th day of October, 2016.


DeWitt "Mac" McCarley, Chair
Grievance Committee

DM/lb

kyle,asdf
NEXT FILE !!!!!!!!,754

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
15G1050

IN THE MATTER OF)
) REPRIMAND
MO IDLIBBY,)
ATTORNEY AT LAW)

On July 21, 2016 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by B. V. 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.

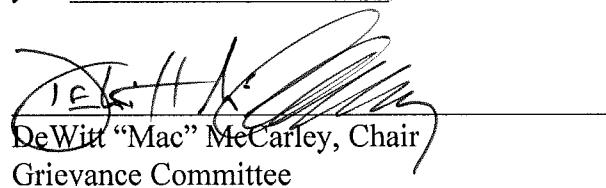
You did not participate in the fee dispute resolution program as required and you filed a late response to the grievance after multiple extensions to your response deadline. While the Committee notes that you were experiencing significant adversity in your personal life, your conduct nonetheless violated Rule 1.5(f)(2) and Rule 8.1(b).

You were initially retained by B.V. to work on reopening his pre-existing order of removal. After two meetings with B.V. and reviewing the information, you determined that you did not have a good faith basis to move forward with the motion. As such, you did not file the motion and could only justify the \$5,000 fee collected by stating that the issues required your in-depth analysis, your special expertise, and the time spent on the case in preparing the motion. You provided no work product to the client and you did not explain how the collected fee was not clearly excessive upon inquiry by the State Bar. You violated Rule 1.5(a). The Committee notes that you have since issued a full refund of \$5,000 to B.V.

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 27th day of October, 2016.

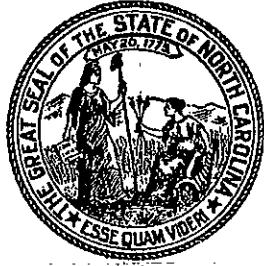


DeWitt "Mac" McCarley, Chair
Grievance Committee

DM/lb

kyle,asdf

NEXT FILE !!!!!!!!,762



2325

Orange

County

Office of the Clerk of the Superior Court

I, Mary D. Walters, Asst., Clerk of the Superior Court of Orange County, State of North Carolina, said Court being a Court of Record, having an official seal, which is hereto affixed, do hereby certify the foregoing and attached (two sheets) to be a true copy of

Transcript of negotiated plea ; Judgment suspending sentence State -vs-
Charles Lawrence James. Case no. 74CR9749.

as the same is taken from and compared with the original now on file in this office.

In Witness Whereof, I hereunto subscribe my name and affix the seal of the Superior Court of Orange County, at my office in Hillsborough, North Carolina, this 8th. day of November, 1974.

Mary D. Walters
Assistant Clerk Superior Court
Ex Officio Judge of Probate

SEAL

-00369

STATE OF NORTH CAROLINA

County of Dixie

STATE OF NORTH CAROLINA

vs.

Charles Lawrence Jones

File # 74CR 9749

Film # _____

In The General Court of Justice

SPECIAL Court Division

TRANSCRIPT OF NEGOTIATED PLEA

The defendant, being first duly sworn, makes the following answers to the questions asked by the Presiding Judge:

1. Are you able to hear and understand my statements and questions? Answer yes C.S.
2. Are you now under the influence of any alcohol, drugs, narcotics, medicines, or other pills? Answer no C.S.
3. Do you understand that you are charged with the (felony) (misdemeanor) of a conspiracy to possess a controlled substance? Answer yes C.S.
4. Has the charge been explained to you? Answer yes C.S.
5. Do you understand that upon your plea of (guilty) (nolo contendere) you could be imprisoned for as much as 2 (months) (years)? Answer yes C.S.
6. Do you understand that you have the right to plead not guilty and to be tried by a Jury? Answer yes C.S.
7. Have you had time to talk and confer with and have you conferred with your lawyer about this case and are you satisfied with his services? Answer yes C.S.
8. I now inquire of the district attorney and of the prisoner and his counsel whether or not there have been plea negotiations. Before permitting you to respond, I advise you that the courts have specifically approved plea bargaining and have said that it is an essential component of the administration of justice to be encouraged. You should, therefore, advise me truthfully of any plea negotiations without the slightest fear of incurring disapproval of the court. Now therefore, have you agreed to plead (guilty) (nolo contendere) upon conditions? Answer yes C.S.
9. Are these the conditions and all of them?

the State agrees to accept one lenient plea in Dixie of all felony indictments. The State agrees
that Mr. Jones not receive a active sentence.
that he surrender his license to practice law
to the Court for transmission to the State Bar.
that he not be licensed until the Bar see fit
to do so. That he not practice law in this
State for 3 years. Answer yes C.S.
10. Except for the promises set out above (paragraph 9), have any promises or threats been made to you to induce you to plead (guilty) (nolo contendere) upon these conditions? Answer no C.S.
11. Do you now freely, voluntarily and understandingly authorize and instruct your lawyer to enter on your behalf a plea of (guilty) (nolo contendere) upon the conditions above set out? Answer yes C.S.
12. Do you have any questions or any statement to make at this time about what I have just said to you? Answer no C.S.

I have read or heard read all of the questions and answers on the reverse hereof and understand them, and the answers shown are the ones I gave in open Court, and they are true and correct, and the basis for the negotiated plea of (guilty)(nolo contendere) as stated on the reverse hereof is accurate and is the basis upon which I entered this plea of (guilty)(nolo contendere).

Nov. 1, 1974
Date

Charles Lawrence Jern
Defendant

Sworn to and subscribed before me this 1st day of Nov., 1974.

Mary O'Keeffe, Esq.
Clerk of Superior Court

As attorney for the defendant, Charles Lawrence Jern, I hereby certify that the conditions stated on the reverse hereof (paragraph 9) upon which the defendant's plea of (guilty)(nolo contendere) was entered are correct and they are the conditions agreed to by the defendant and myself as his attorney upon which the defendant's plea of (guilty)(nolo contendere) was entered.

Nov. 1, 1974
Date

James M. Flora
Attorney for Defendant

As district attorney for the 15th Judicial District, I hereby certify that the conditions stated on the reverse hereof (paragraph 9) are the conditions agreed to by the defendant and his counsel and myself for the entry of the plea of (guilty)(nolo contendere) by the defendant to the charge in this case.

Nov. 1, 1974
Date

W. Bradford Ly
District Attorney

ADJUDICATION

The undersigned Presiding Judge upon examination of the record proper and hearing statement of counsel for the defendant and the district attorney, and upon considering the evidence offered, makes the following findings:

1. That the conditions of the negotiated plea of (guilty)(nolo contendere) are reasonable and the acceptance and approval of the plea of (guilty)(nolo contendere) by the court would be to the best interest of the defendant and society and the administration of justice.
2. That substantial evidence has been produced to support the charge.
3. That the negotiated plea of (guilty)(nolo contendere) was entered into by the defendant after consultation with counsel and with advice of counsel and that he did so freely, voluntarily and with full knowledge of the consequences.

Upon the foregoing findings, the defendant's plea of (guilty)(nolo contendere) is hereby accepted by the Court.

This 1st day of November, 1974.

C. E. Brown
Judge Presiding

700371

File # 74CR9749

Film # _____

STATE OF NORTH CAROLINA
Orange
County of _____

In The General Court of Justice
Superior Court Division

The State of North Carolina

vs.

JUDGMENT SUSPENDING SENTENCE

Charles Lawrence James

Name, Age, Sex, and Race of Defendant

In open court, the defendant appeared for trial upon the charge or charges of

Conspiracy to manufacture, distribute, sell and deliver controlled substances
to wit: amphetamine, MDA, BDMA

and thereupon entered a plea of guilty to written information
to written information to a conspiracy to possess a controlled substance
to wit: amphetamines which was then and is now set out in schedule 2 of the North
Carolina Controlled Substance Act

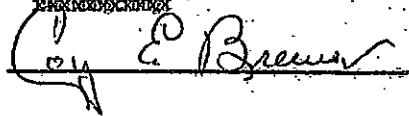
Having guilty plead guilty of the offense of conspiracy to possess a
controlled substance to wit: amphetamines as set out in schedule 2 of the North Carolina
Controlled substance act

which is a violation of the law and of the grade of misdemeanor

It is ADJUDGED that the defendant be imprisoned for the term of two years
in the county jail of Orange County to be assigned
to work under the supervision of the North Carolina Department of Corrections.

The execution of this sentence is suspended, however, for three years upon compliance with the
following conditions, to which the defendant gave assent:
That the defendant not have in his possession at any time any form of narcotics except those
narcotics prescribed by a duly licensed physician and contained in a druggist labeled container.
2. That the defendant not violate any penal law of any State or the Federal Government during the
next 3 years. 3. That the defendant surrender his license to practice law in the State of North
Carolina to the North Carolina State Bar. License of the defendant has been submitted to the Court
in order that same may be forwarded by the Court to the North Carolina State Bar. 4. That the
defendant not engage in the practice of law in State of North Carolina for a period of three years.
5. That in lieu of a fine the Court has determined that Mr. James has represented a number of
indigent defendants of which he has not submitted a fee schedule to be submitted to the Administrative
Office of the Court in order that he be paid. Defendant will not and shall not submit a
schedule of fees to the Administrative office of the Courts. These fees are forfeited. 7. That
defendant pay the costs of this action.

Attorney for Defendant: James Rowan November 1, 1974.
Attorney for the State: Lunsford Long
AOV-1 FORM 164


E. Brewer

-00372

kyle,asdf

NEXT FILE !!!!!!!!,789

STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
18 DHC 30

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

KENNETH R. JONES, Attorney,

Defendant

CONSENT ORDER OF DISCIPLINE

This matter was considered by a Hearing Panel of the Disciplinary Hearing Commission composed of Donald C. Prentiss, Chair, and members David W. Long and Christopher R. Bruffey, pursuant to North Carolina Administrative Code, Title 27, Chapter 1, Subchapter B, § .0115(i). Plaintiff was represented by Katherine E. Jean. Defendant, Kenneth R. Jones represented himself. Defendant waives a formal hearing in this matter. The parties stipulate and agree to the findings of fact and conclusions of law recited in this order, and consent to the discipline imposed by this order. By consenting to the entry of this order, Defendant knowingly, freely, and voluntarily waives his right to appeal this consent order or to challenge in any way the sufficiency of the findings and conclusions herein.

Based upon the pleadings in this matter, the parties' stipulations of fact, and with the consent of the parties, the Hearing Panel hereby enters the following

Findings of Fact

1. Plaintiff, the North Carolina State Bar (hereafter "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 promulgated thereunder.

2. Defendant, Kenneth R. Jones (hereafter "Defendant" or "Jones"), was admitted to the North Carolina State Bar on 24 August 2001 and is 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 the relevant period referred to herein, Jones was actively engaged in the practice of law in Smithfield, Johnston County, North Carolina.

4. Jones was properly served with the summons and complaint in this matter.

5. Jones maintained four trust accounts in connection with his law practice: (a) First Citizens Bank, account number ending in 9595; (b) Wells Fargo Bank, account number ending in

2127; (c) BB&T Bank, account number ending in 0121; and (d) BB&T Bank, account number ending in 7503.

6. Jones used his trust accounts as general trust accounts, with the BB&T trust accounts serving as the main accounts for real estate transactions.

7. In October 2015, the State Bar conducted a random procedural audit of Jones's trust accounts.

8. The audit revealed numerous failures by Jones to properly monitor and maintain the records for his trust accounts as required by the Rules of Professional Conduct. Specifically, the audit revealed that Jones engaged in the following conduct:

- a. Jones failed to conduct quarterly reconciliations of his trust accounts;
- b. Jones failed to always identify the source of entrusted funds deposited into his trust accounts on the corresponding deposit slips;
- c. Jones failed to escheat unidentified/abandoned funds as required by N.C. Gen. Stat. § 116B-53;
- d. Jones failed to use proper business-size checks that contain an auxiliary On-Us field; and
- e. Jones failed to obtain legible, appropriately sized, front and back copies of check images drawn on his trust accounts.

9. The State Bar previously conducted a random procedural audit of Jones's trust accounts in 2003.

10. The 2003 audit found similar deficiencies in Jones's handling and monitoring of entrusted client funds as those noted in the 2015 audit.

11. As a result of the 2015 random audit, the State Bar conducted a cause audit of Jones's trust accounts and determined that, in addition to the deficiencies noted in paragraph 8 above, Jones engaged in the following additional conduct regarding his trust accounts:

- a. Jones failed to consistently maintain accurate client ledgers that identified and tracked, per client, the entrusted funds received and disbursed for each client;
- b. Jones failed to accurately identify the client(s) against whose balance in the trust accounts all disbursements were made from his trust accounts;
- c. On at least nine occasions, Jones disbursed funds from his trust accounts to or on behalf of clients using funds belonging to other clients, resulting in negative client balances within the trust accounts and funds being used for the benefit of someone other than the beneficial owner of the funds; and
- d. Jones delegated his trust account recordkeeping responsibilities to various nonlawyer assistants over a period of years, but failed to adequately supervise

the way his staff handled entrusted client funds and the way his staff monitored the trust account.

Based upon the foregoing Findings of Fact and with the consent of the parties, the Hearing Panel makes the following

Conclusions of Law

1. All parties are properly before the Hearing Panel and the DHC has jurisdiction over Defendant, Kenneth R. Jones, and over the subject matter of this proceeding.

2. Defendant's conduct, as set out in the stipulated Findings of Fact above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) in that Defendant violated the Rules of Professional Conduct as follows:

- (a) By failing to reconcile his trust accounts on a quarterly basis, Jones failed to conduct the requisite reconciliations of his trust accounts in violation of Rule 1.15-3(d)(1);
- (b) By failing to identify the client(s) on all deposit slips of entrusted funds into his trust accounts, Jones violated Rules 1.15-2(a) and 1.15-3(b)(1);
- (c) By failing to accurately identify the client(s) on all disbursements made from his trust accounts, Jones violated Rules 1.15-2(a) and 1.15-3(b)(2);
- (d) By failing to consistently maintain accurate client ledgers that identified and tracked, per client, the entrusted funds received and disbursed for each client, Jones failed to maintain ledgers containing a record of receipts and disbursements for each person for whom funds were received and showing the current balance of funds held in the trust accounts for each person in violation of Rules 1.15-2(a) and 1.15-3(b)(5);
- (e) By advancing funds for a client from funds belonging to another client who was not the beneficiary of those funds, Jones used or pledged entrusted property for the personal benefit of a person other than the legal or beneficial owner of that property in violation of Rule 1.15-2(a), Rule 1.15-2(j) (presently codified as Rule 1.15-2(k)), and Rule 1.15-2(m) (presently codified as Rule 1.15-2(n));
- (f) By failing to escheat unidentified or abandoned funds in accordance with N.C. Gen. Stat. §116B-53, Jones violated Rule 1.15-2(q) (presently codified as Rule 1.15-2(r));
- (g) By failing to obtain appropriate digital images of canceled checks drawn on the trust accounts, Jones failed to maintain minimum records for trust accounts in violation of Rule 1.15-3(b)(2)(A); and
- (h) By failing to review his nonlawyer assistants' handling and record-keeping of entrusted funds, Jones failed to supervise his nonlawyer assistants to the

extent necessary to ensure that their conduct was compatible with Jones's professional obligations in violation of Rule 5.3(b).

Based upon the consent of the parties, the Hearing Panel also finds by clear, cogent, and convincing evidence the following

Findings of Fact Regarding Discipline

1. Jones has substantial experience in the practice of law.
2. Jones has no prior disciplinary record concerning his license to practice law.
3. There is no evidence of misappropriation or improper disbursement of entrusted funds to Jones. There is also no evidence that Jones intended to harm his clients and there is no evidence of any dishonest or selfish motive on the part of Jones.
4. Jones's failure to conduct the required quarterly reconciliations and failure to otherwise monitor his trust accounts caused potential significant harm to his clients. Conducting quarterly reconciliations of the trust account is the lynchpin of proper maintenance and protection of entrusted funds. Jones's continued failure to reconcile his trust accounts and failure to maintain proper trust account records – particularly after having been previously cited for the same deficiencies in his trust account management via the random audit process – combined with his failure to make reasonable efforts to ensure his non-lawyer assistants' conduct was compatible with his professional obligations in the handling of entrusted funds demonstrate a pattern of misconduct and demonstrate Jones's intent to commit acts where the potential harm was foreseeable.
5. Jones's conduct placed entrusted funds at risk and has the potential to cause significant harm to the standing of the profession in the eyes of the public because it shows his disregard for his duties as an attorney. Such erosion of public confidence in attorneys tends to sully the reputation of, and fosters disrespect for, the profession as a whole. Confidence in the legal profession is a building block for public trust in the entire legal system.
6. The Hearing Panel has carefully considered all of the different forms of discipline available to it, including admonition, reprimand, censure, suspension, and disbarment, in considering the appropriate discipline to impose in this case.

Based upon the Findings of Fact, Conclusions of Law, and Additional Findings Regarding Discipline, and with the consent of the parties, the Hearing Panel also enters the following

Conclusions Regarding Discipline

1. The Hearing Panel considered all of the factors enumerated in 27 N.C. Admin. Code 1B.0116(f) of the Discipline and Disability Rules of the North Carolina State Bar.

2. The Hearing Panel has considered all of the factors enumerated in 27 N.C. Admin. Code 1B.0116(f)(1) of the Rules and Regulations of the North Carolina State Bar and concludes the following factors warrant suspension of Defendant's license:

- (a) Intent of the defendant to commit acts where the harm or potential harm is foreseeable;
- (b) Defendant's actions had a potential negative impact on his clients' and the public's perception of the legal profession.

3. The Hearing Panel has considered all of the factors enumerated in 27 N.C. Admin. Code 1B.0116(f)(2) of the Rules and Regulations of the North Carolina State Bar and concludes no factors are present that would warrant disbarment.

4. The Hearing Panel has considered all of the factors enumerated in 27 N.C. Admin. Code 1B.0116(f)(3) of the Rules and Regulations of the North Carolina State Bar and concludes the following factors are applicable in this matter:

- (a) Defendant's lack of prior disciplinary offenses;
- (b) Absence of a dishonest or selfish motive;
- (c) Defendant engaged in a pattern of misconduct;
- (d) Defendant engaged in multiple offenses; and
- (e) Degree of experience in the practice of law.

5. Defendant's failure to properly safeguard entrusted client funds and properly supervise his non-lawyer assistants caused potential significant harm to his clients whose funds were placed at risk while entrusted to Defendant's care.

6. Defendant's conduct, if continued or tolerated by the Bar, poses significant potential harm to future clients and to the profession.

7. The Hearing Panel has carefully considered all of the different forms of discipline available to it, including admonition, reprimand, censure, and suspension, and the Hearing Panel concludes that discipline short of a suspension would not be sufficient because of the gravity of the potential harm to the clients. The Panel further concludes that discipline short of a suspension would fail to acknowledge the seriousness of the offenses committed by Defendant and send the wrong message to attorneys regarding the conduct expected of members of the Bar in this State.

8. The Hearing Panel concludes that Defendant's conduct warrants and can only be addressed through imposition of a suspension on Defendant's law license. The Hearing Panel further concludes that such suspension should be stayed upon Defendant's compliance with conditions outlined below that will ensure the public is protected from future transgressions by

Defendant as well as ensure Defendant's continued adherence to the Rules of Professional Conduct.

Based upon the foregoing findings of fact and conclusions of law and the findings of fact and conclusion regarding discipline, and based upon the consent of the parties, the Hearing Panel enters the following

Order of Discipline

1. Defendant, Kenneth R. Jones, is hereby suspended from the practice of law for two years. This order shall be effective upon filing.

2. Defendant is taxed with the costs and administrative fees of this action. Defendant shall pay the costs and administrative fees of this proceeding as assessed by the Secretary within 30 days of service of the statement of costs and administrative fees upon him.

3. The two-year suspension is stayed for a period of three years as long as Defendant complies, and continues to comply during the period of the stay, with the following conditions:

(a) Defendant shall employ an accountant approved in advance by the Office of Counsel to assist Defendant in monitoring and reconciling his trust account(s) as required by the Rules of Professional Conduct.

(b) Defendant shall provide the State Bar with reports of all quarterly reconciliations as required by Rule 1.15-3 for all trust accounts and fiduciary accounts to which Defendant has access and/or in which Defendant deposits entrusted funds as follows:

i. In addition to the three-way reconciliation reports, for the months covered by the submitted report, Defendant shall provide: (i) client ledgers for each client whose funds are held in the trust account during the stay, (ii) any ledger for any personal funds maintained in the trust account(s) for bank or credit card fees, (iii) general ledger(s) for each trust account to which Defendant has access, and (iv) the bank statements, cleared checks, deposit slips, and deposit items associated with the reports;

ii. The reports are due no later than 30 days after the end of each quarter (first quarter's report due April 30, second quarter's report due July 30, third quarter's report due October 30, and fourth quarter's report due January 30);

iii. Defendant shall certify with each quarterly report that he has personally reviewed the reconciliation report(s) and all relevant ledgers, bank statements, cancelled checks, deposit slips, and deposit items associated with the report(s), and Defendant shall further certify that no entrusted funds received by him or his law

office have been deposited into any account other than his trust account(s);

- iv. If any of the quarterly reports referenced above note any irregularities or deficiencies, Defendant shall promptly take all remedial action necessary to bring the trust account(s) into compliance with the Rules of Professional Conduct and shall provide proof of the remedial action and compliance to the Office of Counsel of the State Bar within 30 days of the date of the report;
- v. All reconciliations and reports referred to herein will be completed and submitted at Defendant's sole expense; and
- vi. Failure of the Defendant to timely submit any report required by this Order shall be grounds to lift the stay and activate the suspension.

- (c) Defendant shall certify annually on or before June 30 to the North Carolina State Bar that all general trust accounts, dedicated trust accounts, and fiduciary accounts maintained by Defendant or his law firm are administered, to the best of his knowledge, in compliance with the requirements of Rule 1.15 (including all subparts) or that he is exempt from this provision because Defendant does not maintain any trust or fiduciary accounts for North Carolina client funds;
- (d) Defendant shall successfully complete two hours of continuing legal education (CLE) in the area of trust account management within the first year after the effective date of this order, one hour of which must be a trust account CLE taught by Trust Account Compliance Counsel for the North Carolina State Bar. Defendant shall provide written proof of successful completion of these CLE courses to the State Bar within ten days of completing the course;
- (e) Defendant shall have sole signatory authority on all general trust accounts, dedicated trust accounts, and fiduciary accounts maintained by Defendant and shall not allow the use of signature stamps, or electronic signature in lieu of his hand affixed signature;
- (f) Defendant shall pay all Membership dues and Client Security Fund assessments and comply with all Continuing Legal Education requirements on a timely basis;
- (g) Defendant shall keep his physical address of record (not a Post Office box) with the North Carolina State Bar current, accept all certified mail from the North Carolina State Bar, and respond to all letters of notice and requests for information from the North Carolina State Bar by the deadlines stated in the communication;

- (h) Defendant shall not violate any of the Rules of Professional Conduct in effect during the period of the stay;
- (i) Defendant shall not violate any laws of the State of North Carolina or of the United States during the period of the stay excluding minor traffic infractions; and
- (j) Defendant shall timely comply with paragraph 2 above in paying all costs and administrative fees of this action as assessed by the Secretary within thirty (30) days after service of the statement of costs on him.

4. If during the stay of the suspension Defendant fails to comply with any one or more of the conditions stated above, then the stay of the suspension of his law license may be lifted as provided in § .0118(a) of the North Carolina State Bar Discipline and Disability Rules.

5. If the stay of the suspension is lifted and the suspension is activated for any reason, Defendant may apply for reinstatement after serving the activated suspension by filing a petition pursuant to Rule .0129(b) of the North Carolina State Bar Discipline and Disability Rules (27 N.C. Admin. Code 1B.0129) demonstrating compliance with the requirements therein as well as the following requirements by clear, cogent, and convincing evidence:

- (a) Defendant properly wound down his law practice and complied with the terms of 27 N.C. Admin. Code 1B.0128 of the State Bar Discipline & Disability Rules;
- (b) Defendant complied with paragraphs 3(d) above;
- (c) Defendant kept the Membership Department of the State Bar informed of his current information for his physical address (not a Post Office box), telephone number, and e-mail address throughout the period of his suspension;
- (d) Defendant accepted all certified mail from the State Bar sent to the address on record with the Membership Department of the North Carolina State Bar throughout the period of the suspension;
- (e) Defendant responded to all letters of notice and requests for information from the North Carolina State Bar by the deadline stated therein with full and complete responses and all requested documentation throughout the period of his suspension;
- (f) Defendant has come into compliance with any outstanding CLE or membership obligations at the time of the filing of his petition for reinstatement;
- (g) Defendant did not violate any of the Rules of Professional Conduct in effect during the period of the suspension;

- (h) Defendant did not violate any laws of the State of North Carolina or of the United States during the period of the suspension; and
- (i) Defendant paid all costs and fees of this proceeding as assessed by the Secretary by the date of the filing of his petition for reinstatement.

6. If the stay of suspension is lifted and the suspension is activated for any reason, and if Defendant fails to fully comply with 27 N.C. Admin. Code 1B § .0128 and the Court appoints a trustee to wind down any portion of Defendant's practice, Defendant shall reimburse the State Bar for all expenses incurred by the State Bar in winding down Defendant's practice. Such expenses may include, but are not limited to, storage facility fees, rent payments, moving expenses, charges for secure disposal of client files, postage or other mailing expenses, and compensation paid to the trustee and/or the trustee's assistant for time and travel associated with the trusteeship. After the Court has discharged the trustee, the State Bar shall send an invoice of wind-down expenses to Defendant at Defendant's last known address of record with the North Carolina State Bar. Defendant shall not be eligible for reinstatement until he has reimbursed the State Bar for all wind-down expenses incurred.

7. Unless Defendant's obligations under this Order are modified by further order of the DHC, Defendant's obligations under this Order end two years from the effective date of the Order provided there are no motions or show cause proceedings pending alleging lack of compliance with the conditions of the stay of the suspension. Pursuant to § .0118(a) of the North Carolina Discipline and Disability Rules, the DHC retains jurisdiction until all conditions of the stay of the suspension have been met. If a motion or show cause proceeding alleging lack of compliance with the conditions for the stay of the suspension is pending when the period of the stay of the suspension would otherwise have terminated, the DHC retains the jurisdiction and ability to lift the stay of the suspension and activate the two year suspension in whole or in part if it finds that any of the conditions of the stay have not been met. The stay of the suspension and Defendant's obligation to comply with the conditions for the stay will continue until resolution of any such pending motion or show cause proceeding.

Signed by the Disciplinary Hearing Panel Chair with the consent of the other hearing panel members, this the 27 day of July, 2018.

Nunc Pro Tunc

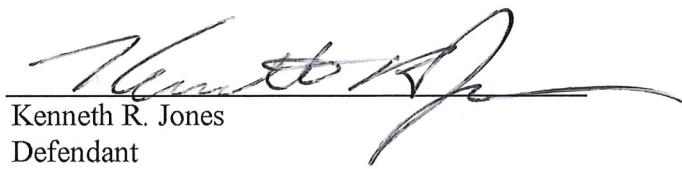
to 7/16/18


Donald C. Prentiss, Chair

Disciplinary Hearing Panel

CONSENTED TO BY:


Katherine E. Jean, Counsel
Attorney for the North Carolina State Bar


Kenneth R. Jones
Defendant

kyle,asdf
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NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
13G0695

IN THE MATTER OF)
)
James N. Jorgensen) REPRIMAND
Attorney At Law)
)

On April 16, 2015 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Kevin J. Hogan. 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 handled cases for Thomas George Associates ("TGA"), a collection agency that takes subrogation claims for Liberty Mutual Insurance. You failed to respond to TGA's numerous inquiries regarding the status of its cases and also failed to exercise diligence in your handling of one or more of TGA's cases. You acknowledged that you did not adequately communicate with TGA about its cases. You were also slow in disbursing money to TGA from

a judgment, and did so only after the grievance against you was initiated. By your failures to communicate with TGA about the status of its cases, you violated Rule 1.4 of the Rules of Professional Conduct. By failing to exercise diligence in your handling of one or more of TGA's cases, you violated Rule 1.3. Your failure to promptly disburse to TGA funds to which it was entitled violated Rule 1.15-2(m).

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 30th day of April, 2015.

John M. Silverstein
John M. Silverstein, Chair
Grievance Committee

JMS/lb

kyle,asdf
NEXT FILE !!!!!!!!,809

NORTH CAROLINA
WAKE COUNTY

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

IN THE MATTER OF)
)
Bobby P. Khot,) REPRIMAND
Attorney At Law)
)

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.

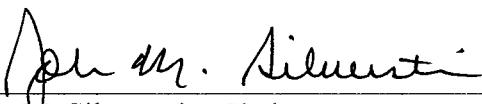
By accepting fees from Veritas out of a portion of the fees Veritas charged the clients, you shared a fee with a nonlawyer in violation of Rule 5.4(a). Second, by working with Veritas to provide legal services to North Carolina residents, you assisted another entity in the unauthorized practice of law 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

kyle,asdf

NEXT FILE !!!!!!!!,811

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
15G0564

IN THE MATTER OF)
)
) REPRIMAND
JASON P. KIMBLE,)
ATTORNEY AT LAW)

On January 21, 2016 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by W. M. 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 represented Mr. W. M. in a criminal case. Mr. M. asserted that you had not met with him while he was in jail for a year. You indicated in your response to this grievance that you had discussed Complainant's case with him and told him that he needed to be patient.

The deputy counsel assigned to this grievance wrote you on August 12, 2015 and asked you to respond to additional questions as the investigation of the grievance continued. You were asked to respond directly to Mr. M.'s allegation that he had been in jail for a year and you had not met with him. You were also asked other questions about your handling of Mr. M.'s case. You did not respond to the deputy counsel's letter of August 12 as requested.

On December 1, 2015, the deputy counsel wrote you and asked that you respond to the questions posed in her August 12, 2015 letter. You were given ten days to respond to the December 1 letter. You did not respond to the deputy counsel's additional attempt to get answers to her follow-up questions prior to this matter going to the Grievance Committee on January 21, 2016.

The Grievance Committee found that you did not adequately communicate with Mr. M. while he was incarcerated, in violation of Rule 1.4(a)(1).

The Grievance Committee also found that you failed to respond to additional questions raised during the course of this investigation, in violation of Rule 8.1(b) and 8.4(d). Although you were given two opportunities to respond to deputy counsel's questions, you failed to respond. The Grievance Committee is concerned about your lack of cooperation in the investigation of this grievance and reminds you of your obligation as an attorney to cooperate in the investigation of a grievance filed against you.

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 8th day of February, 2016.



Michael L. Robinson, Chair
Grievance Committee

kyle,asdf
NEXT FILE !!!!!!!!,819

NORTH CAROLINA
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
12-CVS-14344

LAWRENCE PIAZZA and SALVATORE
LAMPURI,

Plaintiffs,

v.

GREGORY BRANNON ET AL.

Defendants.

**CONSENT ORDER
OF PUBLIC REPRIMAND**

The above-captioned action came on before the undersigned judge of Superior Court for the purpose of this Consent Order of Public Reprimand as of the date subscribed below. The Court makes the following findings of fact:

1. The above-captioned action was tried to a jury in February 2014.
2. David Kirkbride entered court during the morning of February 14, 2014, while the jury was not present.

3. Among the first things that Mr. Kirkbride did upon entering the courtroom on the morning of February 14, 2014, was to hug the defendant, Dr. Gregory Brannon.

4. Mr. Kirkbride testified during the morning of February 14, 2014. He was still on the stand and under oath when the court returned from the court's lunch break.

5. Plaintiff's counsel asked Mr. Kirkbride, during cross examination on the afternoon of February 14 as follows:

Page 86:

10 Q. Good afternoon, Mr. Kirkbride.

11 A. Good afternoon.

12 Q. You entered the courtroom sometime this morning,
13 correct?

14 A. Yes.

15 Q. What's the very first thing that you did when you
16 entered the courtroom?

17 A. I -- I sat down, and I may have said hello to Robert.

18 Q. Was Mr. -- Dr. Brannon sitting on the back row there
19 when you entered?

20 A. I guess he was.

21 Q. And you gave him a big bear hug, didn't you?

22 A. I think I may have shook his hand.

23 Q. You didn't give him a hug?

24 A. I don't -- I don't recall. I like Dr. Brannon very
25 much. We're good friends.

Page 87

1. Q. Okay.

2 A. I don't think I would hug him in a bear hug, but I
3 like him.

4 Q. This 147-minute phone call that you had with
5 Dr. Brannon, it wouldn't surprise you if you talked about the
6 Verizon opportunity in that phone call, would it?

7 A. I didn't have a 147-minute conversation with

8. Dr. Brannon.

9. Q. I'm sorry. My bad. I meant to say Dr. Piaszza, with

10. Larry Piazza. You did have a 147-minute conversation with him

11. according to his phone records that you've seen, correct?

6. Whether Mr. Kirkbride hugged Dr. Brannon on February 14, 2014 and whether

the hug was a bear hug, were not facts material to any of the issues being tried before the Court.

7. Bias and character for honesty were relevant.

8. David Kirkbride consents to the entry of this order.

Based upon the foregoing findings of fact, the Court makes the following conclusions of law.

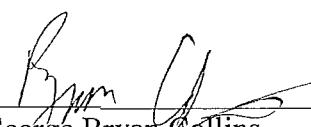
1. Mr. Kirkbride made a false statement under oath on February 14, 2014 in Courtroom 10B before me. This statement regards hugging Dr. Brannon and is set out above.

2. The Court, the courtroom clerk and the bailiff all personally witnessed behavior that Mr. Kirkbride denied doing under oath.

3. This conduct has caused harm to the administration of justice and to the profession and tends to undermine public confidence in the justice system.

4. As the sanction for the conduct at issue, the Court is entering this Order which it may at its discretion forward to the North Carolina State Bar.

This the 14th day of March, 2014.



Hon. George Bryan Collins
Superior Court Judge Presiding

Consent Order of Public Reprimand consented to on behalf of and with express written
authorization of:

David Kirkbride

By: Mark A. Finkelstein

Mark A. Finkelstein

Counsel to Kirkbride

kyle,asdf
NEXT FILE !!!!!!!!,833

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
16G0946

IN THE MATTER OF)
)
)
CHRISTOPHER D. LANE,) REPRIMAND
ATTORNEY AT LAW)

On April 20, 2017 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by J. L. 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 work as the North Carolina "Regional Counsel" for "Williamson & Howard, LLP," a California law firm not licensed to practice law in North Carolina. While working in this capacity, you aided Williamson & Howard in providing legal services to North Carolina residents.

By providing legal services to North Carolina residents on behalf of Williamson & Howard, you aided in the unauthorized practice of law in violation of Rule 5.5(f). Moreover, by claiming in various letters to clients to practice law via an out-of-state entity that is not licensed to provide legal services here, you participated in making false or misleading statements about your services in violation of Rule 7.1(a). You also violated Rule 5.4(a) by sharing a fee with a nonattorney or an attorney not licensed in North Carolina by splitting fees collected by Williamson & Howard from North Carolina consumers.

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 that you had been previously disciplined for aiding others in the unauthorized practice of law and, in mitigation, the evidence you submitted suggesting that you had disassociated with Williamson & Howard after receiving a censure in 2015 for similar activity.

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 10th day of May, 2017.



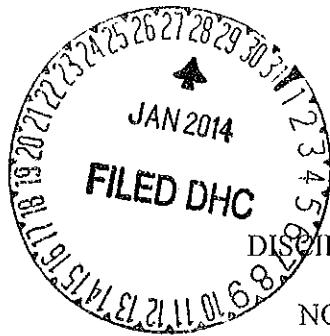
DeWitt "Mac" McCarley, Chair
Grievance Committee

DM/lb

kyle,asdf

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NORTH CAROLINA
WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
13 BSR 5 & 12 DHC 2

IN THE MATTER OF)
Petition for Stay of Suspension of) ORDER ALLOWING
GARY S. LAWRENCE, Attorney) PETITION FOR STAY
)

THIS MATTER was heard on 2 October 2013 and 10 January 2014 by a Panel of the Disciplinary Hearing Commission upon Petitioner Gary S. Lawrence's 9 July 2013 Petition for Stay filed pursuant to 27 N.C.A.C. 1B §.0125 and the terms of the Order of Discipline in 12 DHC 2. Petitioner was represented by R. Daniel Boyce. The North Carolina State Bar was represented by Carmen Hoyme Bannon. The Panel consisted of Chair Walter E. Brock, Jr., and members Joshua W. Willey, Jr., and Patti Head. Based upon the record, stipulations, and the evidence presented, the Panel makes the following:

FINDINGS OF FACT

1. On 28 June 2012, an Order of Discipline was entered suspending Petitioner Gary S. Lawrence from the practice of law for three years effective thirty days from the date the order was served on Lawrence.

2. The effective date of the Order of Discipline was 4 August 2012. Due to erroneous advice from his counsel, Lawrence was misinformed regarding the effective date of the suspension. As a result, he did not cease practicing law until on or about 22 August 2012.

3. The Order of Discipline provided that Lawrence could apply for a stay of any remaining period of suspension after serving one year of the active suspension and upon compliance with conditions stated in the Order. Lawrence was required to comply with the procedures set forth in 27 N.C.A.C. 1B §.0125(b) in applying for a stay.

4. Lawrence filed a Petition for Stay on 9 July 2013, and the North Carolina State Bar filed an Objection to Petition for Stay on 2 August 2013. A hearing before the Disciplinary Hearing Commission (DHC) was scheduled pursuant to the provisions of 27 N.C.A.C. 1B §.0125(b)(7).

5. At the initial hearing on 2 October 2013, the hearing panel announced its findings and ruling denying Lawrence's petition for stay. Upon subsequent motion by Petitioner, the panel in its discretion entered an order reopening this case to receive testimony from an additional witness. This additional evidence was presented on 10 January 2014.

6. To be eligible for a stay of the remaining period of suspension, Lawrence had the burden of establishing by clear, cogent and convincing evidence that he complied with following conditions set forth in the Order of Discipline:

- (a) That Lawrence has submitted to a comprehensive psychiatric or psychological evaluation, at Lawrence's sole expense, by a board certified psychiatrist or psychologist who specializes in treating sexual offenders in the professions and who has been approved in advance by the Office of Counsel of the North Carolina State Bar and has complied with any and all treatments, plans, and/or counseling determined by the evaluating psychiatrist or psychologist to be appropriate to ensure Lawrence gains an appropriate perception of women, can have an appropriate professional relationship with female clients, and to address any other mental health issues;
- (b) That the psychiatrist or psychologist has certified, based on his or her independent comprehensive evaluation of Lawrence, that in his or her professional opinion Lawrence does not suffer from any condition creating a predisposition for inappropriate sexual behavior and that Lawrence does not suffer from any mental, psychological, or emotional condition that significantly impairs his professional judgment, performance, or competence in the representation of female clients;
- (c) That Lawrence has attached to his reinstatement petition the written evaluation from the evaluating psychiatrist or psychologist along with releases or authorizations signed by Lawrence instructing the evaluating psychiatrist or psychologist to discuss their evaluations of Lawrence with, and to release any corresponding records to, a representative of the Office of Counsel;
- (d) That Lawrence has kept the North Carolina State Bar Membership Department advised of his current business and home addresses and notified the Bar of any change in address within ten days of such change;
- (e) That Lawrence has responded to all communications from the North Carolina State Bar within thirty days of receipt or by the deadline stated in the communication, whichever is sooner, and has participated in good faith in the State Bar's fee dispute resolution process for any petition received after the effective date of this Order;
- (f) That Lawrence has not violated the Rules of Professional Conduct or the laws of the United States or any state or local government during his suspension;
- (g) That Lawrence has properly wound down his law practice and complied with the requirements of § .0124 of the North Carolina State Bar Discipline and Disability Rules; and

(h) That Lawrence has otherwise complied with the requirements of 27 N.C.A.C. 1B § .0125(b).

7. Lawrence satisfied the conditions set forth in paragraphs 6(a) through (f) and 6(g), above.

8. Lawrence substantially complied with the condition in paragraph 6(g), above, requiring him to wind-down his law practice in compliance with 27 N.C.A.C. 1B § .0124; Lawrence complied with the substantive provisions contained in § .0124 but did not timely wind down his practice within the timeframes set forth in § .0124. Lawrence's delay in winding down was due to erroneous advice of counsel, was the result of excusable neglect, and did not result in any harm.

9. Donna M. Peaslee, Ph.D., the psychologist who performed the evaluation of Lawrence described in paragraph 6(a), above, recommended that Lawrence be permitted to resume the practice of law with the following safeguards in place for at least the first year of his resumed practice: (a) that Lawrence not represent female clients in domestic matters; and (b) that Lawrence not meet alone with female clients.

Based on the foregoing Findings of Fact, the Hearing Panel makes the following

CONCLUSIONS OF LAW

1. All parties are properly before the Disciplinary Hearing Commission and the Disciplinary Hearing Commission has jurisdiction over Petitioner, Gary S. Lawrence, and the subject matter of this proceeding.

2. Lawrence has satisfied the requirements for a stay set out in the Order of Discipline and the remainder of the suspension imposed therein should be stayed, subject to conditions designed to protect the public.

3. For the protection of the public, Lawrence should be required during the period of the stay to comply with the safeguards recommended by Dr. Peaslee and to continue the course of treatment prescribed by Dr. Peaslee.

4. Due to the delay in winding down his practice in 2012, the three-year suspension period specified in the Order of Discipline began on 22 August 2012 and shall expire on 22 August 2015.

Based upon the foregoing Findings of Fact and Conclusions of Law, the Hearing Panel enters the following

ORDER

1. Gary S. Lawrence's Petition for Stay is ALLOWED, the balance of the suspension of his law license is stayed, and he shall be permitted to resume practicing law subject to the conditions set forth in paragraph 2, below.

2. The balance of Lawrence's suspension is stayed so long as Lawrence complies with the following conditions:

- (a) Lawrence shall not represent female clients in domestic matters during the period of stayed suspension;
- (b) Lawrence shall not meet alone with any female client, either in his law office or elsewhere, during the period of stayed suspension;
- (c) Lawrence shall identify a chaperone who agrees to be present for all meetings between Lawrence and female clients during the period of the stayed suspension. To preserve the attorney-client privilege, the designated chaperone must be Lawrence's employee or agent. The chaperone need not be present if another person is present during the meeting at the invitation of the female client;
- (d) Within 10 days after the entry of this order, Lawrence shall submit to the Office of Counsel a letter from the designated chaperone, indicating her assent to, and understanding of, her role as chaperone and the requirements of this order;
- (e) Lawrence shall submit to the Office of Counsel quarterly affidavits certifying compliance with the conditions set forth in paragraphs (a) through (c), above. One of these quarterly affidavits shall be from Lawrence, and shall include a list of female clients Lawrence represented in the preceding quarter (including the nature of the representation), and a certification that Lawrence has complied with the conditions of this order related to female clients. In addition, Lawrence must submit quarterly affidavits from the designated chaperone certifying that she has been present for all meetings between Lawrence and his female clients during the preceding quarter and including a list of the dates, times, and clients involved in the meetings she has chaperoned. These affidavits shall be due each January 1, April 1, July 1, and October 1, throughout the stayed suspension;
- (f) Throughout the stayed suspension, Lawrence shall comply with all treatments prescribed by Dr. Peaslee and any other mental health professional. Lawrence shall ensure that his treating clinician(s) provides a quarterly written report to the State Bar Office of Counsel concerning Lawrence's compliance with the prescribed treatment plan. The reports shall be due each January 1, April 1, July 1, and October 1 throughout the stayed suspension. All expenses of such treatment and reports shall be borne by Lawrence;
- (g) Lawrence shall execute written waivers and releases authorizing the Office of Counsel to confer with Lawrence's treating clinician(s) for the purpose of determining if Lawrence has cooperated and complied with recommended treatment and shall not revoke such releases during the period of stayed suspension;

- (h) Failure to timely submit the reports and affidavits as required herein shall be grounds for lifting the stay and reactivating the suspension;
- (i) Lawrence shall keep the North Carolina State Bar Membership Department advised of his current business and home addresses;
- (j) Lawrence shall respond to all communications from the North Carolina State Bar within 30 days of receipt or by the deadline stated in the communication, whichever is sooner, and participate in good faith in the State Bar's fee dispute resolution process for any petition received during the stay;
- (k) Lawrence shall not violate the Rules of Professional Conduct or the laws of the United States or any state or local government during the period of the stay; and
- (l) Lawrence shall timely comply with all State Bar membership and continuing legal education requirements and shall pay all fees and costs assessed by the applicable deadline.

3. If Petitioner fails to comply with one or more of the conditions stated in Paragraph 2 above, then the stay of the suspension of his law license may be lifted as provided in 27 N.C.A.C. 1B § .0114(x) of the North Carolina State Bar Discipline and Disability Rules. If the stay granted herein is lifted or the suspension of Petitioner's license is activated for any reason, before a subsequent stay of the suspension can be entered Petitioner must show by clear, cogent, and convincing evidence that he has complied with the conditions referenced in Paragraph 6(d) through (h) of the original Order of Discipline.

4. The Disciplinary Hearing Commission shall retain jurisdiction throughout the period of Lawrence's stayed suspension pursuant to 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0114(x) of the North Carolina State Bar Discipline and Disability Rules.

5. Petitioner is taxed with the costs and administrative fees of this proceeding, which Petitioner shall pay within 90 days of the date of this Order.

6. This Order is effective immediately upon entry.

Signed by the undersigned Chair with the knowledge and consent of the other members of the Hearing Panel, this 22 day of January, 2014.



WALTER E. BROCK, JR., CHAIR
HEARING PANEL

kyle,asdf
NEXT FILE !!!!!!!!,844

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
15G0757

IN THE MATTER OF)
)
) CENSURE
W. ANDREW LELIEVER,)
ATTORNEY AT LAW)

On January 26, 2017, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by E. G. 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.

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

The Grievance Committee believes that a hearing before the Disciplinary Hearing Commission is not required in this case and issues this censure to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this censure.

Between August 2014 and July 2015, you represented E.G. in a personal injury matter. Throughout your representation of E.G., you failed to respond to her reasonable inquiries concerning the status of her case, and you failed to inform E.G. of significant developments in her case. You failed to inform E.G. about at least one settlement offer proposed in September 2014. You also failed to timely respond to opposing counsel's discovery requests in E.G.'s case, despite opposing counsel affording ample time to do so and despite entering into a consent order agreeing to specific production deadlines. The opposing party eventually filed a motion for sanctions requesting E.G.'s case be dismissed due to your failure to comply with discovery requests. 4 days prior to the scheduled hearing on the motion for sanctions, the opposing party submitted a final settlement offer. You did not inform E.G. of this final settlement offer. You then failed to attend the hearing on the motion for sanctions, at the conclusion of which the court dismissed E.G.'s case as a sanction for your failure to respond to discovery requests.

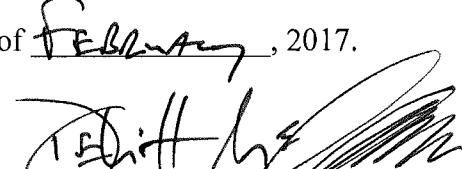
That same day, and after E.G.'s case was dismissed, you informed E.G. of the final settlement offer, which E.G. accepted without knowledge that her case had already been dismissed. When you notified opposing counsel of your client's acceptance of the final settlement offer, opposing counsel informed you that the case had been dismissed. You did not promptly inform E.G. that the case had been dismissed. Instead, in response to E.G.'s inquiries regarding the status of the settlement, you falsely told E.G. that her case was set for trial in October 2015. In addition to misrepresenting the status of the case to E.G., you tried to rectify the consequences of your misconduct by filing a motion for relief without E.G.'s knowledge. E.G. subsequently terminated your representation upon learning through a third party that her case had been dismissed. E.G. had to retain a new attorney to rectify the consequences of your misconduct.

Your neglect of your client's case, ranging from your failure to attend a sanctions hearing on your client's behalf to your failure to comply with discovery requests, and your failure to comply with the court's discovery order violated Rules 1.3 and 3.4(c). Your conduct also violated Rules 1.2(a), 1.4(a)(2), (3), (4), and 1.4(b) in that you failed to timely inform your client of submitted settlement offers, failed to consult with your client about settlement offers and motions to be filed in her case, and generally failed to maintain adequate communication with your client. Lastly, your misrepresentation to E.G. that her case was set for trial when it had actually been dismissed constituted dishonest conduct in violation of Rule 8.4(c).

You are hereby censured by the North Carolina State Bar for your violation of the Rules of Professional Conduct. The Grievance Committee trusts that you will ponder this censure, recognize the error that you have made, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession. This censure should serve as a strong reminder and inducement for you to weigh carefully in the future your responsibility to the public, your clients, your fellow attorneys and the courts, to the end that you demean yourself as a respected member of the legal profession whose conduct may be relied upon without question.

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 censure by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this 10th day of February, 2017.



DeWitt "Mac" McCarley, Chair
Grievance Committee
The North Carolina State Bar

DM/lb

kyle,asdf

NEXT FILE !!!!!!!!,859

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
13G0545

IN THE MATTER OF)
Eric D. Levine,) REPRIMAND
Attorney At Law)
)

On July 24, 2014 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by L. T.

Pursuant to Section .0113(a) of the Discipline and Disability Rules of the North Carolina State Bar, the Grievance Committee conducted a preliminary hearing. After considering the information available to it, including your response to the letter of notice, the Grievance Committee 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 represent L. T. in administrative hearings and associated appeals regarding her license for child foster care placement. In February 2012, Ms. T. received an adverse ruling in her case. On April 9, 2012, you filed a petition for contested case hearing, but failed to file a prehearing statement, even after being given additional time to do so. The Department of Health and Human Services, Division of Social Services (DSS) moved to dismiss Ms. T’s case, and you

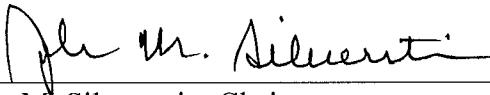
failed to respond to the motion to dismiss. On August 31, 2012, an administrative law judge granted DSS's motion to dismiss with prejudice for failure to prosecute. In your response to the grievance, you explained that you did not file the prehearing statement because Ms. T. admitted certain facts and she had no defense to the allegations. You indicated that you didn't know what to do, but you admit that "it was wrong to not file the prehearing statement."

The Grievance Committee found that your failure to file the prehearing statement violated Rule 1.3 of the Rules of Professional Conduct. The Grievance Committee considered as an aggravating factor that you have been censured on two occasions for neglecting client cases which resulted in the dismissal of their claims.

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 15th day of August, 2014.


John M. Silverstein, Chair
Grievance Committee

JMS/lb

kyle,asdf
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STATE OF NORTH CAROLINA

WAKE COUNTY

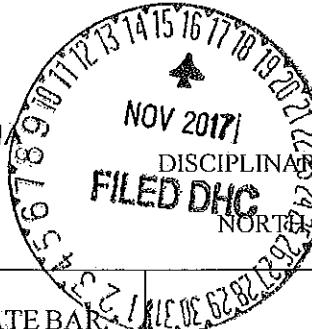
THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

COWLES LIIPFERT, Attorney,

Defendant



CONSENT ORDER OF
DISCIPLINE

This matter came before a hearing panel of the Disciplinary Hearing Commission composed of N. Hunter Wyche, Chair, R. Lee Farmer, and Christopher R. Bruffey. Maria J. Brown represented Plaintiff. Alan Schneider represented Defendant. Defendant waives a formal hearing in the above referenced matter. The parties stipulate and agree to the findings of fact and conclusions of law recited in this consent order. The parties consent to the discipline imposed by this order. By consenting to the entry of this order, Defendant knowingly, freely, and voluntarily waives his right to appeal this consent order or to challenge in any way the sufficiency of the findings.

Based on the foregoing and on the consent of the parties, the Hearing Panel hereby makes by clear, cogent, and convincing evidence the following:

FINDINGS OF FACT

1. Plaintiff, the North Carolina State Bar (hereinafter "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 promulgated thereunder.

2. Defendant, Cowles Liipfert (hereinafter "Defendant" or "Liipfert"), was admitted to the North Carolina State Bar on 15 August 1964 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. During the times relevant herein, Defendant actively engaged in the practice of law in the State of North Carolina and maintained a law office in Winston Salem, Forsyth County, North Carolina.

4. During calendar years 2012, 2013, and 2014, Defendant received sufficient income to require him to file federal and state individual income tax returns.

5. For each of the tax years 2012, 2013, and 2014, Defendant knew the deadlines for the filing of his state income tax returns and for payment of any tax liability.

6. Defendant failed to file within the times required by law his state individual income tax return showing his tax liability for tax years 2012, 2013, and 2014.

7. Defendant failed within the times required by law to pay his state individual income tax liability due for tax years 2012, 2013, and 2014, except for the following amounts, which were either withheld or paid by him in a timely manner:

Year	Total Liability	Amount Paid or Withheld
2012	\$6,423	\$3,695
2013	\$5,371	\$1,410
2014	\$6,076	\$1,250

8. Defendant's failure to file the required state income tax returns and his failure to timely pay tax liabilities due for tax years 2012, 2013, and 2014 was willful.

9. On 10 May 2017, in Wake County District Court, in *North Carolina v. Cowles Liipfert*, Wake County file nos. 17 CR 201065, 66, and 67, Defendant entered a plea of guilty to, and was found guilty of, three counts of Willful Failure to File North Carolina Income Tax Return, a misdemeanor under N.C. Gen. Stat. § 105-236(A)(9).

10. The crimes of which Defendant was convicted are criminal offenses showing professional unfitness as defined in 27 N.C. Admin. Code 1B.0103(17).

Based on the foregoing Findings of Fact, the Hearing Panel enters the following:

CONCLUSIONS OF LAW

1. All parties are properly before the Hearing Panel and the Panel has jurisdiction over Defendant, Cowles Liipfert, and over the subject matter.

2. Defendant's conduct, as set forth in the Findings of Fact above, constitutes grounds for discipline as follows:

- (a) Pursuant to N.C. Gen. Stat. § 84-28(b)(1) and 27 N.C. Admin. Code 1B.0119(a), in that Defendant's convictions in *North Carolina v. Cowles Liipfert*, Wake County file nos. 17 CR 201065, 66, and 67, conclusively establish his guilt of and conviction of criminal offenses showing professional unfitness; and

(b) Pursuant to N.C. Gen. Stat. § 84-24(b)(2) in that Defendant violated the Rules of Professional Conduct by failing to timely file and pay his state and federal income tax returns for tax years 2012, 2013, and 2014, thereby committing criminal acts that reflect adversely on his honesty, trustworthiness or fitness as a lawyer in other respects in violation of Rule 8.4(b).

Based on the foregoing Findings of Fact and Conclusions of Law, the Hearing Panel enters the following:

FINDINGS OF FACT REGARDING DISCIPLINE

1. Defendant has since filed his 2012, 2013, and 2014 North Carolina state income tax returns.
2. Defendant paid the North Carolina State taxes due.
3. Defendant paid the \$3,000.00 fine assessed by the court.
4. Willful failure to file a tax return is expressly identified in the State Bar's definition of criminal offenses showing professional unfitness. This offense inherently involves a representation to taxing authorities that one did not earn sufficient income to meet the threshold required to file a tax return, which was not accurate in Defendant's case.
5. When lawyers violate the law in their personal affairs, it brings disrepute upon the legal profession and undermines public confidence in lawyers.
6. Defendant has no prior professional discipline.
7. Defendant has been cooperative in this disciplinary process. He has timely and fully responded to inquiries of the State Bar. Defendant has acknowledged the wrongful nature of his conduct, stipulated to the violations of the Rules of Professional Conduct, and consented to this imposition of discipline.
8. Defendant enjoys an excellent reputation in the legal community and the community at large.
9. Defendant experienced serious financial issues for several years due to health and professional problems which are being resolved, and in January 2017 he was able to pay in full the balance due on his 2012, 2013 and 2014 North Carolina income tax returns.

Based on the foregoing Findings of Fact, Conclusions of Law and Findings of Fact Regarding Discipline, the Hearing Panel enters the following:

CONCLUSIONS REGARDING DISCIPLINE

1. The Hearing Panel has carefully considered all of the different forms of discipline available to it. In addition, the Hearing Panel has considered all of the factors enumerated in 27 Admin. Code 1B.0116(f)(1) of the Rules and Regulations of the North Carolina State Bar and concludes the following factors warrant suspension of Defendant's license:

- (a) Negative impact of the Defendant's actions on the public's perception of the profession.

2. The Hearing Panel has considered all of the factors enumerated in 27 Admin. Code 1B.0116(f)(2) of the Rules and Regulations of the North Carolina State Bar and concludes no factors are present in this instance that would warrant disbarment.

3. The Hearing Panel has considered all of the factors enumerated in 27 Admin. Code 1B.0116(f)(3) of the Rules and Regulations of the State Bar and finds the following factors are applicable:

- (a) Absence of prior disciplinary offenses;
- (b) Absence of any selfish motive;
- (c) Timely good faith efforts to make restitution or to rectify consequences of misconduct;
- (d) Full and free disclosure to the Hearing Panel and cooperative attitude toward the proceedings;
- (e) Excellent character and reputation; and
- (f) Imposition of other penalties and sanctions.

4. The Hearing Panel has considered lesser alternatives and finds that a censure, reprimand, or admonition would be insufficient discipline because of the potential harm to the legal profession caused by Defendant's conduct.

5. The Hearing Panel finds that, though Defendant's conduct is serious enough to warrant more than a censure, it does not warrant an active suspension of his license.

6. The Hearing Panel finds that a stayed suspension of Defendant's law license is warranted for the following reasons:

- (a) Defendant's conduct reflects adversely on his trustworthiness or fitness as a lawyer;

- (b) Entry of an order imposing less severe discipline would fail to acknowledge the seriousness of the misconduct and would send the wrong message to attorneys and the public about the conduct expected of members of the Bar of this State.

Based on the foregoing Findings of Fact, Conclusions of Law, Findings of Fact Regarding Discipline, and Conclusions of Law Regarding Discipline, the Hearing Panel hereby enters the following:

ORDER OF DISCIPLINE

1. The law license of Defendant, Cowles Liipfert, is hereby suspended for two (2) years effective from the date this Order of Discipline is served upon him. The period of suspension is stayed for two (2) years as long as Defendant complies and continues to comply with the following conditions:

- (a) Defendant shall execute any written waivers and releases necessary to authorize the Office of Counsel to confer with the Internal Revenue Service or the North Carolina Department of Revenue for the purpose of determining whether Defendant has cooperated and complied with all requirements of this Order. Defendant will not revoke these waivers and releases at any time during the period of stay;
- (b) Defendant shall timely file during the period of stay his federal and state income tax returns along with any associated schedules and attachments thereto and shall provide proof of these filings to the Office of Counsel within 30 days of filing;
- (c) Defendant shall not violate the Rules of Professional Conduct or the laws of the United States or of any state or local government during his suspension;
- (d) Defendant shall timely pay all taxes, fines, penalties, and estimated taxes during the stay period;
- (e) Defendant shall keep the North Carolina State Bar Membership Department advised of his current business and home addresses and shall notify the Bar of any change in address within ten (10) days of such change;
- (f) Defendant shall respond to all communications from the North Carolina State Bar, including communications from the Attorney Client Assistance Program, within thirty (30) days of receipt or by the deadline stated in the communication, whichever is sooner, and shall participate in good faith in the State Bar's fee dispute resolution process for any petition of which he receives notice after the effective date of this Order;

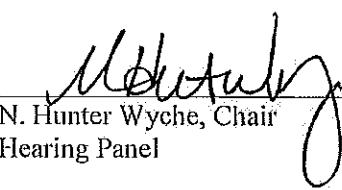
- (g) Defendant shall promptly accept service of all certified mail from the State Bar that is sent to him;
 - (h) Defendant shall respond to all communications from the Internal Revenue Service and the North Carolina Department of Revenue; and
 - (i) Defendant shall timely comply with all State Bar membership and Continuing Legal Education requirements.
2. If Defendant fails to comply with any of the conditions of the stayed suspension provided in paragraph 1(a) – (i) above, the stay of the suspension may be lifted as provided in Admin. Code 1B.0118 of the North Carolina State Bar Discipline and Disability Rules.
3. If the stay granted herein is lifted or the suspension of Defendant's license is activated for any reason, before seeking reinstatement of his license to practice law, Defendant must show by clear, cogent, and convincing evidence that he has complied with each of the following conditions:
- (a) Defendant submitted his license and membership card to the Secretary of the North Carolina State Bar within thirty (30) days after the date of the order lifting the stay and/or activating the suspension of his law license;
 - (b) Defendant complied with all provisions of 27 Admin. Code 1B.0128 of the State Bar Discipline and Disability Rules following the order lifting the stay and/or activating the suspension of his law license;
 - (c) Defendant kept the North Carolina State Bar Membership Department advised of his current business and home addresses and notified the Bar of any change in address within ten (10) days of such change;
 - (d) Defendant responded to all communications from the North Carolina State Bar, including communications from the Attorney Client Assistance Program, within thirty (30) days of receipt or by the deadline stated in the communication, whichever is sooner, and has participated in good faith in the State Bar's fee dispute resolution process for any petition of which he receives notice after the effective date of this Order;
 - (e) Defendant promptly accepted all certified mail sent to him by the State Bar;
 - (f) That at the time of his petition for stay, Defendant is current in payment of all Membership dues, fees and costs, including all Client Security Fund assessments and other charges or surcharges the State

Bar is authorized to collect from him, and including all judicial district dues, fees, and assessments.

- (g) That at the time of his petition for stay, there is no deficit in Defendant's completion of mandatory Continuing Legal Education (CLE) hours, in reporting of such hours, or in payment of any fees associated with attendance at CLE programs.
- (h) Defendant has not violated the Rules of Professional Conduct or the laws of the United States or of any state or local government during his suspension;
- (i) Defendant has paid the administrative fees and costs of this proceeding as reflected on the statement of costs served upon him by the Secretary of the State Bar;
- (j) Defendant has complied with any other conditions deemed necessary for reinstatement imposed by the Hearing Panel pursuant to the order lifting the stay of the suspension of Defendant's law license.

4. Defendant is taxed with the administrative fees and costs of this action as assessed by the Secretary which Defendant shall pay within thirty (30) days of service of the notice of costs upon the Defendant.

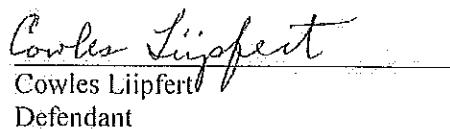
Signed by the undersigned Chair with the full knowledge and consent of the other members of the Hearing Panel, this is the 16th day of November, 2017.


N. Hunter Wyche, Chair
Hearing Panel

CONSENTED TO BY:



Maria J. Brown
Attorney for Plaintiff



Cowles Liipfert

Cowles Liipfert
Defendant



Alan Schneider
Attorney for Defendant

kyle,asdf

NEXT FILE !!!!!!!!,879

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
16G1099

IN THE MATTER OF)
RUFUS A. LYTCH,) REPRIMAND
ATTORNEY AT LAW)

On January 26, 2017 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by S. S. 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.

In March 2011, you agreed to assist S. S. with an offer to purchase. Mr. S. was unable to secure financing. He learned that the seller may have misappropriated his earnest money. In September 2012, you wrote the seller asking for the return of Mr. S.'s earnest money. The seller did not return the earnest money to Mr. S. In October 2012, the seller told you that he was unable to pay the earnest money to Mr. S. You told Mr. S. that you would draft a lawsuit for his review.

You did not send a proposed lawsuit to Mr. S. In May 2013, you told Mr. S. that you had given the proposed lawsuit to another lawyer to review. Mr. S. called you numerous times from May 2013 through February 2014, but you did not respond to him.

In March 2014, you told Mr. S. that the lawsuit was "virtually finished." In August 2014, you told Mr. S. that you would mail the documents to him. However, you did not send any documents to Mr. S. Mr. S. called you on October 16 and December 17, 2014. However, you did not return his calls. On July 9, 2016, Mr. S. asked for his file. You did not promptly send the file to him.

In your response to this grievance, you stated that you "really can't argue with Mr. S.'s claims..." Although you refunded the \$1,000.00 attorney's fee, you only sent "additional items" from the file to Mr. S.

The Grievance Committee found that your failure to attend promptly to Mr. S.'s case violated Rule 1.3. You also misrepresented the truth about the status of Mr. S.'s case, which violated Rule 8.4(c). You did not respond to Mr. S.'s inquiries about the status of his case in violation of Rule 1.4(a)(2) (3) and (4). You failed to turn over Mr. S.'s complete file to him, in violation of Rule 1.16(d).

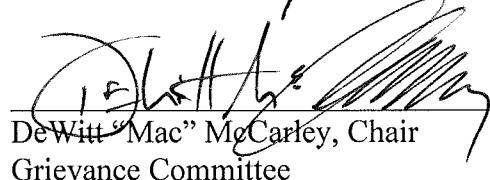
The State Bar's deputy counsel wrote you on December 13, 2016 and asked you to respond to additional questions respecting the investigation of this grievance. You did not respond to those questions prior to the Grievance Committee's meeting on January 26, 2017. Your failure to respond to the State Bar's additional questions as the deputy counsel investigated this grievance violated Rule 8.1(b) and 8.4(d).

The Grievance Committee found as a mitigating factor in issuing this grievance that you were dealing with, as you stated in your response, "significant personal issues and health issues" during your representation of Mr. S.

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 10th day of February, 2017.


DeWitt "Mac" McCarley, Chair
Grievance Committee

DM/lb

kyle,asdf

NEXT FILE !!!!!!!!,885

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
15G0401

IN THE MATTER OF)
)
LAWRENCE S. MAITIN,) REPRIMAND
ATTORNEY AT LAW)
)

On October 27, 2016 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by F. F. 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.

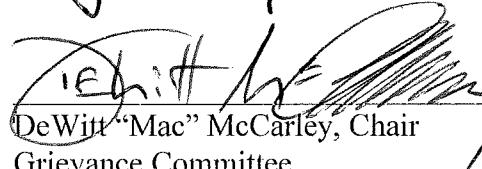
You represented F.F. in a real estate closing in September 2010. You concluded that an outstanding judgment did not attach to the subject property. You failed to advise F.F. of this judgment and of your conclusion that it did not attach to the subject property. Your conduct violated Rule 1.4(b). F.F. learned about the judgment when the judgment creditor sought to have the subject property sold at public auction. Once F.F. learned about the judgment and you

learned that your conclusion about its attachment to the subject property was being challenged, you made an agreement with the judgment creditor to pay the judgment in monthly installments. The judgment creditor did not agree to declare the judgment satisfied as a result of this arrangement. You did not advise F.F. of the desirability of seeking independent legal counsel before purporting to resolve the issue created by your conclusion about the judgment. Your conduct violated Rule 1.8(h).

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 12th day of January, 2017.


DeWitt "Mac" McCarley, Chair
Grievance Committee

DM/lb

kyle,asdf

NEXT FILE !!!!!!!!,891

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
16G0579

IN THE MATTER OF)
)
JOHN D. MANSFIELD,) REPRIMAND
ATTORNEY AT LAW))

On October 26, 2017 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by J. M. 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.

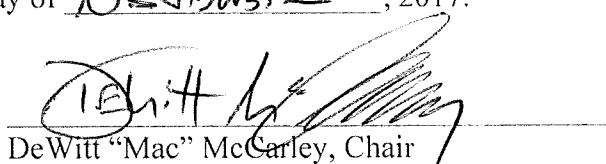
In 2009, J.M. retained you for representation in an immigration matter. J.M. provided your office with three money orders as payment of fees related to the representation. J.M. subsequently retained the services of another attorney. You did not return J.M.'s money orders to J.M. Instead, you placed the money orders in your client file, where they remained for the approximately five years. In 2014, your assistant found the money orders and altered the payee

and/or the remitter on each money order to use the funds for the benefit of someone other than the beneficial owner of the funds (J.M.). Your assistant admitted to altering these money orders independently and without your knowledge; and, the Grievance Committee determined that the evidence did not prove that you participated in or otherwise knew of your assistant's misappropriation of these funds. Nevertheless, your failure to track and properly safeguard J.M.'s entrusted funds violated Rules 1.15-2(a) & 1.15-2(d). Additionally, your failure to supervise your nonlawyer assistant – which enabled your assistant to misappropriate J.M.'s entrusted funds – violated Rule 5.3(b).

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 20th day of November, 2017.



DeWitt "Mac" McCarley, Chair
Grievance Committee

DM/lb

kyle,asdf

NEXT FILE !!!!!!!!,895

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
16G1248

IN THE MATTER OF)
) CENSURE
HARRY C. MARSH,)
ATTORNEY AT LAW)

On January 25, 2018, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by S. M. 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.

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

The Grievance Committee believes that a hearing before the Disciplinary Hearing Commission is not required in this case and issues this censure to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this censure.

Mr. S. M. and his wife (hereafter, the Ms) hired you in September 2015 to assist in a foreclosure proceeding on their home. The Ms agreed to pay you \$500.00 per foreclosure hearing. The Ms agreed that you would be paid up to \$2,500.00 for short sale negotiation, which would be conducted after continuances and loan modification requests were exhausted. In addition, your wife would serve as the realtor for the short sale. In January 2016, the Ms chose to pursue the short sale.

In September 2016, you initiated the short sale. You used your own company to submit the initial offer of \$280,000.00. The Ms accepted the bid. In response to this grievance, you stated that you never intended that your company would purchase the home. You stated that your company submitted the short sale bid to stall the bank's attempts at foreclosure.

First, you knowingly made a bid in the short sale for the sole purpose of staving off the bank from initiating a sale. You admitted that the "sham offer" you submitted had the "propensity to possibly 'trick' WF into thinking that a full short sale package had been submitted: as that was its intent/purpose." 18 USCA Section 1014 prohibits the conduct at issue in this grievance. The Grievance Committee found that your deceitful conduct in submitting the sham offer violated Rule 8.4(b)(c) and (d).

The Grievance Committee also believed you had a conflict of interest in allowing your company to submit an initial offer to the bank. Although you claimed that you never intended to follow through on the purchase of your client's property, you nevertheless placed yourself in a position to purchase the property and clearly your interests were in conflict with those of your clients, in violation of Rule 1.7(a)(2).

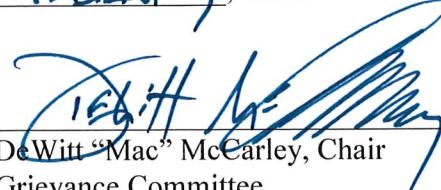
The Grievance Committee found that you had a conflict of interest when you steered business to your wife, a realtor, in the possible short sale of the Ms' property. You drafted a "Conflict of Interest Waiver for HM law, KR realtor." That waiver provided that the Ms waived any right to object or sue you or your wife for a potential conflict of interest that may result from the interaction between you as "respective agent acting on behalf" of the Ms. This waiver you drafted did not protect your client, but benefited you and your wife. The Grievance Committee found that your waiver violated Rule 1.7(a)(2).

You told the Grievance Committee in a November 10, 2017 letter to follow-up questions posed by State Bar deputy counsel that you never lied to counsel or the lender about the "sham offer." You said that "if it were exculpatory, I could contact their local counsel...or try to dig up a phone call with WF (the lender) that would have showed that I was honest about this offer to purchase. At all times relevant, their counsel and client/lender were informed that his offer was submitted purely for the purposes of opening a short sale and having a "complete package" that would allow the short sale appraisal of the Property to give us a short sale approval price." The evidence that you presented did not bear out that assertion. The counsel in this matter said that you never told him that you were making a "sham offer" to the lender. You did not present any evidence that you were transparent with the lender. In a January 18, 2018 response to deputy counsel's follow-up questions, you stated that counsel would "have no reason to have knowledge of the "sham offer" as he doesn't deal with the internal short sale documents." When deputy counsel questioned you about the contradiction of your statements in your November 10, 2017 communication with your January 18, 2018 communication, you stated in a January 24 response that the two statements seemed to be contradictory, but "they are reconciled in my mind when I think about the short sale process." The Grievance Committee found that your two statements about what you told local counsel and the bank were misleading and violated Rule 8.4(d). The Grievance Committee reminds you of your obligation to give a full and fair disclosure of all circumstances surrounding the allegations of a grievance.

You are hereby censured by the North Carolina State Bar for your violation of the Rules of Professional Conduct. The Grievance Committee trusts that you will ponder this censure, recognize the error that you have made, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession. This censure should serve as a strong reminder and inducement for you to weigh carefully in the future your responsibility to the public, your clients, your fellow attorneys and the courts, to the end that you demean yourself as a respected member of the legal profession whose conduct may be relied upon without question.

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 censure by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this 22 day of February, 2018.


DeWitt "Mac" McCarley, Chair
Grievance Committee
The North Carolina State Bar

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NEXT FILE !!!!!!!!,897

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
12G1144

IN THE MATTER OF)
)
Jeffrey G. Marsocci,) REPRIMAND
Attorney At Law)
)

On April 18, 2013 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by M. L.

Pursuant to Section .0113(a) of the Discipline and Disability Rules of the North Carolina State Bar, the Grievance Committee conducted a preliminary hearing. After considering the information available to it, including your response to the letter of notice, the Grievance Committee 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 are associated with the National Institute for Domestic Partner Estate Planning, LLC (Institute). You indicated on the website that you were a founding member of the Institute, although you claim that there were several program graduates of the Institute who are also founding members. You put out conflicting and misleading information as to the founders of this organization, in violation of Rule 7.1(a)(1).

The Institute was administratively dissolved in 2010 for failure to comply with requirements of the North Carolina Secretary of State's office. Yet, you kept the website up. The Grievance Committee found that this was a misleading communication about the Institute and your services in violation of Rule 7.1(a)(1).

You indicated on your website that you were the senior attorney in your law firm when you are the only attorney in your law firm. This is a false or misleading communication in violation of Rule 7.1(a)(1).

You stated that you were an education specialist. The North Carolina State Bar does not certify specialists in education law. Your statement about being an education specialist violated Rule 7.4(b).

You stated on your website that you were a leading trust attorney. You cannot make such a statement unless you can factually substantiate it. Your statement that you are a leading trust attorney violated Rule 7.1(a)(3).

Your URL for your law firm's website is not registered with the North Carolina State Bar as a trade name for your firm in violation of Rule 7.5(a).

The Olympic Golden Retirement Organization sponsored estate planning seminars and an organization representative implied that you were an expert in estate law. Although you indicated that you didn't authorize the organization to make that statement, the representations of your expertise violated Rule 7.4(b) and 8.4(a).

You have a designation of "Legal Master of Estate Preservation." This designation would lead one to believe that you have some expertise or specialization in estate planning. You are not a board certified specialist in estate planning and to designate yourself as a Legal Master for Estate Preservation violates Rule 7.1(a)(2) and 7.4(b).

The Grievance Committee appreciated your willingness to revise your website in order to comply with the rules of ethics. The Grievance Committee advises you to consult the ethics counsel of the North Carolina State Bar about any future advertising.

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, 2013.

Margaret M. Hunt

Margaret M. Hunt, Chair
Grievance Committee

MMH/Ir

kyle,asdf
NEXT FILE !!!!!!!!,903

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
16G0540 and 16G0845

IN THE MATTER OF)
) REPRIMAND
JAPHETH MATEMU,)
ATTORNEY AT LAW)

On January 26, 2017 the Grievance Committee of the North Carolina State Bar met and considered the grievances filed against you by C. B. and P. A. 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.

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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.

Your fee contract in C. B. and P. A.'s cases provided that you had a lien on the client's proceeds should either you or the client terminates the representation. North Carolina law does not recognize such a "lien" for attorney fees under the circumstances set out in your fee contract. Your assertion of a lien on the client's proceeds violated Rule 1.5(a) and Rule 1.7(a)(1) of the Rules of Professional Conduct.

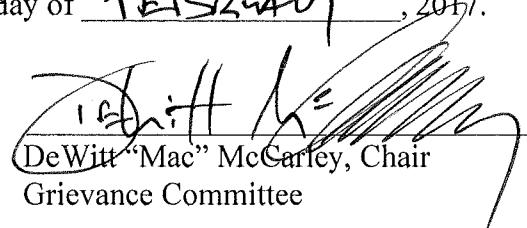
Your fee contract further provided that a client is responsible for paying you for reasonable expenses and photocopying and reproduction of the file should the client request all or part of the file. That provision violated Rule 1.16(d) as a lawyer is obligated to turn over the entire original file to the client as the file belongs to the client.

You also indicated in your fee contract that the clients, who lived in North Carolina, were subject to arbitration in New York and subject to the New York Fee Dispute Resolution Program, should there be any dispute about attorney's fees or expenses. That provision violates Rule 8.4(d) as you cannot force the client to submit to the arbitration rules of the New York.

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 15th day of February, 2017.



DeWitt "Mac" McCaffey, Chair
Grievance Committee

DM/lb

kyle,asdf

NEXT FILE !!!!!!!!,925

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
16G0275

IN THE MATTER OF)
)
KATHERINE L. MCKEE,) REPRIMAND
ATTORNEY AT LAW)
)

On July 21, 2016 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.

While you were with the firm of Kennon Craver, PLLC, you supervised paralegal P. Davis who assisted you with your representation in estate matters. The firm encouraged personal representatives who retained the firm, including Dr. D, to give the firm the checkbook(s) for any estate accounts. The firm provided such checkbooks to the paralegals, including P. Davis, to draft checks in the course of estate administration. You did not, however, conduct any periodic

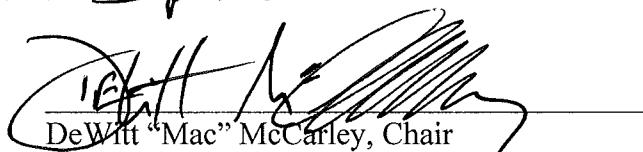
reviews of the original bank statements and/or cancelled checks for such estate accounts, including estate accounts for the estate of Jerry Clyde Cashion, to ensure P. Davis's conduct with respect to the estate accounts was compatible with your professional obligations. Accordingly, P. Davis's misappropriation from the Cashion estate was not discovered until after her employment was terminated for other reasons and another paralegal was assigned to the Cashion estate matter and reviewed the bank statements. An attorney cannot allow a paralegal to have the checkbook for a fiduciary account without taking some reasonable steps to review the original bank records (not just what a paralegal has a chance to prepare and hand to the attorney) on a periodic basis and ensure the paralegal's conduct comports with the attorney's professional obligations, including her obligations under Rule 1.15-2 and Rule 8.4. See e.g. North Carolina State Bar v. Tisdale, 13 DHC 5; North Carolina State Bar v. Kempson, 13 DHC 7. Your failure to take such steps was a failure to supervise an assistant in violation of Rule 5.3(b).

The Grievance Committee was concerned with the lack of recognition in your correspondence with the State Bar of a supervising attorney's obligations with regards to a fiduciary account over which the firm gains control by encouraging the personal representative to give the firm the checkbook and to which the firm gives a paralegal access by giving the paralegal the checkbook. In mitigation, however, the Grievance Committee considered that you and the firm did take the protective measure of not having the paralegal be a signatory on estate accounts, that you had certain supervisory practices in place, and that you reviewed some records in the course of the Cashion estate administration. These factors do not excuse your failure to supervise P. Davis sufficiently with respect to the Cashion estate accounts, but support issuance of written discipline rather than referral to the DHC.

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 14th day of September, 2016.



DeWitt "Mac" McCarley, Chair
Grievance Committee

DM/lb

kyle,asdf

NEXT FILE !!!!!!!!,941

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
16G0101, 16G0148, 16G0207

On January 26, 2017 the Grievance Committee of the North Carolina State Bar met and considered the grievances filed against you by T. A., B. T. and T. C. 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.

Your conduct surrounding the termination of representation in three separate cases in early 2016 failed to comply with the Rules of Professional Conduct. Your client, T.A., had a criminal case appealed to superior court and paid you \$1,500 for the representation. You obtained two continuances in the case and then, in the course of withdrawing from a group of cases, you mistakenly withdrew from T.A.'s case. You did not send T.A. a copy of your

withdrawal motion. When T.A. contacted you, you explained it had been a mistake but you did not make any further efforts on T.A.'s part and you did not refund the unearned fees when T.A. retained new counsel. Your conduct in this case violated Rule 1.5(a).

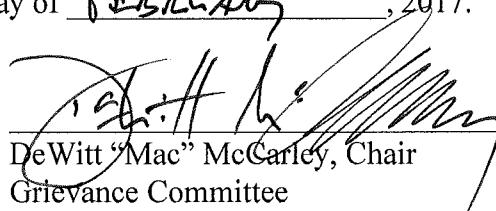
You were representing B.T. in a child custody case. Although you had advised B.T. in 2015 that you planned to discontinue your private law practice, you did not clearly explain to B.T. that you were withdrawing and terminating the representation. In January 2016 B.T. sent you an inquiry and you failed to respond either to answer the question or to clearly explain you would no longer represent him. Your failure to take steps reasonably practicable to protect B.T.'s interests violated Rule 1.16(d).

You were representing T.C. in a DWI case in which T.C. wanted to obtain a limited driving privilege. You obtained several continuances in the case while waiting for T.C. to gather the necessary documents for the limited driving privilege. When the January 2016 court date was postponed due to weather, you made no subsequent effort to determine when the case would be rescheduled, failed to advise T.C. that you were withdrawing from the representation, and kept the entire fee without completing the goals of the representation. Your conduct violated Rules 1.3, 1.16(d), and 1.5(a).

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.

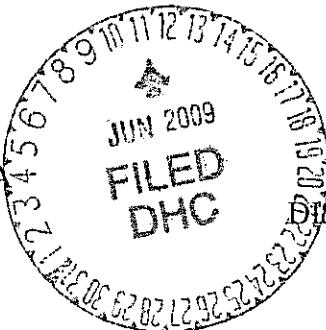
Done and ordered, this the 10th day of February, 2017.


DeWitt "Mac" McCarley, Chair
Grievance Committee

DM/lb

kyle,asdf
NEXT FILE !!!!!!!!,961

NORTH CAROLINA
WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
04 DHC 19 & 09 BSR 1

IN THE MATTER OF)
THE REINSTATEMENT OF:)
) ORDER OF REINSTATEMENT
)
GEORGINA M. MOLICK, Attorney)

THIS MATTER is before the Secretary of the North Carolina State Bar pursuant to a Petition for Reinstatement filed by Georgina M. Mollick on May 4, 2009.

Based upon the petition and a review of the records of the North Carolina State Bar, the Secretary makes the following:

FINDINGS OF FACT

1. Upon the consent of the parties, a hearing committee of the Disciplinary Hearing Commission ("DHC") entered an Order of Discipline by Consent in 04 DHC 19 ("Order of Discipline") suspending Mollick from the practice of law for five years effective from January 4, 2004 when an interim order of suspension was entered.
2. On May 4, 2009, Mollick filed a petition for reinstatement with accompanying attachments showing that she had satisfied the conditions of the Order of Discipline.
3. Counsel for the North Carolina State Bar did not file an objection to Mollick's petition.

BASED UPON the foregoing Findings of Fact, the Secretary makes the following:

CONCLUSIONS OF LAW

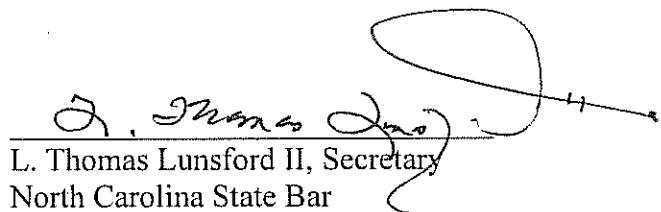
1. The Petitioner, Georgina M. Mollick, has satisfied the conditions necessary for reinstatement that the original hearing committee included in its Order of Discipline.
2. The Petitioner has met the requirements set out in 27 NCAC 1B, § .0125(b) and is entitled to reinstatement of her license to practice law in this jurisdiction.

BASED UPON the foregoing Findings of Fact and Conclusions of Law, the Secretary enters the following:

ORDER OF REINSTATEMENT

Georgina M. Mollick is hereby reinstated to the active practice of law in North Carolina as of the date of this order.

This the 11th day of June 2009.



L. Thomas Lunsford II, Secretary
North Carolina State Bar

kyle,asdf
NEXT FILE !!!!!!!!,965

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
14G1110

IN THE MATTER OF)
) REPRIMAND
KIMBERLY L. MOORE,)
ATTORNEY AT LAW)

On October 27, 2016 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by K.R. and L.L. 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 and follow up responses 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.

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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.

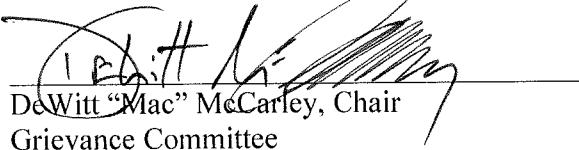
In 2009, you were retained by H.L. to examine the titles on properties that D.P. offered as Deeds of Trust to H.L. to secure notes on loans made by H.L. to D.P. and his entities. You subsequently recorded 11 of the Deeds of Trust for H.L., but did not inform H.L. at the time that four of the Deeds of Trust were not in a first security lien position. The State Bar's Letter of Notice summary to you alleged that you did not reveal this fact to H.L. while he was alive or to H.L.'s beneficiaries after his death in October 2012. Your initial response did not specifically address whether you informed H.L. that he was not in a first security lien position on the four Deeds of Trust. In the State Bar's follow up letter, you again were asked to respond to this allegation with as much detail as possible, and include any supporting documentation. You again evaded answering. You

only answered, "I did search the properties and discussed the results with [H.L.]." You provided no documentation. In response to the follow up of whether you ever informed H.L.'s beneficiaries, after his death, about the four Deeds of Trust in which he was not in a first security position, you insisted that you informed your Co-Executor and Co-Trustee from the outset about the Deeds of Trust which were subject to foreclosure action. Again, you were evasive in answering whether you ever informed your Co-Executor and Co-Trustee about the four Deeds of Trust you had filed in which H.L. was not in a first security lien position. You stated that you thought that you "had explained everything about the deeds of trust to [the Co-Executor and Co-Trustee] via email and via telephone." In an e-mail from the Co-Executor and Co-Trustee to you on Tuesday, August 20, 2013, 2:31 p.m., he asked whether you were aware of any other properties on which H.L. had Deeds of Trust (other than the eight known properties with principals worth \$764,000, leaving about \$836,000 unaccounted of the approximately \$1,600,000 loaned by Mr. Loughlin to Mr. Propst). On Tuesday, August 20, 2013, 3:32 p.m., you responded falsely, "There are no other properties which have a deed of trust on them." As H.L.'s attorney who had been retained and paid to research the list of properties which D.P. purported to provide to H.L. as security for his Notes, you failed to exercise reasonable diligence in violation of Rule 1.3 in not discovering that the four properties were already encumbered with liens, and violated Rule 1.4(b) in failing to explain the four properties' secondary lien positions to H.L. in order to permit H.L. to make informed decisions about filing the Deeds of Trust on the properties. As the self-appointed attorney for H.L.'s estate who received compensation for your legal services, and also as a fiduciary to the beneficiaries of the estate, you failed to exercise reasonable diligence in violation of Rule 1.3 and engaged in a conflict of interest in violation of Rule 1.7(a)(2) in failing to disclose to your Co-Executor and Co-Trustee and the beneficiaries your role in failing to discover and inform H.L. of the secondary lien position of the four properties prior to filing the Deeds of Trust for the properties on behalf of H.L. Your representation of the estate was materially limited by your personal interest in preventing disclosure of your negligence or legal malpractice. Your deceptions of H.L., your Co-Executor and Co-Trustee, and H.L.'s beneficiaries about the four properties implicate Rule 8.4(c) in that you engaged in conduct involving dishonesty, fraud, deceit or misrepresentation. In addition, your evasiveness and deliberate failures to specifically address the Letter of Notice and follow up letter allegations show that you knowingly failed to respond to a lawful demand for information from the State Bar in violation of Rule 8.1(b).

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 11th day of November, 2016.


DeWitt "Mac" McCarley, Chair
Grievance Committee

kyle,asdf

NEXT FILE !!!!!!!!,970

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
15G0137

IN THE MATTER OF)
)
Timothy M. Mullinax,) CENSURE
ATTORNEY AT LAW)
)

On July 16, 2015, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by T. C. 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.

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

The Grievance Committee believes that a hearing before the Disciplinary Hearing Commission is not required in this case and issues this censure to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this censure.

You agreed to assist Ms. T. C. and her family in a possible lawsuit against a party who owned adjacent property to Ms. C.'s family's property. In March 2014, Ms. C. received a copy of a complaint and summons, which listed the name of her family corporation as the plaintiff versus the defendant property owner. The complaint and summons were dated and had a court file number. Ms. C. said that you also sent her a copy of a motion for expedited hearing in her family's lawsuit, and this motion had a court file number and was also dated. You led Ms. C. to believe that you had filed these pleadings in court when you had not actually filed them. In your response to this grievance, you stated that the pleadings were merely drafts and you had placed accidentally a file number from another case onto Ms. C's pleadings. The Grievance Committee found that you misrepresented the status of the lawsuit by

providing pleadings that were dated and had a court file number on them. Your conduct violated Rule 8.4(c).

The staff attorney assigned to this grievance sent you follow-up questions. You did not respond to those questions timely. The State Bar Office of Counsel subpoenaed you to the Grievance Committee meeting so as to give you another opportunity to respond to those follow-up questions. You responded to the follow-up questions the day before the Grievance Committee's July 16, 2015 meeting. You indicated in your follow-up response that you had been out of the office attending to some personal matters. However, you never advised the staff attorney that you were out of the office and needed additional time to respond to her follow-up questions. Your failure to respond timely to the additional questions violated Rule 8.4(d) and impeded the investigation of Ms. C.'s complaint against you.

In issuing this censure, the Grievance Committee found as an aggravating factor that you had received an admonition from the Grievance Committee in 2014 for neglect and a failure to respond to the staff's follow-up letter regarding the grievance.

You are hereby censured by the North Carolina State Bar for your violation of the Rules of Professional Conduct. The Grievance Committee trusts that you will ponder this censure, recognize the error that you have made, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession. This censure should serve as a strong reminder and inducement for you to weigh carefully in the future your responsibility to the public, your clients, your fellow attorneys and the courts, to the end that you demean yourself as a respected member of the legal profession whose conduct may be relied upon without question.

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 censure by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this 4th day of August, 2015.


John M. Silverstein, Chair
Grievance Committee
The North Carolina State Bar

kyle,asdf
NEXT FILE !!!!!!!!,975

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
16G0250

IN THE MATTER OF)
DANIEL C. NASH,) REPRIMAND
ATTORNEY AT LAW)

On October 27, 2016 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 represented the estate of M. M. since it was opened in 2011. You failed to timely file inventories and accounts with the court and also failed to respond to the clerk's requests for documents.

You filed a final account in the estate but failed to pay the final court costs. The clerk asked you on numerous occasions about the final costs. On March 1, 2016, the clerk issued a show cause order to you because the final costs were not paid.

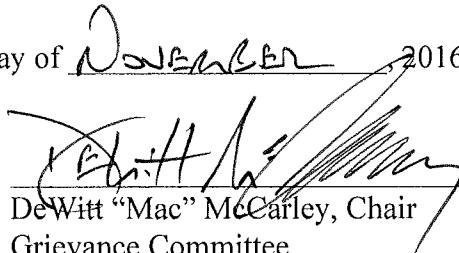
Your failure to attend diligently to the estate violated Rule 1.3 and Rule 8.4(d) of the Rules of Professional Conduct. Although you are not responsible for paying the final costs in the estate, it appears that you have done nothing to get the beneficiaries of the estate to pay the final costs. As a result of your inattention to this matter, the estate remains open and the clerk has not approved the final account. Again, your conduct as it relates to closing out the estate violated Rule 1.3 and 8.4(d).

You were subpoenaed to appear at the October 27, 2016 Grievance Committee meeting to discuss this grievance. You were served with the subpoena, but you did not appear at the meeting. Your failure to appear pursuant to a subpoena at the October meeting violated Rule 8.1(b) and 8.4(d) of the Rules of Professional Conduct.

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 11th day of December, 2016.



DeWitt "Mac" McCarley, Chair
Grievance Committee

DM/lb

kyle,asdf

NEXT FILE !!!!!!!!,977

STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE
IN THE SUPERIOR COURT DIVISION

WAKE COUNTY

THE NORTH CAROLINA STATE BAR,

Petitioner

V.

DON S. NEILL, Attorney,

Respondent

**AFFIDAVIT OF
SURRENDER OF
LAW LICENSE**

I, Don S. Neill, being first duly sworn, say:

1. I desire to resign and hereby tender my license to practice law in North Carolina pursuant to the provisions of Section .0117 of the North Carolina State Bar Discipline and Disability Rules, 27 N.C. Admin. Code Chapter 1, Subchapter B, Section .0117.
 2. My resignation is freely and voluntarily rendered. It is not the result of coercion or duress. I am fully aware of the implication of submitting my resignation.
 3. I hereby acknowledge the fact that I have misappropriated entrusted funds.
 4. My resignation is being submitted because I know that if charges were predicated upon my misconduct, I could not successfully defend against them.

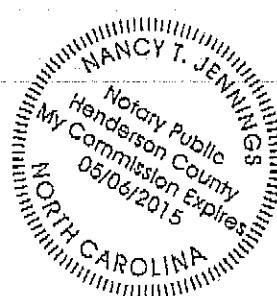
Respectfully submitted, this the 13 day of May 2011.

Don S. Neill

Don S. Neill

Sworn to and subscribed before me
This the 13 day of May 2011.

Notary Public
My commission expires: 5/6/2015



STATE OF NORTH CAROLINA
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO.: 11 CVS

THE NORTH CAROLINA STATE BAR,
Petitioner
v.
DON S. NEILL, Attorney,
Respondent

CONSENT ORDER
OF DISBARMENT

THIS MATTER came on for consideration by the undersigned Judge of the Superior Court of Wake County. Petitioner, the North Carolina State Bar, was represented by Jennifer A. Porter. Respondent, Don S. Neill, was represented by Alan M. Schneider.

Based upon the Affidavit of Surrender of Law License submitted to the court by Respondent, Don S. Neill (hereinafter "Neill") and upon the consent of the parties, the court makes the following:

FINDINGS OF FACT

1. Neill misappropriated entrusted funds for his own benefit or the benefit of third parties without authorization to do so from the beneficial owner of the funds.

Based upon the foregoing Findings of Fact, the court makes the following:

CONCLUSIONS OF LAW

1. By misappropriating entrusted funds for his own personal benefit or for the benefit of third parties without authorization to do so from the beneficial owner of the funds, Neill violated Rule 8.4 (c) of the Rules of Professional Conduct.

2. Neill's misconduct constitutes grounds for discipline pursuant to N.C. Gen. Stat. Section 84-28(b)(2).

IT IS NOW, THEREFORE, ORDERED:

1. Don S. Neill is DISBARRED from the practice of law in North Carolina.

2. Neill shall comply with the provisions of 27 N.C. Admin. Code, Chapter 1, Subchapter B, Section .0124 of the Rules and Regulations of the North Carolina State Bar and shall surrender his license and permanent membership card to the Secretary of the North Carolina State Bar along with the affidavit required by Section .0124.

3. The costs of this action are taxed against Neill.

Done and Ordered this 16th day of MAY, 2011.

Howard E. L
Superior Court Judge, Presiding

CONSENTED TO BY:

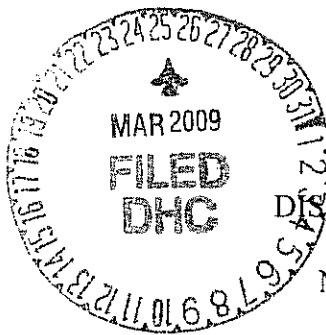
Jennifer A. Porter
Jennifer A. Porter
Attorney for Petitioner

Don S. Neill
Don S. Neill
Respondent

Alan M. Schneider
Alan M. Schneider
Attorney for Respondent

kyle,asdf
NEXT FILE !!!!!!!!,992

NORTH CAROLINA
WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
04 DHC 33

THE NORTH CAROLINA STATE BAR,)
Plaintiff,) CONSENT
) FINDINGS OF FACT,
v.) CONCLUSIONS OF LAW, AND
BONNIE LEE C. O'NEAL, Attorney,) ORDER OF DISCPLINE
Defendant.)

This matter came before a Hearing Committee of the Disciplinary Hearing Commission composed of Theodore C. Edwards II, Chair, J. Michael Booce and Michael J. Houser upon the submission by the parties of this stipulated order. Katherine E. Jean represented the North Carolina State Bar. Bonnie Lee C. O'Neal appeared *pro se*. Based upon this stipulated order, by and with the consent of the parties, the Hearing Committee finds that the following facts have been established by clear, cogent and convincing evidence:

FINDINGS OF FACT

1. Plaintiff, the North Carolina State Bar (hereinafter "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 promulgated thereunder.

2. Defendant, Bonnie Lee C. O'Neal (hereinafter "O'Neal" or "Defendant"), was admitted to the North Carolina State Bar on March 21, 1998 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 Revised Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.

3. During the times relevant to this complaint, O'Neal actively engaged in the practice of law in the State of North Carolina and maintained a law office in the City of Greensboro, Guilford County, North Carolina.

4. On or about April 21, 2003, Mahamed Adamou (hereinafter referred to as "Adamou") retained O'Neal to represent him on criminal charges in Guilford County District Court. Adamou paid O'Neal \$400.00.

5. The initial court date on Adamou's charges was April 21, 2003. O'Neal obtained a continuance on Adamou's behalf until June 4, 2003. On June 4, 2003, O'Neal obtained a continuance on Adamou's behalf until August 7, 2003. On August 7, 2003, O'Neal did not appear on Adamou's behalf in District Court and did not obtain a continuance of that court date. Adamou was "called and failed" by the court as a result of O'Neal's failure to act on Adamou's behalf.

6. O'Neal did not notify Adamou that O'Neal had not appeared on his behalf on the scheduled court date or that no other action had been taken on Adamou's behalf by O'Neal.

7. On or about August 14, 2003, the Greensboro Police Department notified Adamou that there was an outstanding order for his arrest for his failure to appear in court on August 7, 2003.

8. Adamou tried unsuccessfully to contact O'Neal but O'Neal did not respond to Adamou's communications. O'Neal did not refund any portion of the fee paid by Adamou to O'Neal.

9. In 2003, Robert Townsend (hereinafter referred to as "Townsend") retained O'Neal to represent him on traffic charges in Guilford County District Court. Townsend paid O'Neal to represent him.

10. After paying O'Neal to represent him, Townsend went to O'Neal's office but was unable to locate her as it appeared to Townsend that O'Neal had moved her office. Townsend thereafter retained another attorney to represent him on the traffic charges for which he had paid O'Neal. O'Neal did not appear in court on Townsend's behalf regarding the traffic charges.

11. Townsend tried unsuccessfully to communicate with O'Neal but O'Neal did not respond to Townsend's communications. O'Neal did not refund any portion of the fee paid by Townsend to O'Neal.

12. In or around April 2003, Melanie Feeney-Lewis (hereinafter referred to as "Feeney-Lewis") retained O'Neal to represent her on a traffic violation. Feeney-Lewis paid O'Neal \$80.00.

13. Feeney-Lewis contacted O'Neal's office to inquire about the status of her case. O'Neal told Feeney-Lewis her case was "under control."

14. In or around August 2003, the Department of Transportation notified Feeney-Lewis that her driver's license would be suspended for failure to pay the fine assessed against her in the court case in which she had retained O'Neal. Feeney-Lewis attempted to communicate with O'Neal but O'Neal did not respond to Feeney-Lewis' communications.

15. Feeney-Lewis retained another attorney, who she paid \$80.00 to represent her in the traffic matter in which she had originally retained O'Neal.

16. Without informing Feeney-Lewis, O'Neal had appeared in court on Feeney-Lewis' behalf and handled her traffic violation but failed to pay the associated fines and failed to notify Feeney-Lewis of the outcome.

17. On September 5, 2003, Feeney-Lewis wrote O'Neal a letter in which she requested a refund of her \$50.00 late fee. O'Neal failed to respond to Feeney-Lewis' letter.

18. On October 22, 2003, Feeney-Lewis filed a Petition for Resolution of Disputed Fee (hereinafter referred to as "fee dispute") with the North Carolina State Bar. Feeney-Lewis' fee dispute was assigned file number 03FD0608 and referred to the 18-GB Judicial District Fee Dispute Resolution Committee for resolution.

19. On November 10, 2003, the district fee dispute committee notified Feeney-Lewis that O'Neal had ceased attending to her practice and to her clients and that Feeney-Lewis' fee dispute file was therefore returned by the district fee dispute committee to the State Bar. On July 23, 2004, Feeney-Lewis' fee dispute was closed based on O'Neal's failure to participate in good faith in the proceedings.

20. On July 15, 2003, Larry W. Gilbert (hereinafter referred to as "Gilbert") retained O'Neal to represent him on a criminal charge and a traffic violation. Gilbert paid O'Neal \$300.00. O'Neal agreed to seek a continuance of Gilbert's court date.

21. O'Neal did not appear on Gilbert's behalf in court and did not obtain a continuance of Gilbert's court date. Gilbert was "called and failed" by the court as a result of O'Neal's failure to appear and a warrant was issued for Gilbert's arrest.

22. O'Neal did not respond to numerous telephone calls from Gilbert. Gilbert later learned that O'Neal's office was vacant. O'Neal did not refund any portion of the fee she received from Gilbert. Gilbert communicated directly with the District Attorney to obtain a continuance of his case.

23. On September 24, 2004, Gilbert filed a Petition for Resolution of Disputed Fee with the North Carolina State Bar. Gilbert's fee dispute was assigned file number 03FD0535 and referred to the 18-GB Judicial District Fee Dispute Resolution Committee.

24. On November 10, 2003, the district fee dispute committee notified Gilbert that O'Neal had ceased attending to her practice and to her clients and that Gilbert's fee dispute file was therefore returned by the district fee dispute committee to the State Bar. On July 23, 2004, Gilbert's fee dispute was closed based on O'Neal's failure to participate in good faith in the proceedings.

25. On November 10, 2003, Harold Mahler, Chair of the 18-GB Judicial District Fee Dispute Resolution Committee, sent Feeney-Lewis a letter advising her that O'Neal had ceased attending to her practice and to her clients and that Feeney-Lewis' fee dispute file was therefore returned by the district fee dispute committee to the State Bar. On July 23, 2004, Feeney-Lewis' fee dispute was closed based on O'Neal's failure to participate in good faith in the proceedings.

26. On March 24, 2003, Benita W. Davis (hereinafter referred to as "Davis") retained O'Neal to represent her on a traffic charge in Guilford County. Davis paid O'Neal \$80.00.

27. On May 17, 2003, Davis received a letter indicating she was required to complete a driving course before May 20, 2003. On May 19, 2003, O'Neal advised Davis to complete the course as soon as possible and agreed to continue Davis' court date so that Davis could complete the course.

28. Davis completed the driving course on May 28, 2003 and delivered the certificate of completion to O'Neal. O'Neal then left a voice mail message informing Davis that her court date had been continued until July 23, 2003.

29. On August 12, 2003, Davis left O'Neal a telephone message inquiring about the status of her case. O'Neal did not respond to Davis' telephone call.

30. O'Neal did not appear in court on Davis' behalf on the scheduled court date.

31. On August 23, 2003, the Department of Transportation notified Davis that because of her failure to appear in court, her license was scheduled for indefinite suspension.

32. On August 26, 2003, after Davis provided the Clerk of Court with her DMV notification letter, proof of payment to O'Neal and the certificate of completion of the driving course, the Clerk continued her case until August 27, 2003.

33. Davis had attempted to contact O'Neal on August 25, August 27 and September 3, 2003. Davis could not leave a message for O'Neal because O'Neal's answering machine was full. Davis did not succeed in reaching O'Neal. O'Neal did not refund to David any portion of the fee paid by Davis to O'Neal.

34. On September 15, 2003, Davis filed a Petition for Resolution of Disputed Fee with the North Carolina State Bar. Davis' fee dispute was assigned file number 03FD0510 and referred to the 18-GB Judicial District Fee Dispute Resolution Committee.

35. On November 10, 2003, the district fee dispute committee notified Davis that O'Neal had ceased attending to her practice and to her clients and that Davis' fee dispute file was therefore returned by the district fee dispute committee to the State Bar. On July 23, 2004, Davis' fee dispute was closed based on O'Neal's failure to participate in good faith in the proceedings.

36. On July 19, 2003, Christopher Smosna (hereinafter referred to as "Smosna") retained O'Neal to represent him on a speeding violation in Guilford County. Smosna sent O'Neal a check for \$50.00 along with his traffic citation. O'Neal negotiated Smosna's check immediately but O'Neal did not communicate in any way with Smosna.

37. O'Neal failed to appear for Smosna's scheduled court date. Smosna did appear and obtained a continuance.

38. Smosna attempted to contact O'Neal by telephone but was unable to leave a message because O'Neal's answering machine was always full. When Smosna went to O'Neal's office he found the office vacant.

39. On September 5, 2003, Smosna filed a Petition for Resolution of Disputed Fee with the North Carolina State Bar. Smosna's fee dispute was assigned file number 03FD0488 and referred to the 18-GB Judicial District Fee Dispute Resolution Committee.

40. On November 10, 2003, the district fee dispute committee notified Smosna that O'Neal had ceased attending to her practice and to her clients and that Smosna's fee dispute file was therefore returned by the district fee dispute committee to the State Bar. On July 23, 2004, Smosna's fee dispute was closed based on O'Neal's failure to participate in good faith in the proceedings.

41. On July 14, 2003, Greg A. Robertson (hereinafter referred to as "Robertson") retained O'Neal to represent him on three criminal charges. Roberston paid O'Neal \$500.00. Robertson unequivocally informed O'Neal that Robertson needed to be present when his cases were heard by the court. O'Neal advised Robertson not to worry about his cases until he heard from O'Neal.

42. O'Neal did not appear for Robertson's court date. After the scheduled court date, Robertson was arrested for failure to appear and was incarcerated.

43. Robertson posted \$500.00 bond and was released from jail.

44. Robertson finally reached O'Neal after numerous attempts by telephone and visits to O'Neal's office. O'Neal apologized to Robertson and told him she was in the process of moving her office. O'Neal told Robertson that she had asked the District Attorney to continue his cases, along with many others and was unsure why that had not occurred.

45. Upon O'Neal's request, Robertson gave O'Neal his bond receipt and documentation from the Magistrate. O'Neal assured Robertson that she would take care of the matter and get Robertson his money back.

46. Robertson became ill with kidney stones shortly thereafter, and sent his wife to court on his behalf. O'Neal failed to appear in court on Robertson's behalf and but for his wife's appearance, Robertson would have been called and failed once again.

47. Robertson was unable to contact O'Neal thereafter and unable to obtain a refund of any or part of the fee paid by Robertson to O'Neal. Robertson retained and paid another attorney to represent him on the matters for which he had already retained and paid O'Neal.

48. On September 17, 2003, Robertson filed a Petition for Resolution of Disputed Fee with the North Carolina State Bar. Robertson's fee dispute was assigned file number 03FD0516 and referred to the 18-GB Judicial District Fee Dispute Resolution Committee.

49. On November 10, 2003, the district fee dispute committee notified Robertson that O'Neal had ceased attending to her practice and to her clients and that Robertson's fee dispute file was therefore returned by the district fee dispute committee to the State Bar. On July 23, 2004, Robertson's fee dispute was closed based on O'Neal's failure to participate in good faith in the proceedings.

50. On April 30, 2003, Alan Weidt (hereinafter referred to as "Weidt") retained O'Neal to represent him on a traffic citation in Guilford County. Weidt paid O'Neal \$80.00.

51. O'Neal did not appear on Weidt's behalf on Weidt's scheduled court date.

52. On or about August 21, 2003, the Department of Transportation notified Weidt that his license was scheduled for indefinite suspension as a result of his failure to appear on his scheduled court date.

53. Weidt attempted to contact O'Neal but O'Neal did not respond to Weidt's communications. O'Neal did not refund any part of the fee paid by Robertson to O'Neal.

54. On September 15, 2003, Weidt filed a Petition for Resolution of Disputed Fee with the North Carolina State Bar. Weidt's fee dispute was assigned file number 03FD0509 and referred to the 18-GB Judicial District Fee Dispute Resolution Committee.

55. On November 10, 2003, the district fee dispute committee notified Weidt that O'Neal had ceased attending to her practice and to her clients and that Weidt's fee dispute file was therefore returned by the district fee dispute committee to the State Bar. On July 23, 2004, Weidt's fee dispute was closed based on O'Neal's failure to participate in good faith in the proceedings.

56. On July 15, 2003, Priscilla N. James (hereinafter referred to as "James") retained O'Neal to represent her on Driving While Intoxicated and Reckless Driving charges in Guilford County. James paid O'Neal \$500.00 to represent her on the two charges, and an additional \$50.00 to obtain her license from the Clerk of Court.

57. O'Neal failed to appear on James' behalf on her scheduled court date. As a result of O'Neal's failure to appear, a warrant was issued for James' arrest.

58. James attempted several times unsuccessfully to contact O'Neal but O'Neal did not respond to James' communications. O'Neal did not refund any portion of the fee paid by James to O'Neal. James retained another attorney to handle the legal matters she had retained to O'Neal to handle, as well as to handle the warrant for her arrest that resulted from O'Neal's failure to appear for the court date.

59. On September 12, 2003, James filed a Petition for Resolution of Disputed Fee with the North Carolina State Bar. James' fee dispute was assigned file number 03FD0507 and referred to the 18-GB Judicial District Fee Dispute Resolution Committee.

60. On November 10, 2003, the district fee dispute committee notified James that O'Neal had ceased attending to her practice and to her clients and that James' fee dispute file was therefore returned by the district fee dispute committee to the State Bar. On July 23, 2004, James' fee dispute was closed based on O'Neal's failure to participate in good faith in the proceedings.

61. In or around December 2002, Tammy Lynn Swaim (hereinafter referred to as "Swaim") retained O'Neal to represent her on two traffic matters, including driving while license suspended license. Swaim paid O'Neal \$300.00.

62. After Swaim's case had been continued for several months by O'Neal, O'Neal notified Swaim that one of her cases had been dismissed and that O'Neal was still working on the other case, which was scheduled for hearing on July 18, 2003.

63. O'Neal failed to take any action on Swaim's behalf in either case.

64. Swaim was arrested for failure to appear 4 times for scheduled court date.

65. Swaim tried unsuccessfully to contact O'Neal but O'Neal did not respond to Swaim's communications. O'Neal did not refund any portion of the fee paid by Swaim to O'Neal.

66. Swaim retained and paid another attorney to resolve the failures to appear as well as the two pending matters in which Swaim had previously retained O'Neal.

67. On September 9, 2003, Swaim filed a Petition for Resolution of Disputed Fee with the North Carolina State Bar. Swaim's fee dispute was assigned file number 03FD0495 and referred to the 18-GB Judicial District Fee Dispute Resolution Committee.

68. On November 10, 2003, the district fee dispute committee notified Swaim that O'Neal had ceased attending to her practice and to her clients and that Swaim's fee dispute file was therefore returned by the district fee dispute committee to the State Bar. On July 23, 2004, Swaim's fee dispute was closed based on O'Neal's failure to participate in good faith in the proceedings.

69. On May 22, 2003, Pamela S. Cole (hereinafter referred to as "Cole") retained O'Neal to represent her on a traffic citation. Cole paid O'Neal \$80.00 for the representation, along with an additional \$5.00 in order for O'Neal to obtain Cole's driving record.

70. O'Neal did not appear on Cole's behalf for Cole's scheduled court date.

71. Cole made several unsuccessful attempts to contact O'Neal but O'Neal did not respond to Cole's communications. O'Neal did not refund any portion of the fee paid by Cole to O'Neal.

72. In 2003, Linda Martin (hereinafter referred to as "Martin") retained O'Neal to represent her on a traffic charge in Guilford County District Court. Martin paid O'Neal to represent her on the traffic charge.

73. O'Neal did not appear for Martin's scheduled court date.

74. On July 18, 2003, the Department of Transportation notified Martin that, due to her failure to appear in court, her license was scheduled for indefinite suspension.

75. Martin tried unsuccessfully to contact O'Neal but O'Neal did not respond to Martin's communications. O'Neal did not refund any portion of the fee paid by Martin to O'Neal.

76. On September 4, 2003, Martin filed a Petition for Resolution of Disputed Fee with the North Carolina State Bar. Martin's fee dispute was assigned file number 03FD0485 and referred to the 18-GB Judicial District Fee Dispute Resolution Committee.

77. On November 10, 2003, the district fee dispute committee notified Martin that O'Neal had ceased attending to her practice and to her clients and that Martin's fee dispute file was therefore returned by the district fee dispute committee to the State Bar. On July 23, 2004, Martin's fee dispute was closed based on O'Neal's failure to participate in good faith in the proceedings.

78. In or around June 2003, Wanda Burford (hereinafter referred to as "Burford") retained O'Neal to represent her on a traffic citation in Guilford County District Court. Burford paid O'Neal \$70.00 for the representation, along with an additional \$5.00 for O'Neal to obtain Burford's driving record. Burford's court date was scheduled for June 10, 2003.

79. O'Neal did not appear in court for Burford's scheduled court date.

80. On August 27, 2003, the Department of Transportation notified Burford that, due to her failure to appear in court, her license was scheduled for indefinite suspension.

81. Burford made numerous attempts to communicate with O'Neal but O'Neal did not respond to Burford's communications. O'Neal did not refund any portion of the fee paid by Burford to O'Neal.

82. On September 18, 2003, Burford filed a Petition for Resolution of Disputed Fee with the North Carolina State Bar. Burford's fee dispute was assigned file number 03FD0518 and referred to the 18-GB Judicial District Fee Dispute Resolution Committee.

83. On November 10, 2003, the district fee dispute committee notified Burford that O'Neal had ceased attending to her practice and to her clients and that Burford's fee dispute file was therefore returned by the district fee dispute committee to the State Bar. On July 23, 2004, Burford's fee dispute was closed based on O'Neal's failure to participate in good faith in the proceedings.

84. On June 26, 2003, Gail M. Ortega (hereinafter referred to as "Ortega") retained O'Neal to represent her on a traffic charge in Guilford County District Court. Ortega paid O'Neal \$50.00.

85. O'Neal did not appear in court for Ortega's scheduled court date. As a result, Ortega was "called and failed" by the court.

86. After she learned that O'Neal had failed to appear on her behalf, Ortega obtained a continuance of her court date and represented herself on the traffic charge for which she had originally retained O'Neal. Ortega was required to pay a \$50.00 late fee due to O'Neal's failure to appear on the original court date.

87. On August 18, 2003, after O'Neal failed to respond to numerous telephone calls, Ortega sent O'Neal a letter requesting that O'Neal refund the fee she had paid. O'Neal did not respond to Ortega's letter. O'Neal did not refund any portion of the fee paid by Ortega to O'Neal.

88. On September 19, 2003, Ortega filed a Petition for Resolution of Disputed Fee with the North Carolina State Bar. Ortega's fee dispute was assigned file number 03FD0521 and referred to the 18-GB Judicial District Fee Dispute Resolution Committee.

89. On November 10, 2003, the district fee dispute committee notified Ortega that O'Neal had ceased attending to her practice and to her clients and that Ortega's fee dispute file was therefore returned by the district fee dispute committee to the State Bar. On July 23, 2004, Ortega's fee dispute was closed based on O'Neal's failure to participate in good faith in the proceedings.

90. In or around April 2003, Michael A. Lyles (hereinafter referred to as "Lyles") retained O'Neal to represent him on a Driving While Intoxicated charge. O'Neal quoted Lyles a \$400 fee. Lyles paid O'Neal \$200.00 in cash, and paid the remaining \$200.00 by check.

91. The \$200.00 check Lyles' paid to O'Neal was returned unpaid by the bank. On May 21, 2003, Lyles sent O'Neal a letter regarding the returned check. O'Neal failed to respond to Lyles' letter.

92. O'Neal did not appear for Lyles' scheduled court date.

93. After his scheduled court date, Lyles learned that a warrant had been issued for his arrest for failure to appear in court on the DWI charge.

94. When he contacted O'Neal, O'Neal assured Lyles that she would take care of the warrant if he sent her the \$200.00 that he had previously purported to pay with the check that was returned by the bank. Lyles did pay O'Neal a second \$200.00.

95. When Lyles returned to North Carolina after a military deployment, he learned that O'Neal did not take care of the outstanding warrant for his arrest. Lyles attempted unsuccessfully to contact O'Neal but O'Neal did not respond to Lyles' communications. O'Neal did not refund any portion of the fee paid by Lyles to O'Neal.

96. On June 9, 2003, Lyles filed a Petition for Resolution of Disputed Fee with the North Carolina State Bar. Ortega's fee dispute was assigned file number 03FD0315 and referred to the 18-GB Judicial District Fee Dispute Resolution Committee.

97. On November 10, 2003, the district fee dispute committee notified Lyles that O'Neal had ceased attending to her practice and to her clients and that Lyles' fee dispute file was therefore returned by the district fee dispute committee to the State Bar. On July 23, 2004, Lyles' fee dispute was closed based on O'Neal's failure to participate in good faith in the proceedings.

98. In or around May 2003, Brenda H. Chapman (hereinafter referred to as "Chapman") retained O'Neal to represent her in a traffic case. Chapman paid O'Neal \$200.00.

99. Chapman attempted to contact O'Neal numerous times but O'Neal did not respond to Chapman's communications. Thereafter, Chapman learned that O'Neal had vacated her office without providing a forwarding address.

100. O'Neal did not appear for Chapman's scheduled court date and did not provide any of the legal services for which Chapman retained her.

101. O'Neal did not refund any portion of the fee paid by Chapman to O'Neal.

102. On October 30, 2003, Chapman filed a Petition for Resolution of Disputed Fee with the North Carolina State Bar. Chapman's fee dispute was assigned file number 03FD0629 and referred to the 18-GB Judicial District Fee Dispute Resolution Committee.

103. On November 10, 2003, the district fee dispute committee notified Chapman that O'Neal had ceased attending to her practice and to her clients and that Chapman's fee dispute file was therefore returned by the district fee dispute committee to the State Bar. On July 23, 2004, Chapman's fee dispute was closed based on O'Neal's failure to participate in good faith in the proceedings.

104. Throughout the events described above, O'Neal was a single parent, separated from her husband.

105. On March 6, 2002, O'Neal was diagnosed with a thoracic cord syrinx. This is a serious, painful and debilitating spinal condition for which she was prescribed and did routinely take pain medication. Shortly thereafter, O'Neal was diagnosed as also having a tethered cord. She underwent surgery for these conditions on July 10, 2002.

106. In August, 2002, O'Neal's mother was diagnosed with cancer. O'Neal's mother declined rapidly and died. O'Neal had difficulty dealing emotionally with her mother's death.

107. On April 25, 2003, O'Neal was again treated for increasing back pain and related physical problems. O'Neal was still struggling emotionally with her mother's death.

108. Sometime in early 2003, O'Neal discovered that her secretary had embezzled money from her.

109. Between May, 2003 and August, 2003, O'Neal continued to decline emotionally and physically. On August 21, 2003, she was diagnosed as suffering from severe clinical depression. She was not able to function professionally.

110. O'Neal's physical, emotional and psychological problems were significant contributing factors in the events described in findings of fact 4 through 103.

111. On September 2, 2003, Dr. Rupinder Kaur, a psychiatrist, evaluated O'Neal. He diagnosed O'Neal as suffering from bipolar disorder. Dr. Kaur expressed the opinion that, due to her psychiatric diagnosis, O'Neal was completely incapacitated and unable to function in the capacity of an attorney.

112. On 2004, the State Bar initiated this action. On October 14, 2004, the DHC transferred O'Neal to disability inactive status.

113. On January 22, 2008, Dr. Kaur again evaluated O'Neal. At that time, her mental status evaluation was "totally unremarkable." At that time, O'Neal had not taken any psychotropic medications in 5 months and was also not taking any strong pain medications although she does continue to suffer from a chronic pain condition. Dr. Kaur opined on January 28, 2008 that O'Neal was not depressed, was very appropriate and was "back to her normal self." On February 1, 2008, the DHC transferred O'Neal back to active status.

BASED UPON the foregoing Findings of Fact, the Hearing Committee makes the following:

CONCLUSIONS OF LAW

1. All parties are properly before the Hearing Committee of the Disciplinary Hearing Commission and the Hearing Committee has jurisdiction over O'Neal and the subject matter of this action.

2. O'Neal's conduct, as set out above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(a) & (b) (2) in that O'Neal violated the Revised Rules of Professional Conduct as follows:

a. By failing to appear on Adamou's behalf for a scheduled court date, O'Neal failed to act with reasonable diligence and promptness in representing a client in violation of Rule 1.3 and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4.

b. By failing to communicate with Adamou on a timely basis concerning her failure to appear in court and advise Adamou of any corrective steps necessary to avoid penalty for the failure to appear, O'Neal failed to keep a client reasonably informed about the status of a legal matter and failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation in violation of Rule 1.4.

c. By failing to refund the fee paid by Adamou after not providing the agreed upon legal services, O'Neal collected a clearly excessive fee in violation of Rule 1.5(a) and failed to refund an advance payment of a fee that was not earned upon termination of employment in violation of Rule 1.16(d).

d. By failing to appear on Townsend's behalf for a scheduled court date, O'Neal failed to act with reasonable diligence and promptness in representing a client in violation of Rule 1.3.

e. By failing to communicate with Townsend on a timely basis concerning her whereabouts or her failure to appear in court, O'Neal failed to keep a client reasonably informed about the status of a legal matter and failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation in violation of Rule 1.4.

f. By failing to refund the fee paid by Townsend after not providing the agreed upon legal services, O'Neal collected a clearly excessive fee in violation of Rule 1.5(a) and failed to refund an advance payment of a fee that was not earned upon termination of employment in violation of Rule 1.16(d).

g. By failing to return calls and letters from Feeney-Lewis inquiring about her case, O'Neal failed to keep her client reasonably informed in violation of Rule 1.4(a)(3) and failed to comply with reasonable requests for information in violation of Rule 1.4(a)(4).

h. By failing to refund the fee paid by Feeney-Lewis after not providing the agreed upon legal services, O'Neal collected a clearly excessive fee in violation of Rule 1.5(a) and failed to refund an advance payment of a fee that was not earned upon termination of employment in violation of Rule 1.16(d).

i. By failing to submit a written response to Feeney-Lewis' fee dispute and failing to respond to inquiries from the district fee dispute committee, O'Neal failed to participate in good faith in the fee dispute resolution process in violation of Rule 1.5(f).

j. By failing to appear on Gilbert's behalf for a scheduled court date, O'Neal failed to act with reasonable diligence and promptness in representing a client in violation of Rule 1.3 and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4.

k. By failing to communicate with Gilbert on a timely basis concerning her failure to appear in court and failing to advise Gilbert of any corrective steps necessary to avoid penalty for O'Neal's failure to appear, O'Neal failed to keep a client reasonably informed about the status of a legal matter and failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation in violation of Rule 1.4.

l. By failing to refund the fee paid by Gilbert after not providing the agreed upon legal services, O'Neal collected a clearly excessive fee in violation of Rule 1.5(a) and failed to refund an advance payment of a fee that was not earned upon termination of employment in violation of Rule 1.16(d).

m. By failing to submit a written response to Gilbert's fee dispute and failing to respond to inquiries from the district fee dispute committee committee, O'Neal failed to participate in good faith in the fee dispute resolution process in violation of Rule 1.5(f).

n. By failing to appear on Davis' behalf for a scheduled court date, O'Neal failed to act with reasonable diligence and promptness in representing a client in violation of Rule 1.3 and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4.

o. By failing to communicate with Davis on a timely basis concerning her failure to appear in court and advise Davis of any corrective steps necessary to avoid penalty for the failure to appear, O'Neal failed to keep a client reasonably informed about the status of a legal matter and failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation in violation of Rule 1.4.

p. By failing to refund the fee paid by Davis after not providing the agreed upon legal services, O'Neal collected a clearly excessive fee in violation of Rule 1.5(a) and failed to refund an advance payment of a fee that was not earned upon termination of employment in violation of Rule 1.16(d).

q. By failing to submit a written response to Davis' fee dispute and failing to respond to inquiries from the district fee dispute committee, O'Neal failed to participate in good faith in the fee dispute resolution process in violation of Rule 1.5(f).

r. By failing to appear on Smosna's behalf for a scheduled court date, O'Neal failed to act with reasonable diligence and promptness in representing a client in violation of Rule 1.3 and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4.

s. By failing to communicate with Smosna on a timely basis concerning her failure to appear in court and advise Smosna of any corrective steps necessary to avoid penalty for the failure to appear, O'Neal failed to keep a client reasonably informed about the status of a legal matter and failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation in violation of Rule 1.4.

t. By failing to refund the fee paid by Smosna after not providing the agreed upon legal services, O'Neal collected a clearly excessive fee in violation of Rule 1.5(a) and failed to refund an advance payment of a fee that was not earned upon termination of employment in violation of Rule 1.16(d).

u. By failing to submit a written response to Smosna's fee dispute and failing to respond to inquiries from the district fee dispute committee, O'Neal failed to participate in good faith in the fee dispute resolution process in violation of Rule 1.5(f).

v. By failing to appear on Robertson's behalf for scheduled court dates, O'Neal failed to act with reasonable diligence and promptness in representing a client in violation of Rule 1.3 and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4.

w. By failing to communicate with Robertson on a timely basis concerning her failure to appear in court and advise Robertson of any corrective steps necessary to avoid penalty for the failure to appear, O'Neal failed to keep a client reasonably informed about the status of a legal matter and failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation in violation of Rule 1.4.

x. By failing to refund the fee paid by Robertson after not providing the agreed upon legal services, O'Neal collected a clearly excessive fee in violation of Rule 1.5(a) and failed to refund an advance payment of a fee that was not earned upon termination of employment in violation of Rule 1.16(d).

y. By failing to submit a written response to Robertson's fee dispute and failing to respond to inquiries from the district fee dispute committee, O'Neal failed to participate in good faith in the fee dispute resolution process in violation of Rule 1.5(f).

z. By failing to appear Weidt's behalf for a scheduled court date, O'Neal failed to act with reasonable diligence and promptness in representing a client in violation of Rule 1.3 and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4.

aa. By failing to communicate with Weidt on a timely basis concerning her failure to appear in court and advise Weidt of any corrective steps necessary to avoid penalty for the failure to appear, O'Neal failed to keep a client reasonably informed about the status of a legal matter and failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation in violation of Rule 1.4.

bb. By failing to refund the fee paid by Weidt after not providing the agreed upon legal services, O'Neal collected a clearly excessive fee in violation of Rule 1.5(a) and failed to refund an advance payment of a fee that was not earned upon termination of employment in violation of Rule 1.16(d).

cc. By failing to submit a written response to Weidt's fee dispute and failing to respond to inquiries from the district fee dispute committee, O'Neal failed to participate in good faith in the fee dispute resolution process in violation of Rule 1.5(f).

dd. By failing to appear on James's behalf for a scheduled court date, O'Neal failed to act with reasonable diligence and promptness in representing a client in violation of Rule 1.3 and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4.

ee. By failing to communicate with James on a timely basis concerning her failure to appear in court and advise James of any corrective steps necessary to avoid penalty for the failure to appear, O'Neal failed to keep a client reasonably informed about the status of a legal matter and failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation in violation of Rule 1.4.

ff. By failing to refund the fee paid by James after not providing the agreed upon legal services, O'Neal collected a clearly excessive fee in violation of Rule 1.5(a) and failed to refund an advance payment of a fee that was not earned upon termination of employment in violation of Rule 1.16(d).

gg. By failing to submit a written response to James' fee dispute and failing to respond to inquiries from the district fee dispute committee, O'Neal failed to participate in good faith in the fee dispute resolution process in violation of Rule 1.5(f).

hh. By failing to appear on Swaim's behalf for scheduled court dates, O'Neal failed to act with reasonable diligence and promptness in representing a client in violation of Rule 1.3 and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4.

ii. By failing to communicate with Swaim on a timely basis concerning her failure to appear in court and advise Swaim of any corrective steps necessary to avoid penalty for the failure to appear, O'Neal failed to keep a client reasonably informed about the status of a legal matter and failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation in violation of Rule 1.4.

jj. By failing to refund the fee paid by Swaim after not providing the agreed upon legal services, O'Neal collected a clearly excessive fee in violation of Rule 1.5(a) and failed to refund an advance payment of a fee that was not earned upon termination of employment in violation of Rule 1.16(d).

kk. By failing to submit a written response to Swaim's fee dispute and failing to respond to inquiries from the district fee dispute committee, O'Neal failed to participate in good faith in the fee dispute resolution process in violation of Rule 1.5(f).

ll. By failing to communicate with Cole on a timely basis concerning her case, O'Neal failed to keep a client reasonably informed about the status of a legal matter and failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation in violation of Rule 1.4.

mm. By failing to refund the fee paid by Cole after not providing the agreed upon legal services, O'Neal collected a clearly excessive fee in violation of Rule 1.5(a) and failed to refund an advance payment of a fee that was not earned upon termination of employment in violation of Rule 1.16(d).

nn. By failing to appear on Martin's behalf for a scheduled court date, O'Neal failed to act with reasonable diligence and promptness in representing a client in violation of Rule 1.3 and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4.

oo. By failing to communicate with Martin on a timely basis concerning her failure to appear in court and advise Martin of any corrective steps necessary to avoid penalty for the failure to appear, O'Neal failed to keep a client reasonably informed about the status of a legal

matter and failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation in violation of Rule 1.4.

pp. By failing to refund the fee paid by Martin after not providing the agreed upon legal services, O'Neal collected a clearly excessive fee in violation of Rule 1.5(a) and failed to refund an advance payment of a fee that was not earned upon termination of employment in violation of Rule 1.16(d).

qq. By failing to submit a written response to Martin's fee dispute and failing to respond to inquiries from the district fee dispute committee, O'Neal failed to participate in good faith in the fee dispute resolution process in violation of Rule 1.5(f).

rr. By failing to appear on Burford's behalf for a scheduled court date, O'Neal failed to act with reasonable diligence and promptness in representing a client in violation of Rule 1.3 and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4.

ss. By failing to communicate with Burford on a timely basis concerning her failure to appear in court and advise Burford of any corrective steps necessary to avoid penalty for the failure to appear, O'Neal failed to keep a client reasonably informed about the status of a legal matter and failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation in violation of Rule 1.4.

tt. By failing to refund the fee paid by Burford after not providing the agreed upon legal services, O'Neal collected a clearly excessive fee in violation of Rule 1.5(a) and failed to refund an advance payment of a fee that was not earned upon termination of employment in violation of Rule 1.16(d).

uu. By failing to submit a written response to Burford's fee dispute and failing to respond to inquiries from the district fee dispute committee, O'Neal failed to participate in good faith in the fee dispute resolution process in violation of Rule 1.5(f).

vv. By failing to appear Ortega's behalf for a scheduled court date, O'Neal failed to act with reasonable diligence and promptness in representing a client in violation of Rule 1.3 and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4.

ww. By failing to communicate with Ortega on a timely basis concerning her failure to appear in court and advise Ortega of any corrective steps necessary to avoid penalty for the failure to appear, O'Neal failed to keep a client reasonably informed about the status of a legal matter and failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation in violation of Rule 1.4.

xx. By failing to refund the fee paid by Ortega after not providing the agreed upon legal services, O'Neal collected a clearly excessive fee in violation of Rule 1.5(a) and failed to refund an advance payment of a fee that was not earned upon termination of employment in violation of Rule 1.16(d).

yy. By failing to submit a written response to Ortega's fee dispute and failing to respond to inquiries from the district fee dispute committee, O'Neal failed to participate in good faith in the fee dispute resolution process in violation of Rule 1.5(f).

zz. By failing to appear on Lyles' behalf for a scheduled court date and by failing to address the warrant for Lyles' arrest that was issued after she failed to appear for his court date, O'Neal failed to act with reasonable diligence and promptness in representing a client in violation of Rule 1.3 and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4.

aaa. By failing to communicate with Lyles on a timely basis concerning her failure to appear in court and advise Lyles of any corrective steps necessary to avoid penalty for the failure to appear, O'Neal failed to keep a client reasonably informed about the status of a legal matter and failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation in violation of Rule 1.4.

bbb. By failing to refund the fee paid by Lyles after not providing the agreed upon legal services, O'Neal collected a clearly excessive fee in violation of Rule 1.5(a) and failed to refund an advance payment of a fee that was not earned upon termination of employment in violation of Rule 1.16(d).

ccc. By failing to submit a written response to Lyles' fee dispute and failing to respond to inquiries from the district fee dispute committee, O'Neal failed to participate in good faith in the fee dispute resolution process in violation of Rule 1.5(f).

ddd. By failing to communicate with Chapman on a timely basis concerning her case, O'Neal failed to keep a client reasonably informed about the status of a legal matter and failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation in violation of Rule 1.4.

eee. By failing to refund the fee paid by Chapman after not providing the agreed upon legal services, O'Neal collected a clearly excessive fee in violation of Rule 1.5(a) and failed to refund an advance payment of a fee that was not earned upon termination of employment in violation of Rule 1.16(d).

fff. By failing to submit a written response to Chapman's fee dispute and failing to respond to inquiries from the district fee dispute committee, O'Neal failed to participate in good faith in the fee dispute resolution process in violation of Rule 1.5(f).

BASED UPON the foregoing FINDINGS OF FACT, CONCLUSIONS OF LAW, and the arguments of counsel, the Hearing Committee hereby makes the following:

FINDINGS AND CONCLUSIONS REGARDING DISCIPLINE

1. O'Neal's misconduct is aggravated by the following factors:
 - (a) A pattern of misconduct;
 - (b) Multiple offenses; and
 - (c) Substantial experience in the practice of law.
2. O'Neal's misconduct is mitigated by the following factors:
 - (a) Absence of a prior disciplinary record;
 - (b) Absence of a dishonest or selfish motive;
 - (c) Personal or emotional problems;
 - (d) Interim rehabilitation; and
 - (e) Remorse.
3. The mitigating factors outweighed the aggravating factors.
4. During the time when the misconduct occurred, O'Neal suffered from a severe spinal disorder resulting in debilitating pain and depression.
5. O'Neal's physical illness and depression were substantial contributing factors in her misconduct.
6. The evidence presented in support of O'Neal's petition for reinstatement to the active practice of law reflects that O'Neal sought and obtained appropriate treatment for her physical and mental condition and her depression and that she is presently suffering from no mental, emotional or psychological condition that would interfere with her ability to practice law.
7. O'Neal's conduct is sufficiently serious to warrant a suspension of her law license. O'Neal's misconduct resulted in substantial harm to numerous clients as reflected in the Findings of Fact above, resulted in damage to the reputation of the legal profession and resulted in prejudice to the administration of justice. However, because of the substantial mitigating circumstances surrounding her misconduct, including physical illness and severe depression, and because O'Neal has demonstrated to the Disciplinary Hearing Commission that she has benefited from treatment so that she is no longer disabled and is presently capable of practicing law without posing an undue risk to the public, the Hearing Committee believes that a suspension of O'Neal's law license should be stayed on conditions making it possible for

the Disciplinary Hearing Commission to monitor O'Neal's condition and conduct to the extent necessary for the protection of the public.

BASED UPON the foregoing FINDINGS OF FACT and CONCLUSIONS OF LAW, the FINDINGS AND CONCLUSIONS REGARDING DISCIPLINE, the Hearing Committee hereby enters the following:

ORDER OF DISCIPLINE

1. The law license of Defendant, Bonnie Lee C. O'Neal, is hereby suspended for a period of 1 year.
2. The suspension of O'Neal's license is stayed for a period of 3 years on the following conditions:

- (a) At least once each year during the period of the stay, O'Neal shall, at her own expense, be examined by a psychiatrist approved by the Office of Counsel, who shall prepare a report reflecting whether at the time of each such annual examination O'Neal is suffering from depression or any other mental, emotional or psychological condition that impairs her professional judgment, performance or competence as an attorney or that interferes with her obligations to communicate with and render legal services competently and diligently to her clients. Each yearly psychiatric examination shall be at least 11 months from the previous examination and not more than 13 months from the immediately preceding examination. If the report of the psychiatrist recommends or prescribes any therapy, counseling, medication or other treatment of any kind, O'Neal shall comply fully with the recommended course of treatment on the prescribed timetable and at the prescribed intervals as long as such treatment is recommended by the psychiatrist, including additional psychiatric visits if prescribed as a part of the recommended treatment;
- (b) O'Neal shall ensure that the Office of Counsel receives a written report of the examinations described in paragraph (a) above on or before January 31 of 2010, 2011 and 2012. The written reports shall indicate whether O'Neal is following any treatment plan prescribed by the psychiatrist and whether O'Neal is at the time of the examination suffering from any emotional or psychological condition that impairs her professional judgment, performance or competence as an attorney;
- (c) If any annual psychiatrist's written report reflects that O'Neal is suffering from any emotional or psychological condition for which the psychiatrist recommends any course of treatment, O'Neal shall within 30 days of the date of such annual report provide the Office of Counsel with a written release authorizing the Office of Counsel to contact O'Neal's treating mental health professional for the purpose of determining whether O'Neal

is following the recommended treatment plan and whether the condition for which she is being treated impairs her professional judgment, performance or competence as an attorney. O'Neal shall not revoke the written release prior to January 31, 2012;

- (d) O'Neal shall not violate any state or federal laws during the period of the stayed suspension;
- (e) O'Neal shall not violate any provisions of the Rules of Professional Conduct during the period of the stayed suspension;
- (f) O'Neal shall respond to all communications from the North Carolina State Bar within 30 days of receipt or by the deadline stated in the communication, whichever is sooner; and
- (g) O'Neal shall pay all Membership dues and Client Security Fund assessments and comply with all Continuing Legal Education (CLE) requirements on a timely basis.

3. If the stay of the suspension of O'Neal's law license is lifted and the suspension is activated for any reason, the DHC may enter an order providing for the imposition of such conditions as it deems necessary for reinstatement of O'Neal's law license at the end of the suspension period.

4. If the stay of the suspension of O'Neal's law license is lifted and the suspension is activated for any reason, prior to her reinstatement to the active practice of law O'Neal shall prove by clear, cogent and convincing evidence that she has been in compliance with each of conditions (a)-(g) above, and with any other conditions which may be imposed by the DHC, for at least 6 months prior to her reinstatement to the active practice of law.

5. If the stay of the suspension of O'Neal's law license is lifted and the suspension is activated for any reason, and if O'Neal then seeks a subsequent stay of the suspension, prior to entry of any subsequent stay O'Neal shall prove by clear, cogent and convincing evidence that she has been in compliance with each of conditions 2(a)-(g) above, and with any other conditions which may be imposed by the DHC, for at least 6 months prior to entry of such subsequent stay.

6. O'Neal is taxed with the costs of this action as assessed by the Secretary and shall pay those costs within 90 days of service of notice of those costs upon her.

7. The Disciplinary Hearing Commission shall retain jurisdiction over this matter throughout the period of the stayed suspension and throughout the period of any activation of the suspension.

Signed with the knowledge and consent of the other members of the Hearing Committee
this the 25th day of March, 2009.

Theodore C. Edwards III
Theodore C. Edwards III, Chair
Hearing Committee

CONSENTED TO:

Katherine E. Jean

Bonnie Lee C. O'Neal
Bonnie Lee C. O'Neal

kyle,asdf

NEXT FILE !!!!!!!!,1002

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
16G0881

IN THE MATTER OF)
PAMELA NEWELL,) REPRIMAND
ATTORNEY AT LAW)

On January 26, 2017 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by A. F. 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.

Your law license was suspended on 25 February 2016 for failure to: (i) return the 2014 Annual CLE Report Form, (ii) pay a late-filing fee, (iii) pay a non-compliance fee, and (iv) pay CLE attendance fees. On 3 August 2016, you filed court documents in Montgomery County Superior Court on behalf of R.T. and his wife, S.T. You filed the court documents while suspended from the practice of law. In so doing, you engaged in the unauthorized practice of law

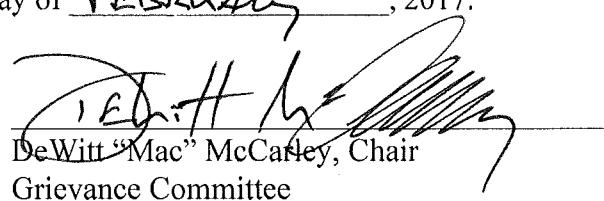
in violation of Rule 5.5(a). After you were made aware that your license was suspended, you continued to hold yourself out as an active member of the North Carolina State Bar able to engage in the practice of law on your web site, which constitutes a violation of Rule 7.1(a).

In issuing this reprimand, the Grievance Committee considered as an aggravating factor your extensive history of failing to timely comply with your North Carolina State Bar membership requirements.

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 10th day of February, 2017.



DeWitt "Mac" McCarley, Chair
Grievance Committee

DM/lb

kyle,asdf
NEXT FILE !!!!!!!!,1004

STATE OF NORTH CAROLINA
WAKE COUNTY



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

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

LISA A. PAGE, Attorney,

Defendant

CONSENT ORDER OF
DISCIPLINE

This matter came before a hearing panel of the Disciplinary Hearing Commission composed of N. Hunter Wyche, Jr., Chair, Donald C. Prentiss, and Cindy L. Marrelli. G. Patrick Murphy represented Plaintiff. Defendant was represented by Deanna S. Brocker. Defendant waives a formal hearing. The parties stipulate and agree to the findings of fact and conclusions of law recited in this consent order. The parties consent to the discipline imposed by this order. By consenting to entry of this order, Defendant knowingly, freely, and voluntarily waives her right to appeal this consent order or to challenge in any way the sufficiency of the findings.

Based on the foregoing and with the consent of the parties, the Hearing Panel hereby makes by clear, cogent, and convincing evidence the following:

FINDINGS OF FACT

1. Plaintiff, the North Carolina State Bar (hereafter "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 promulgated thereunder.

2. Defendant, Lisa A. Page (hereafter "Defendant" or "Page"), was admitted to the North Carolina State Bar on August 26, 2004 and is an Attorney at Law 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 the relevant period referred to herein, Page was actively engaged in the practice of law and maintained a law office in Charlotte, Mecklenburg County, North Carolina.

4. Defendant's law practice includes real estate closings.

5. Defendant maintained, among others, two accounts with SunTrust Bank that she used in her law practice: a general trust account ending in numbers 8375 ("TA 8375"); and an account ending in 2071 ("EA 2071") that Defendant used for earnest money.

6. TA 8375 was designated as a trust account and Defendant held entrusted funds in the account.

7. EA 2071 was not maintained as a trust account by Defendant even though she held entrusted funds in the account.

8. Defendant did not conduct quarterly reconciliations of EA 2071 for the period January 1 through June 30, 2015.

9. Defendant did not conduct quarterly reconciliations of TA 8375 for the period January 1 through June 30, 2015.

10. During the period January 1 through June 30, 2015, Defendant maintained an office ledger for TA 8375 labeled MISCLAPAGELAW. Deposits and disbursements of client entrusted funds were tracked by this ledger without maintaining dedicated client ledgers for the transactions.

11. Defendant could not identify the owner(s) of all entrusted funds in accounts TA 8375 and EA 2071.

12. An analysis of MISCLAPAGELAW by the State Bar revealed that deposit and disbursement transactions recorded on MISCLAPAGELAW could not always be paired, and in instances where transactions could be paired, some disbursements took place before deposits.

13. Further analysis of TA 8375 and EA 2071 for the period January 1 through June 30, 2015 showed the following: 1) at least three disbursements were made from TA 8375 when the client's entrusted funds had not yet been transferred from EA 2071 to TA 8375; 2) client ledger cards were not created or maintained for EA 2071; 3) yearly accountings were not provided for funds held over one year; 4) at least two deposits and/or disbursements were made from TA 8375 without providing client identification on deposit tickets, checks and electronic transfers; and 5) at least one disbursement was made to Defendant's law firm from TA 8375 without client identification.

CONCLUSIONS OF LAW

1. All parties are properly before the Hearing Panel and the Panel has jurisdiction over Defendant, Lisa Page, and over the subject matter.

2. Defendant's conduct, as set forth in the Findings of Fact above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28 in that Defendant violated the Rules of Professional Conduct as follows:

- a) By depositing entrusted funds in EA 2071 but not maintaining the account as a trust account, Defendant deposited entrusted funds into an account that was not identified or managed as a trust account in violation of Rule 1.15-2(b);
- b) By failing to maintain separate client ledgers for all entrusted funds deposited to EA 2071 and TA 8375, Defendant failed to maintain client ledgers in violation of Rule 1.15-3(b)(5);
- c) By failing to conduct quarterly reconciliations of TA 8375 and EA 2071, Defendant failed to reconcile the accounts in violation of Rule 1.15-3(d)(1);
- d) By failing to provide annual written accountings to clients with funds held in EA 2071 for more than a year, Defendant failed to render annual accountings in violation of Rule 1.15-3(e);
- e) By failing to properly identify the owner(s) of entrusted funds in her accounts, Defendant violated Rule 1.15-2(a);
- f) By recording client deposits and disbursements for TA 8375 on a ledger labeled MISCLAPAGELAW without dedicated client ledgers, Defendant failed to properly identify entrusted funds and maintain proper client ledgers in violation of Rules 1.15-2(a) and 1.15-3(b)(5);
- g) By depositing and disbursing client funds to and from TA 8375 without always identifying the client to whom the funds belonged on deposit tickets, checks and/or electronic transfers, Defendant violated Rules 1.15-3(b)(1), (2), and (3);
- h) By disbursing funds from TA 8375 prior to related deposits or when funds were held in EA 2071, Defendant failed to properly maintain and disburse funds in violation of Rule 1.15-2(a) and (m); and
- i) By disbursing funds to Defendant's law firm on at least one occasion without properly identifying the client on the disbursement, Defendant violated Rules 1.15-2(h) and Rule 1.15-3(b)(2).¹

Based on the foregoing Findings of Fact and Conclusions of Law, the Hearing Panel enters the following:

¹ All Rule violation references are to the then applicable Rules of Professional Conduct.

FINDINGS OF FACT REGARDING DISCIPLINE

1. Defendant has substantial experience in the practice of law.
2. Defendant's conduct has the potential to cause significant harm to the standing of the profession in the eyes of the public because it shows her disregard for her duties as an attorney. Defendant's conduct undermines the public's confidence in lawyers' ability to safely maintain entrusted client funds.
3. There is no evidence of any dishonest motive on the part of Defendant.
4. Defendant cooperated with the State Bar during its investigation and prosecution of this case.
5. Defendant has prior discipline in North Carolina, a Reprimand in file 09G0647 for assisting the unauthorized practice of law.

Based on the foregoing Findings of Fact, Conclusions of Law and Findings of Fact Regarding Discipline, the Hearing Panel enters the following:

CONCLUSIONS REGARDING DISCIPLINE

1. The Hearing Panel has carefully considered all of the different forms of discipline available to it, including admonition, reprimand, censure and suspension. In addition, the Hearing Panel has considered all of the factors contained in 27 N.C.A.C. 1B § .0116(f)(1) of the Rules and Regulations of the State Bar and finds that the following factors warrant suspension of Defendant's license:
 - a) negative impact of the defendant's actions on clients' and the public's perception of the profession; and
 - b) intent of the defendant to commit acts where the harm or potential harm is foreseeable.
2. The Hearing Panel has also considered all of the factors enumerated in 27 N.C.A.C. 1B § .0116(f)(2) of the Rules and Regulations of the North Carolina State Bar and concludes no factors are present in this instance that would warrant disbarment.
3. The Hearing Panel has also considered all of the factors enumerated in 27 N.C.A.C. 1B § .0116(f)(3) of the Rules and Regulations of the North Carolina State Bar and concludes the following factors are applicable in this matter:
 - a) absence of dishonest motive;
 - b) multiple offenses;

- c) prior discipline – Reprimand 09G0647 (assisting unauthorized practice of law);
- d) experience in the practice of law; and
- e) cooperative attitude toward the proceeding.

4. Defendant's conduct resulted in potential significant harm to her clients by placing entrusted client funds at risk of misapplication and misappropriation.

6. Defendant's conduct resulted in potential significant harm to the legal profession in that her actions bring the legal profession into disrepute.

7. The Hearing Panel has considered lesser alternatives but finds that a censure, reprimand, or admonition would be insufficient discipline because of the potential significant harm to Defendant's clients and the legal profession caused by Defendant's conduct.

9. The Hearing Panel finds and concludes that the public will be adequately protected by suspension of Defendant's law license, stayed with conditions imposed upon Defendant designed to ensure protection of the public and Defendant's continued compliance with the Rules of Professional Conduct.

Based on the foregoing Findings of Fact, Conclusions of Law, Findings of Fact Regarding Discipline and Conclusions of Law Regarding Discipline, the Hearing Panel hereby enters the following:

ORDER OF DISCIPLINE

1. The law license of Defendant, Lisa A. Page is hereby suspended for two (2) years effective on the date this Consent Order of Discipline is filed. The period of suspension is stayed for two (2) years as long as Defendant complies and continues to comply with the following conditions:

- a) Within the first year of the stayed period of suspension, Defendant shall complete three (3) hours of continuing legal education in the area of trust account management approved by the Office of Counsel of the State Bar to include, in part, attendance at the Trust Accounting Rules Continuing Legal Education Program and provide documentation of compliance with this condition to the Office of Counsel of the State Bar within 10 days of completion of the CLE. These three (3) hours are in addition to the continuing legal education requirements set out in 27 N.C.A.C. 1D § .1518;
- b) Within thirty (30) days of this order's effective date, Defendant shall, at her own expense, retain a certified public accountant or an

accountant (hereafter collectively "CPA") approved in advance by the Office of Counsel who shall audit her trust and fiduciary accounts to identify the beneficial owners of all funds in Defendant's trust and fiduciary accounts and to confirm that Defendant's trust and fiduciary accounts are in compliance with the Rules of Professional Conduct. Defendant will cooperate with the CPA to ensure the audit is completed in a timely fashion. The CPA shall provide monthly written reports to the State Bar updating the State Bar on the audit's progress until the audit is complete. Upon completion of the audit, the CPA shall provide the State Bar with a written final audit report identifying the owner of entrusted funds in Defendant's trust and fiduciary accounts and confirming that Defendant's accounts comply with the Rules of Professional Conduct. The CPA's completed audit report is due, and shall be submitted to the State Bar, within 120 days of the effective date of this order. It is Defendant's sole responsibility to ensure that the CPA completes and submits the reports required herein;

- c) Within sixty (60) days of completion of the CPA's audit of Defendant's trust and fiduciary accounts, Defendant shall disburse all identified client funds in Defendant's accounts that are due or overdue for distribution to their rightful owner(s);
- d) Defendant shall comply with Rule 1.15-2(r) regarding all unidentified funds in Defendant's accounts and comply with Chapter 116B of the General Statutes within sixty (60) days of being statutorily permitted to escheat funds to the State;
- e) Defendant shall provide the Office of Counsel with copies of the following trust account records quarterly, due on or before the 15th day of the month following the end of each quarter (January, April, July, and October):
 - (i) Monthly reconciliations of the balance of the trust accounts as shown on Defendant's records and the current bank balance for the trust account; and
 - (ii) Reconciliations of the individual client ledger balances, the ledger of a general trust account, and the current bank statement balance for the trust account as a whole;
- f) Defendant shall provide her bank statements, cancelled checks, client ledgers, and general ledger with each quarterly submission;
- g) Defendant shall provide any other records requested by the Office of Counsel within ten (10) days of the request;

- h) During the period of the stay, Defendant will permit random audits of her trust account(s) by the Office of Counsel upon ten (10) days advance written notice. Such audit will be conducted at Defendant's expense;
 - i) Beginning six months from entry of this order, Defendant shall have the CPA audit Defendant's trust accounts on a semi-annual basis to ensure Defendant's compliance with the Rules of Professional Conduct. The CPA must report to the Office of Counsel concerning the compliance of Defendant's account(s) with the Rules of Professional Conduct including, but not limited to, any accounting irregularities and any deviance from the requirements of the Rules of Professional Conduct, with a copy of the report sent simultaneously to Defendant. The CPA's reports are due no later than 30 days after the end of each semi-annual audit. Defendant shall be solely responsible for ensuring that the CPA completes and submits the reports as required herein and Defendant shall be solely responsible for all costs associated with preparation of the CPA's reports;
 - j) If any of the CPA's reports note any irregularities or deficiencies, Defendant shall take all remedial action necessary to bring the trust account into compliance with the Rules of Professional Conduct and shall provide proof of the remedial action and compliance to the Office of Counsel of the State Bar and to the CPA within thirty (30) days of the date of the CPA's report;
 - k) Defendant shall keep the North Carolina State Bar Membership Department advised of her current business and home addresses; Defendant shall notify the Bar of any change in address within ten (10) days of such change. Her current business address must be a street address, not a P.O. Box or drawer;
 - l) Defendant shall respond to all communications from the North Carolina State Bar, including communications from the Attorney Client Assistance Program, within thirty (30) days of receipt or by the deadline stated in the communication, whichever is sooner, and shall participate in good faith in the State Bar's fee dispute resolution process for any petition of which she receives notice after the effective date of this order. This provision applies to all communications from the State Bar except requests from the Office of Counsel for records which is governed by paragraph g) above;
 - m) Defendant shall timely comply with all State Bar membership and Continuing Legal Education requirements, and timely pay all dues, costs, fees or assessments related thereto;

- n) Defendant shall not violate the Rules of Professional Conduct or the laws of the United States or of any state or local government during her suspension; and
- o) Defendant shall pay all administrative fees and costs assessed against her in this disciplinary proceeding within thirty (30) days of service of this order upon her.

2. If Defendant fails to comply with any of the conditions of the stayed suspension provided in paragraph 1(a) – (o) above, the stay of the suspension may be lifted as provided in § .0118(a) and (b) of the North Carolina State Bar Discipline and Disability Rules.

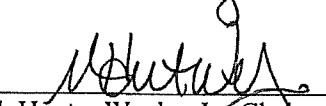
3. If the stay granted herein is lifted or the suspension of Defendant's license is activated for any reason, before seeking reinstatement of her license to practice law, Defendant must show by clear, cogent and convincing evidence that she has complied with paragraph 1(a) – (d) above and with each of the following conditions:

- a) Defendant submitted her license and membership card to the Secretary of the North Carolina State Bar within thirty (30) days after the date of the order lifting the stay and/or activating the suspension of her law license;
- b) Defendant complied with all provisions of 27 N.C.A.C. 1B § .0128 of the State Bar Discipline and Disability Rules following the order lifting the stay and/or activating the suspension of her law license;
- c) That Defendant timely paid all administrative fees and costs assessed against her in this proceeding as reflected on the statement of costs served upon her by the Secretary of the State Bar;
- d) That within thirty (30) days of entry of the order lifting the stay and/or activating the suspension of Defendant's law license, Defendant disbursed all identified client funds in Defendant's trust accounts to their rightful owner(s) account as shown on bank records and complied with Rule 1.15-2(r) regarding all unidentified funds in Defendant's trust accounts;
- e) That within sixty (60) days of being statutorily permitted to escheat funds to the State, Defendant complied with Chapter 116B of the General Statutes;
- f) Defendant has kept the North Carolina State Bar Membership Department advised of her current business and home street addresses (not P.O. box or drawer addresses) and notified the Bar of any change in address within ten (10) days of such change;

- g) Defendant has responded to all communications from the North Carolina State Bar, including communications from the Attorney Client Assistance Program, within thirty (30) days of receipt or by the deadline stated in the communication, whichever is sooner, and has participated in good faith in the State Bar's fee dispute resolution process for any petition of which she receives notice after the effective date of this Order;
- h) That at the time of her petition for stay, Defendant is current in payment of all membership dues, fees, and costs, including all Client Security Fund assessments and other charges or surcharges the State Bar is authorized to collect from her, and including all judicial district dues, fees, and assessments;
- i) That, at the time of her petition for stay, there is no deficit in Defendant's completion of mandatory Continuing Legal Education (CLE) hours, in reporting of such hours or in payment of any fees associated with attendance at CLE programs;
- j) Defendant has not violated the Rules of Professional Conduct or the laws of the United States or of any state or local government during her suspension; and
- k) Defendant has complied with all provisions of 27 N.C.A.C. 1B § .0129(b).

4. Defendant is taxed with the administrative fees and costs of this action as assessed by the Secretary which Defendant shall pay within thirty (30) days of service of the notice of costs upon the Defendant.

Signed by the undersigned Chair with the full knowledge and consent of the other members of the Hearing Panel, this is the 14 day of FEBRUARY, 2018.



N. Hunter Wyche, Jr., Chair
Hearing Panel

CONSENTED TO BY:



Lisa A. Page
Defendant

(Deanna S. Brocker)

Deanna S. Brocker
Attorney for Defendant

G. Patrick Murphy

G. Patrick Murphy
Attorney for Plaintiff

kyle,asdf
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STATE OF NORTH CAROLINA
WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
16 DHC 16

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

R. ALFRED PATRICK, Attorney,

Defendant

ORDER OF DISCIPLINE

THIS MATTER was considered by a Hearing Panel of the Disciplinary Hearing Commission composed of the Chair, R. Lee Farmer and members N. Hunter Wyche, Jr. and Warren G. McDonald upon Plaintiff's Motion for Order of Discipline. Jennifer A. Porter represented Plaintiff, the North Carolina State Bar. Defendant R. Alfred Patrick (hereinafter Defendant or Patrick) was not represented, did not make an appearance in this matter, and did not file any written submissions in response to Plaintiff's Motion for Order of Discipline. After review of the pleadings herein and pursuant to 27 N.C. Admin. Code § 1B.0114(f), the Hearing Panel determines it is appropriate to grant Plaintiff's Motion for Order of Discipline.

THEREFORE, based on the pleadings and the admissions established by Defendant's default pursuant to 27 N.C. Admin. Code § 1B.0114(f), the Hearing Panel hereby finds by clear, cogent and convincing evidence 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, R. Alfred Patrick (hereinafter "Patrick" or "Defendant"), was admitted to the North Carolina State Bar in 1986, 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. Patrick became an inactive member of the State Bar on June 22, 2016, when he was administratively suspended for his failure to comply with membership and continuing legal education requirements.

3. The Complaint in this action was filed on April 21, 2016.
4. Defendant was served with the Summons and Complaint on June 22, 2016.
5. Defendant failed to file an answer or any responsive pleading by the deadline established by 27 N.C. Admin. Code § 1B.0114(e).
6. Upon Plaintiff's motion, default was entered against Defendant by the Secretary of the State Bar on August 17, 2016.
7. Plaintiff filed a Motion for Order of Discipline on August 17, 2016 and served the motion on that date by depositing a copy of the same in the U.S. Mail in a postage prepaid envelope addressed to Defendant's address of record.
8. During all or part of the relevant periods referred to herein, Defendant was engaged in the practice of law in Greenville, Pitt County, North Carolina.
9. In the course of his law practice, Defendant maintained and utilized an attorney trust account at The East Carolina Bank (currently operated as part of Yadkin Bank), account number ending in digits 8812 ("the trust account").
10. Defendant also had an operating account for his law practice at The East Carolina Bank, account number ending in digits 8512 ("the operating account"), and an expense account at The East Carolina Bank, account number ending in digits 7912 ("the expense account"). Defendant disbursed funds to himself and paid personal bills and expenses from both the operating account and the expense account.
11. Between November 2012 and July 2015, Defendant deposited entrusted funds for clients into the trust account, including funds for the following client matters: B. Cutler; J. Ruffin; J. Tellez and children; R. Dixon; N. Awadallah; L. Tetterton; J. Blount; D. Marshburn; S. Smith; B. Frank; M. Harris; A. Hudgins; W. Lupton; M. Best; T. Shelborne; C. Wainwright; B. Lassiter; A. Mooring; J. Reid; E. Pugh; D. Backman; R. Murphy; and J. Bailey.
12. Defendant failed to maintain his clients' entrusted funds in the trust account, as shown by the following:
 - a. As of July 24, 2013, when Defendant should have had in excess of \$47,000.00 for clients B. Cutler, J. Ruffin, and J. Reid, the balance of the trust account was \$10,683.22.
 - b. As of September 13, 2013, when Defendant should have had in excess of \$49,000.00 for clients B. Cutler, J. Ruffin, J. Reid, and J. Tellez and children, the balance of the trust account was \$2,182.56.

- c. As of November 12, 2013, when he should have had in excess of \$55,000.00 for clients B. Cutler, J. Ruffin, J. Reid, J. Tellez and children, and R. Dixon, the balance of the trust account was \$737.08.
- d. As of January 24, 2014, when Defendant should have had in excess of \$73,000.00 for clients B. Cutler, J. Ruffin, J. Reid, J. Tellez and children, N. Awadallah, L. Tetterton, J. Blount, D. Marshburn, S. Smith, and B. Frank, the balance of the trust account was \$11,651.70.
- e. As of February 4, 2014, when Defendant should have had in excess of \$73,000.00 for clients B. Cutler, J. Ruffin, J. Reid, J. Tellez and children, N. Awadallah, L. Tetterton, J. Blount, D. Marshburn, S. Smith, B. Frank, and M. Harris, the balance of the trust account was \$8,071.86.
- f. As of February 13, 2014, when Defendant should have had in excess of \$73,000.00 for clients B. Cutler, J. Ruffin, J. Reid, J. Tellez and children, N. Awadallah, L. Tetterton, J. Blount, D. Marshburn, S. Smith, B. Frank, and M. Harris, the balance of the trust account was \$5,284.01.
- g. As of February 24, 2014, when Defendant should have had in excess of \$76,000.00 for clients B. Cutler, J. Ruffin, J. Reid, J. Tellez and children, N. Awadallah, L. Tetterton, J. Blount, D. Marshburn, S. Smith, B. Frank, M. Harris, and Z. Hudgins, the balance of the trust account was \$3,065.83.
- h. As of February 28, 2014, when Defendant should have had in excess of \$76,000.00 for clients B. Cutler, J. Ruffin, J. Reid, J. Tellez and children, N. Awadallah, L. Tetterton, J. Blount, D. Marshburn, S. Smith, B. Frank, M. Harris, and Z. Hudgins, the balance of the trust account was \$1,565.83.
- i. As of March 6, 2014, when Defendant should have had in excess of \$109,000.00 for clients B. Cutler, J. Ruffin, J. Reid, J. Tellez and children, N. Awadallah, L. Tetterton, J. Blount, D. Marshburn, S. Smith, B. Frank, M. Harris, Z. Hudgins, and W. Lupton, the balance of the trust account was \$48,899.83.
- j. As of March 31, 2014, when Defendant should have had in excess of \$109,000.00 for clients B. Cutler, J. Ruffin, J. Reid, J. Tellez and children, N. Awadallah, L. Tetterton, J. Blount, D. Marshburn, S. Smith, B. Frank, M. Harris, Z. Hudgins, and W. Lupton, the balance of the trust account was \$727.47.
- k. As of April 17, 2014, when Defendant should have had in excess of \$111,000.00 for clients B. Cutler, J. Ruffin, J. Reid, J. Tellez and children, N. Awadallah, L. Tetterton, J. Blount, D. Marshburn, S. Smith, B. Frank, M. Harris, Z. Hudgins, W. Lupton, and M. Best, the balance of the trust account was \$3,737.67.

- l. As of May 12, 2014, when Defendant should have had in excess of \$117,000.00 for clients B. Cutler, J. Ruffin, J. Reid, J. Tellez and children, N. Awadallah, L. Tetterton, J. Blount, D. Marshburn, S. Smith, B. Frank, M. Harris, Z. Hudgins, W. Lupton, M. Best, and T. Shelborne, the balance of the trust account was \$833.17.
- m. As of June 11, 2014, when Defendant should have had in excess of \$122,000.00 for clients B. Cutler, J. Ruffin, J. Reid, J. Tellez and children, N. Awadallah, L. Tetterton, J. Blount, D. Marshburn, S. Smith, B. Frank, M. Harris, Z. Hudgins, W. Lupton, M. Best, and T. Shelborne, and C. Wainwright, the balance of the trust account was \$568.45.
- n. As of July 28, 2014, when Defendant should have had in excess of \$154,000.00 for clients B. Cutler, J. Ruffin, J. Reid, J. Tellez and children, N. Awadallah, L. Tetterton, J. Blount, D. Marshburn, S. Smith, B. Frank, M. Harris, Z. Hudgins, W. Lupton, M. Best, and T. Shelborne, B. Lassiter, and A. Mooring, the balance of the trust account was \$21,171.12.
- o. As of August 21, 2014, when Defendant should have had in excess of \$154,000.00 for clients B. Cutler, J. Ruffin, J. Reid, J. Tellez and children, N. Awadallah, L. Tetterton, J. Blount, D. Marshburn, S. Smith, B. Frank, M. Harris, Z. Hudgins, W. Lupton, M. Best, and T. Shelborne, B. Lassiter, and A. Mooring, the balance of the trust account was \$4,687.79.
- p. As of December 1, 2014, when Defendant should have had in excess of \$167,000.00 for clients B. Cutler, J. Ruffin, J. Reid, J. Tellez and children, N. Awadallah, L. Tetterton, J. Blount, D. Marshburn, S. Smith, B. Frank, M. Harris, Z. Hudgins, W. Lupton, M. Best, and T. Shelborne, B. Lassiter, A. Mooring, and E. Pugh, the balance of the trust account was \$2,774.20.
- q. As of March 4, 2015, when Defendant should have had in excess of \$170,000.00 for clients B. Cutler, J. Ruffin, J. Reid, J. Tellez and children, N. Awadallah, L. Tetterton, J. Blount, D. Marshburn, S. Smith, B. Frank, M. Harris, Z. Hudgins, W. Lupton, M. Best, and T. Shelborne, B. Lassiter, A. Mooring, E. Pugh, and D. Backman, the balance of the trust account was \$772.65.
- r. As of April 17, 2015, when Defendant should have had in excess of \$173,000.00 for clients B. Cutler, J. Ruffin, J. Reid, J. Tellez and children, N. Awadallah, L. Tetterton, J. Blount, D. Marshburn, S. Smith, B. Frank, M. Harris, Z. Hudgins, W. Lupton, M. Best, and T. Shelborne, B. Lassiter, A. Mooring, E. Pugh, and D. Backman, the balance of the trust account was \$67.65.
- s. As of June 17, 2015, when Defendant should have had in excess of \$191,000.00 for clients B. Cutler, J. Ruffin, J. Reid, J. Tellez and children,

N. Awadallah, L. Tetterton, J. Blount, D. Marshburn, S. Smith, B. Frank, M. Harris, Z. Hudgins, W. Lupton, M. Best, and T. Shelborne, B. Lassiter, A. Mooring, E. Pugh, and D. Backman, the balance of the trust account was \$44.60.

- t. As of August 25, 2015, when Defendant should have had in excess of \$221,000.00 for clients B. Cutler, J. Ruffin, J. Reid, J. Tellez and children, N. Awadallah, L. Tetterton, J. Blount, D. Marshburn, S. Smith, B. Frank, M. Harris, Z. Hudgins, W. Lupton, M. Best, and T. Shelborne, B. Lassiter, E. Pugh, D. Backman, R. Murphy, and J. Bailey, the balance of the trust account was \$16,952.23.

13. Between November 2012 and July 2015, Defendant disbursed funds from the trust account through improper means and without proper identification of the client whose funds were being disbursed, including as follows:

- a. Electronic transfer from the trust account to his operating account with no client identification;
- b. Debit counter withdrawal from the trust account with no client identification;
- c. Checks drawn on the trust account made payable to Defendant's firm with no client identification;
- d. Checks drawn on the trust account made payable to Defendant's firm with a deceptive client identification, where the identified client had no money in the trust account at the time of the disbursement, had insufficient funds in the trust account for the disbursement, or otherwise did not owe Defendant or his firm the funds Defendant disbursed to his firm from the trust account.

14. Through the above-described means, Defendant disbursed to himself, through his firm, funds to which he was not entitled and misappropriated entrusted funds from his the trust account for his personal use and benefit.

15. Additionally, Defendant misappropriated entrusted funds by depositing entrusted funds to which he was not entitled directly into his operating account or expense account, including as follows:

- a. On November 25, 2013, Defendant deposited \$1,000.00 from National General Insurance for client D. Marshburn into the operating account.
- b. On September 8, 2015, Defendant deposited \$2,000.00 from N.C. Farm Bureau Mutual Insurance Company for client S. Goodson into the expense account.

- c. On September 17, 2015, Defendant deposited \$2,000.00 from National General Insurance for client S. Goodson into the expense account.
- 16. Through his misappropriation of entrusted funds, Defendant benefitted personally and alleviated personal financial need, including as follows:
 - a. On December 28, 2012, Defendant disbursed \$18,333.33 from the trust account to his law firm from the personal injury settlement funds of client B. Cutler that were deposited in the trust account in November and December 2012. Defendant was only entitled to a total of \$14,709.42 in attorney's fees and costs from B. Cutler's personal injury settlement and had already disbursed \$6,666.67 to his firm from B. Cutler's personal injury settlement funds. Defendant deposited this \$18,333.33 into the operating account, which had a balance of \$5,332.71 prior to this deposit. Within 12 days following the deposit of B. Cutler's funds into the operating account, Defendant spent \$21,334.35 from the operating account, including disbursing \$7,000.00 to himself, \$1,000.00 to the expense account, and \$3,482.74 to the US Treasury, leaving a balance of \$2,331.69. By January 16, 2013, the balance of the operating account was \$267.53.
 - b. On February 15, 2013, Defendant disbursed \$4,071.90 from the trust account to his law firm attributed to client B. Cutler. Defendant was not entitled to these funds, having already disbursed to his firm more than the \$14,709.42 to which he was entitled for attorney's fees and costs from B. Cutler's personal injury settlement. Defendant deposited this \$4,071.90 into the operating account, which had a balance of \$200.00 prior to this deposit. Within 14 days following this deposit of B. Cutler's funds into the operating account, Defendant spent \$4,257.54 from the operating account, including disbursing \$1,500.00 to himself and the remainder on personal expenses. By March 1, 2013, the balance of the operating account was \$14.36.
 - c. On April 25, 2013, Defendant disbursed \$7,833.33 from the trust account to his law firm from client V. Parker's funds, instead of the \$2,833.33 fee to which he was entitled. Defendant deposited this \$7,833.33 into the operating account, which had a balance of \$491.93 prior to this deposit. Within eight days, by May 3, 2013, Defendant had spent \$7,627.55 of this \$7,833.33 from the operating account, including disbursing a total of \$4,600.00 to himself, \$70.00 to the expense account, and the remainder to pay bills and expenses.
 - d. On August 28, 2013, Defendant disbursed \$8,333.33 from the trust account to his law firm attributed to client R. Murphy. At the time of this disbursement, however, there were no funds for R. Murphy in the trust account. R. Murphy's settlement did not occur until July 2015. Defendant

deposited the \$8,333.33 from the trust account into the operating account. The balance of the operating account prior to this deposit was negative, in the amount of -\$1,620.32.

- e. On September 13, 2013, Defendant disbursed \$2,533.33 from the trust account to his law firm with no identification of any client from whose balance in the trust account the funds were being disbursed. Defendant deposited this \$2,533.33 into the operating account, which had a balance of \$120.19 prior to this deposit. Within four days, by September 17, 2013, the balance in the operating account was \$106.40. Within ten days, by September 23, 2013, the balance in the operating account was negative, in the amount of -\$1,509.55. Defendant had paid \$1,300.00 to himself from the operating account and paid for various bills and expenses.
- f. On October 15, 2013, Defendant disbursed \$2,699.99 from the trust account to his law firm attributed to client R. Dixon to which he was not entitled, having already disbursed his \$2,699.99 attorney fee in the R. Dixon case from the trust account to his firm on October 7, 2013. Defendant deposited the \$2,699.99 issued from the trust account on October 15, 2013 into the operating account on that same date. The balance of the operating account prior to this deposit was negative, in the amount of -\$73.59.
- g. On October 29, 2013, Defendant disbursed \$3,200.00 from the trust account to his law firm with no identification of any client from whose balance in the trust account the funds were being disbursed. Defendant deposited this \$3,200.00 into the operating account, which had a negative balance in the amount of -\$415.27 prior to this deposit.
- h. On November 12, 2013, Defendant disbursed \$550.00 from the trust account to his law firm attributed to client J. Blount. At the time of this disbursement, however, there were no funds for J. Blount in the trust account. No funds for J. Blount were deposited into the trust account until December 6, 2013. Defendant deposited the \$550 from the trust account into the operating account. The balance of the operating account prior to this deposit was \$23.53.
- i. On November 25, 2013, Defendant deposited \$1,000.00 of entrusted client funds for client D. Marshburn into the operating account instead of the trust account. The balance of the operating account prior to this deposit was negative, in the amount of -\$212.62.
- j. On December 13, 2013, Defendant disbursed \$10,000.00 from the trust account to his law firm with no identification of any client from whose balance in the trust account the funds were being disbursed. Defendant deposited this \$10,000.00 into the operating account, which had a balance

of \$3,496.55 prior to this deposit. By December 17, 2013, the balance in the operating account was \$1,660.19, with Defendant having paid \$9,493.75 on December 16, 2013 for six months' worth of past due rent and utilities, in addition to paying for other bills and expenses.

- k. On January 13, 2014, Defendant disbursed \$1,666.66 from the trust account to his law firm with no identification of any client from whose balance in the trust account the funds were being disbursed. Defendant deposited this \$1,666.66 into the operating account, which had a balance of \$403.81 prior to this deposit. By the following day, on January 14, 2014, the balance in the operating account was \$195.47, as a result of Defendant having issued a check to himself from the operating account for \$600.00, a check to cash for \$275.00, and paid \$1,000.00 to American Express.
- l. On February 24, 2014, Defendant disbursed \$2,100.00 from the trust account to his law firm with no identification of any client from whose balance in the trust account the funds were being disbursed. Defendant deposited this \$2,100.00 into the operating account, which had a balance of \$1,194.82 prior to this deposit. Two days later, on February 26, 2014, the balance in the operating account was \$52.47, with Defendant having issued a check to himself from the operating account for \$450.00 and paid \$1,803.75 to American Express, in addition to paying for other bills and expenses.
- m. On February 28, 2014, Defendant disbursed \$1,500.00 from the trust account to his law firm with no identification of any client from whose balance in the trust account the funds were being disbursed. Defendant deposited this \$1,500.00 into the operating account, which had a balance of \$52.47 prior to this deposit. Five days later, on March 5, 2014, the balance in the operating account was negative, in the amount of -\$1,447.41, with Defendant having issued a check to himself from the operating account for \$1,000.00 and paid various bills and expenses.
- n. On March 6, 2014, Defendant disbursed \$2,666.00 from the trust account to his law firm attributed to client B. Frank. Defendant was not entitled to these funds, having previously received his attorney's fees and costs from this client's funds in the trust account. Defendant deposited this \$2,666.00 into the operating account, which had a negative balance in the amount of -\$1,447.41 prior to this deposit.
- o. On May 5, 2014, Defendant disbursed \$1,400.00 from the trust account to his law firm with no identification of any client from whose balance in the trust account the funds were being disbursed. Defendant deposited this \$1,400.00 into the expense account, which had a balance of \$61.20 prior to this deposit. On the same date, Defendant disbursed \$1,150.00 to

himself from the expense account, leaving a balance of \$311.20. By May 7, 2014, the balance in the expense account was \$11.20.

- p. On August 7, 2014, Defendant transferred \$2,500.00 from the trust account to the operating account with no identification of any client from whose balance in the trust account the funds were being disbursed. The operating account had a negative balance of -\$2,089.66 prior to this deposit.
- q. On August 8, 2014, Defendant disbursed \$5,500.00 from the trust account to his law firm with no identification of any client from whose balance in the trust account the funds were being disbursed. Defendant deposited this \$5,500.00 into the operating account; which had a balance of \$10.34 prior to this deposit.
- r. On December 1, 2014, Defendant disbursed \$1,533.33 from the trust account to his law firm with no identification of any client from whose balance in the trust account the funds were being disbursed. Defendant deposited this \$1,533.33 into the operating account, which had a balance of \$20.76 prior to this deposit. As of December 3, 2014, the operating account had a negative balance of -\$528.57. The balance of the operating account remained negative through the end of December. After two additional months' worth of negative balances and charge-offs by the bank, the bank closed the operating account in March 2015.
- s. On December 18, 2014, Defendant disbursed \$500.00 from the trust account to his law firm with no identification of any client from whose balance in the trust account the funds were being disbursed. Defendant deposited this \$500.00 into the expense account, which had a balance of \$11.20 prior to this deposit. On the same date, Defendant disbursed \$450.00 to himself from the expense account, leaving a balance of \$61.20.
- t. On February 5, 2015, Defendant disbursed \$2,750.00 from the trust account to his law firm with no identification of any client from whose balance in the trust account the funds were being disbursed. Defendant deposited this \$2,750.00 into the expense account, which had a negative balance of -\$586.80 prior to this deposit. On the same date, Defendant disbursed \$2,070.00 to himself from the expense account, leaving a balance of \$93.20.
- u. On March 4, 2015, Defendant disbursed \$950.00 from the trust account to his law firm with no identification of any client from whose balance in the trust account the funds were being disbursed. Defendant deposited this \$950.00 into the expense account, which had a negative balance of -\$230.80 prior to this deposit.

- v. On March 25, 2015, Defendant disbursed \$125.00 from the trust account to his law firm attributed to client E. Pugh. Defendant was not entitled to these funds, having previously received his attorney's fees and costs from this client's funds in the trust account. Defendant deposited this \$125.00 into the expense account, which had a negative balance in the amount of -\$50.80 prior to this deposit. On March 26 and 27, 2015, Defendant disbursed funds from the trust account to his law firm with no client identification that he also deposited into his expense account, in the amounts of \$4,000.00 and \$1,900.00, respectively.
- w. On September 8, 2015, Defendant deposited \$2,000.00 of entrusted client funds for client S. Goodson into the expense account. The expense account had a negative balance of -\$142.36 prior to this deposit.
- x. On September 17, 2015, Defendant deposited \$2,000.00 of entrusted client funds for client S. Goodson into the expense account. The expense account had a negative balance of -\$338.79 prior to this deposit.

17. Defendant did not report his many acts of misappropriation to the North Carolina State Bar.

18. In June 2015, J. Reid filed a grievance with the North Carolina State Bar concerning Defendant's handling of his entrusted funds. The State Bar initiated a grievance investigation, opening file 15G0809 and requesting trust account records from Defendant.

19. In October and November 2015, the North Carolina State Bar received four additional complaints concerning Defendant's handling of entrusted funds, from or on behalf of clients of Defendant. The State Bar opened four additional grievance files: 15G1054, concerning Defendant's handling of J. Tellez's funds; 15G1115, concerning Defendant's handling of E. Pugh's funds; 15G1142, concerning Defendant's handling of W. Lupton's funds; and 15G1168, concerning Defendant's handling of D. Backman's funds.

20. On November 5, 2015, a State Bar investigator personally served Defendant with letters of notice in the three grievance files opened prior to November 2015, which were 15G0809, 15G1054, and 15G1115. Defendant had fifteen days from service to respond to the State Bar's inquiries in these disciplinary matters.

21. Defendant failed to respond to the inquiry of the State Bar in disciplinary matters 15G0809, 15G1054, and 15G1115.

22. The State Bar investigator interviewed Defendant on November 5, 2015 concerning his handling of entrusted funds. During this interview, Defendant admitted the following:

- a. He thought the records would show he deposited entrusted funds into the expense account.
- b. That when he issued checks from the trust account to pay J. Reid's medical expenses after J. Reid complained to the State Bar, other clients' funds in the trust account were used to pay those expenses.

Based upon the pleadings, Defendant's default, and the foregoing Findings of Fact, the Hearing Panel enters the following:

CONCLUSIONS OF LAW

1. 27 N.C. Admin. Code § 1B.0114(f) provides that, upon entry of the defendant's default by the Secretary of the State Bar, counsel may apply to the hearing committee for a default order and the hearing committee will thereupon enter an order, making findings of fact and conclusions of law based on the allegations deemed admitted upon the entry of default.
2. All parties are properly before the Hearing Committee, and the Committee has jurisdiction over Defendant and the subject matter of this proceeding.
3. A proper entry of default has been entered by the Secretary of the State Bar and Defendant has failed to file any responsive pleading in this matter.
4. The allegations of the Plaintiff's complaint are deemed admitted by the entry of default.
5. Defendant's foregoing actions constitute grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2), for violation of the following Rules of Professional Conduct in effect at the time of the conduct:

- (a) By disbursing to himself entrusted funds from the trust account to which he was not entitled, Defendant failed to hold and maintain separate from his property the entrusted funds of his clients in violation of Rule 1.15-2(a), used entrusted funds for his personal benefit in violation of Rule 1.15-2(j), and failed to promptly pay or deliver entrusted funds in violation of Rule 1.15-2(m);
- (b) By knowingly disbursing to himself entrusted funds to which he was not entitled, Defendant committed criminal acts that reflect adversely on his honesty, trustworthiness, or fitness in other respects in violation of Rule 8.4(b), and engaged in conduct involving dishonesty, fraud, deceit, and misrepresentation in violation of Rule 8.4(c);
- (c) By using checks made payable to himself without client attribution, electronic transfer, and counter withdrawal to disburse funds from the trust

account in a manner that failed to produce the record required under Rule 1.15-3(b)(2) identifying the client from whose funds in the trust account the disbursement was being made, Defendant failed to disburse entrusted funds in accordance with Rule 1.15 in violation of Rule 1.15-2(a), and failed to maintain requisite records for the trust account in violation of Rule 1.15-3(b)(2);

- (d) By failing to report his misappropriation of entrusted funds to the North Carolina State Bar, Defendant failed to promptly inform the North Carolina State Bar of the misappropriation of entrusted funds in violation of Rule 1.15-2(o);
- (e) By failing to respond to the letters of notice issued to him by the State Bar in its grievance investigations, Defendant knowingly failed, in connection with disciplinary matters, to respond to lawful demands for information from a disciplinary authority in violation of Rule 8.1(b).

6. Defendant's foregoing actions also constitute grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(3), for failure to answer the formal inquiries issued by the North Carolina State Bar in disciplinary matters.

Based on the foregoing Findings of Fact and Conclusions of Law, the Hearing Panel hereby finds by clear, cogent and convincing evidence the following additional

FINDINGS OF FACT REGARDING DISCIPLINE

1. The findings of fact in paragraphs 1 – 22 above are reincorporated as if set forth herein.

2. Defendant diverted funds that should have been available for clients and converted them to his own use.

3. Defendant misappropriated entrusted funds over the course of several years to satisfy personal financial needs throughout that period of time.

4. Defendant failed to participate in the profession's self-regulation, by failing to report his misappropriation to the North Carolina State Bar and failing to respond to the letters of notice concerning his handling of entrusted funds.

5. Defendant placed his own personal interests over those of his clients.

6. Defendant, by engaging in conduct involving misappropriation, misrepresentation and deceit for a substantial period of time, has shown himself to be untrustworthy.

7. The perception of the profession in the eyes of clients and the public is negatively affected by an attorney's misappropriation of entrusted funds belonging to clients.

8. Defendant has no prior record of disciplinary offenses.

9. Defendant has been licensed since 1986. With his degree of experience, Defendant should have known better than to engage in these acts that have led to the discipline imposed in this order.

10. The Hearing Panel finds by clear, cogent, and convincing evidence any additional facts that may be contained in the conclusions regarding discipline set out below.

Based on the foregoing Findings of Fact, Conclusions of Law, and Additional Findings Regarding Discipline, the Hearing Panel enters the following

CONCLUSIONS REGARDING DISCIPLINE

1. The Hearing Panel carefully considered all of the different forms of discipline available to it.

2. The Hearing Panel considered all of the factors enumerated in 27 N.C. Admin. Code § 1B.0114(w)(1), (2) and (3) and determined that the following factors are applicable:

27 N.C. Admin. Code § 1B.0114(w)(1)

- a. Factor (B), Intent of Defendant to commit acts where the harm or potential harm is foreseeable;
- b. Factor (C), Circumstances reflecting Defendant's lack of honesty, trustworthiness, or integrity;
- c. Factor (D), Elevation of Defendant's own interest above those of his clients;
- d. Factor (E), Negative impact of Defendant's actions on client's or public's perception of the profession;
- e. Factor (I), Acts of dishonesty, misrepresentation, deceit or fabrication;

27 N.C. Admin. Code § 1B.0114(w)(2)

- f. Factor (A), Acts of dishonesty, misrepresentation, deceit or fabrication;

g. Factor (C), Misappropriation or conversion of assets of any kind to which Defendant or recipient was not entitled, whether from a client or any other source;

h. Factor (D), Commission of a felony;

27 N.C. Admin. Code § 1B.0114(w)(3)

i. Factor (A), No prior record of disciplinary offenses;

j. Factor (C), Dishonest or selfish motive;

k. Factor (F), A pattern of misconduct;

l. Factor (G), Multiple offenses;

m. Factor (K), Absence of full and free disclosure to the Hearing Panel;

n. Factor (R), Vulnerability of the victims; and

o. Factor (S), Substantial degree of experience in the practice of law.

3. The factors present under 27 N.C. Admin. Code § 1B.0114(w)(1) and (2) support imposition of disbarment in this case.

4. Defendant caused significant harm to his clients by misappropriating their entrusted funds.

5. Proper maintenance and management of entrusted funds is a cornerstone of the public's trust in the legal profession. Embezzlement is one of the most serious offenses an attorney can commit, betraying the client's trust in the attorney and the public's trust in the legal profession. Defendant's misappropriation caused harm to the standing of the legal profession, undermining trust and confidence in lawyers and the legal system.

6. Defendant's repeated commission of criminal acts reflecting adversely on his honesty, trustworthiness or fitness as a lawyer caused potential significant harm to the legal profession, in that criminal conduct tends to bring the legal profession into disrepute.

7. Defendant's failure to respond to the letter of notice from the State Bar and failure to participate in this disciplinary proceeding before the DHC results in potential significant harm to the profession and to the public. The legal profession is entrusted with the privilege of self-regulation. The State Bar can only regulate the

profession if its members respond to inquiries of the State Bar and otherwise participate. Defendant's failure to respond to the State Bar and participate in this disciplinary proceeding before the DHC shows an unacceptable disregard for the regulatory authority of the State Bar. Defendant's failure to participate in the profession's self-regulation impedes effective self-regulation and jeopardizes the privilege of the profession to remain self-regulating.

8. The Hearing Panel has considered lesser alternatives and finds that suspension of Defendant's license or a public censure, reprimand, or admonition would not be sufficient discipline because of the gravity of the actual and potential harm to his clients, the public, the administration of justice, and the legal profession caused by Defendant's conduct, and the threat of potential significant harm Defendant poses to the public.

9. The Hearing Panel considered all lesser sanctions and finds that discipline short of disbarment would not adequately protect the public for the following reasons:

- a. Defendant repeatedly engaged in criminal acts reflecting adversely on his honesty, trustworthiness or fitness as a lawyer, and abused the trust placed in him by his clients. Misappropriation of entrusted funds is among the most serious misconduct in which an attorney can engage, and demonstrates the attorney is not trustworthy;
- b. Entry of an order imposing less serious discipline would fail to acknowledge the seriousness of the offenses Defendant committed and would send the wrong message to attorneys and the public regarding the conduct expected of members of the Bar of this State; and
- c. The protection of the public and the legal profession requires that Defendant not be permitted to resume the practice of law until he demonstrates the following: that he has reformed; that he understands his obligations to his clients, the public, and the legal profession; and that permitting him to practice law will not be detrimental to the public or the integrity and standing of the legal profession or the administration of justice. Disbarred lawyers are required to make such a showing before they may resume practicing law.

Based on the foregoing Findings of Fact, Conclusions of Law, and additional Findings of Fact and Conclusions of Law Regarding Discipline, the Hearing Panel hereby enters the following

ORDER OF DISCIPLINE

1. Defendant, R. Alfred Patrick, is hereby DISBARRED from the practice of law.

2. Defendant shall surrender his North Carolina law license and membership card to the Secretary of the North Carolina State Bar no later than 30 days following service of this order upon Defendant.

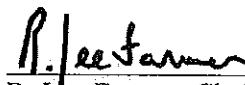
3. Defendant shall pay the fees and the costs of this proceeding as assessed by the Secretary of the North Carolina State Bar. Defendant must pay the fees and costs within 30 days of service upon him of the statement of fees and costs by the Secretary.

4. Defendant shall comply with all provisions of 27 N.C. Admin. Code § 1B.0124 of the North Carolina State Bar Discipline & Disability Rules.

5. Within 15 days of the effective date of this Order Defendant shall provide the State Bar with an address and telephone number at which clients seeking return of files can communicate with Defendant and obtain such files. This address must be a physical address at which Defendant maintains a consistent presence and receives mail. Defendant must keep this information current with the State Bar, providing updated information to the State Bar within 15 days of any change.

6. Defendant shall promptly return client files in his possession, custody, or control to clients upon request, within 5 days of receipt of such request. Defendant will be deemed to have received any such request 3 days after the date such request is sent to Defendant, if the request is sent to the address Defendant provided the State Bar pursuant to the preceding paragraph or to Defendant's address of record with the State Bar if Defendant fails to provide another address pursuant to the preceding paragraph.

Signed by the Chair with the consent of the other Hearing Panel members, this the 24th day of October, 2016.


R. Lee Farmer,
Chair
Disciplinary Hearing Panel

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NEXT FILE !!!!!!!!,1026

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
14G0586

IN THE MATTER OF)
)
JOHN J. PECK,)
ATTORNEY AT LAW)

On July 27, 2017 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by B. S. 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.

E.S. was an 89-year-old with profound dementia. You were hired by E.S.'s wife and step-daughter, in her capacity as the wife's POA to formulate an estate plan for the wife and "implementation of a Medicaid plan" for E.S. E.S.'s wife had some health difficulties that threatened to hinder her ability to act as E.S.'s POA. Based entirely on consultation with the wife and step-daughter, you prepared a number of documents, including a power of attorney

naming the step-daughter as E.S.'s attorney-in-fact so she could act on E.S.'s behalf if the wife's health prevented the wife from fulfilling that role, and a post-marital agreement for the couple, which the wife signed on her own behalf and on E.S.'s behalf as his attorney-in-fact. You presented the power-of-attorney to E.S. for his signature without providing any meaningful explanation of the document.

Your representation of E.S. had the potential to be materially limited by your representation of the wife, and you did not obtain written confirmation of either party's consent to the potential conflict, in violation of Rule 1.7. By representing E.S. without communicating with him, you failed to maintain "as far as reasonably possible," a normal attorney-client relationship with a client with diminished capacity, in violation of Rule 1.14(a). You also allowed the person who paid your fee to direct your professional judgment in representing E.S., in violation of Rule 5.4(c).

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 5th day of September, 2017.



DeWitt "Mac" McCarley, Chair
Grievance Committee

DM/lb

kyle,asdf
NEXT FILE !!!!!!!!,1053

WAKE COUNTY
NORTH CAROLINA



BEFORE THE
COUNCIL
OF THE
NORTH CAROLINA STATE BAR
16 BCR 1

IN RE REINSTATEMENT PETITION OF)
)
)
RICHARD S. POE)

ORDER OF
REINSTATEMENT

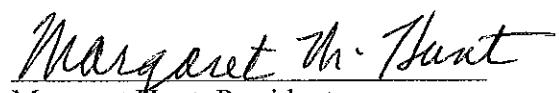
The petition for reinstatement of Richard S. Poe came on for hearing before the Council of the North Carolina State Bar on October 28, 2016 with the petitioner represented by F. Lane Williamson and A. Root Edmonson appeared on behalf of the State Bar.

At least 30 days prior to the hearing before the Council, a copy of the transcript of the June 15, 2016 hearing before a three member panel of the Disciplinary Hearing Commission, each exhibit offered at the hearing, a video and transcript of a witness offered by the State Bar who testified prior to the hearing by deposition, and the recommendation of the panel to the Council entitled Report of the Hearing Panel Recommending Petitioner's Reinstatement filed by the Chair of the panel on July 11, 2016 was made available to the each Councilors on EDDS.

BASED UPON the above-described record and the arguments of counsel, a motion was made and seconded that Richard S. Poe's petition for reinstatement be allowed without condition. Upon a vote of the Council, that motion passed.

WHEREFORE, the petition for reinstatement of Richard S. Poe is hereby allowed.
Richard S. Poe is hereby REINSTATED to the practice of law in North Carolina.

This is the 28th day of October 2016.


Margaret Hunt, President
North Carolina State Bar

WAKE COUNTY
NORTH CAROLINA



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
16 BCR 1

IN RE REINSTATEMENT PETITION OF)
)
)
) **REPORT OF THE HEARING**
)
) **PANEL RECOMMENDING PETITIONER'S**
) **REINSTATEMENT**
RICHARD S. POE)

On June 15, 2016, a hearing panel of the Disciplinary Hearing Commission composed of Barbara B. Weyher, Chair; Fred M. Morelock and Patti Head heard the above-referenced matter pursuant to 27 NCAC 1B, Sec. .0125(a). F. Lane Williamson represented Petitioner Richard S. Poe and A. Root Edmonson represented the North Carolina State Bar. Pursuant to 27 NCAC 1B, Sec. .0125(a)(3), the Petitioner had the burden of proving that he had satisfied all of the elements qualifying him for reinstatement by clear, cogent and convincing evidence.

Based upon the evidence presented at the hearing, the hearing panel makes the following:

FINDINGS OF FACT

The parties stipulated to the following elements set forth in Sec.0125 (a)(3):

1. Poe was licensed to practice law in North Carolina on August 22, 1981.
2. Poe surrendered his license and was disbarred pursuant to a Consent Order entered in Wake County Superior Court on June 30, 2010.
3. Poe has caused to be published in the Winter, 2015 edition of the North Carolina State Bar Journal a notice of his intent to seek reinstatement.
4. By letter dated December 10, 2015, counsel for Poe notified the complainant in the disciplinary proceeding which led to Poe's disbarment of the notice to seek reinstatement.
5. Poe was never charged with or convicted of a criminal offense relating to the misconduct which resulted in the Order of Disbarment, and thus never lost his citizenship.
6. There were no applicable orders of the Disciplinary Hearing Commission or of the Council of the North Carolina State Bar relating to Poe's disbarment.
7. The Client Security Fund did not disburse any funds as a result of Poe's misconduct.

8. Poe has paid all dues, Client Security Fund assessments, and late fees owed to the North Carolina State Bar, as well as all attendee fees and late penalties due and owing to the Board of Continuing Legal Education at the time of his disbarment.

The following facts were established by evidence presented at the hearing:

9. Prior to his disbarment, Poe primarily practiced in the field of residential real estate law and was employed with several law firms.
10. In October of 2009 Poe was hired as an associate by the firm of McMillan and Terry, P.A. ("the Firm").
11. Poe did not have a written employment agreement with the Firm.
12. Poe and Ralph McMillan, the senior partner of the Firm, orally agreed at a meeting between the two at the Southpark Mall in Charlotte that the Firm would pay Poe \$10,000 per month.
13. Poe testified that he informed McMillan at the meeting that Poe occasionally did expert witness work for Lawyers Mutual Insurance Company and others, as well as certain minor work that did not require law firm resources, and that at his former firm he was allowed to keep fees for such work as his own. McMillan testified that he had no recollection of a discussion about this topic.
14. While the panel does not find either that there was or was not an agreement between Poe and the Firm regarding Poe's fees for expert witness consulting and minor work, the panel does find that there was at least a misunderstanding and genuine dispute as to Poe's entitlement to such fees.
15. On Christmas Eve, December 24, 2009, McMillan called Poe by telephone and told Poe that the Firm would reduce Poe's pay to minimum wage because Poe's real estate closing originations were fewer than anticipated.
16. The sudden and unexpected reduction in his salary caused great anxiety for Poe and created a substantial financial burden.
17. Although Poe protested the salary reduction, he continued to work at the Firm with the expectation that his compensation would eventually be increased.
18. On March 16, 2010, McMillan and the other members of the Firm confronted Poe with several checks for legal work totaling \$3,787.50 that Poe had endorsed and deposited into his personal account.
19. Poe endorsed the name of the Firm on some of the checks without the Firm's authorization or consent. Although Poe believed at the time of his surrender that he had

endorsed the name of one of the Firm members on some of the checks, the evidence does not support that.

20. All of the checks were for either expert witness fees or minor matters to which Poe believed he was entitled.
21. The Firm immediately terminated Poe and escorted him from the office.
22. Poe reimbursed the Firm for the entire \$3,787.50 by obtaining a certified check from his bank that same day and tendering it to the Firm.
23. The following day, March 17, 2010, McMillan called the North Carolina State Bar to report the incident. He followed up with a written grievance by letter dated March 23, 2010.
24. Sometime later the Firm allowed Poe to return to the Firm to retrieve his personal belongings. Although McMillan was not present on this occasion, Poe met with the other named partner, Daniel Terry, and apologized to Terry for what had happened.
25. Both before and after his termination from the Firm and his disbarment, Poe has been very active in his church and other charitable activities. For instance, he has sung in the choir, served as a substitute pianist, taught Sunday School and Disciple Bible classes and has been active in Crisis Assistance Ministry and Habitat for Humanity.
26. For several months after his termination from the Firm and his disbarment, Poe was unemployed and suffered from depression and financial anxiety for which he received counseling through his church. Nevertheless, he actually increased his devotion to charitable activities during this period.
27. Given that Poe was an employee of the Firm, there was little for Poe to do to wind down his practice other than to close a trust account that he had maintained prior to being employed by the Firm. Poe did close the account after his disbarment.
28. Subsequent to his disbarment, Poe passed the real estate licensing exam for both North Carolina and South Carolina, and obtained his real estate license in both states following hearings where each licensing body was aware of his disbarment.
29. In late March of 2013, Poe was hired as a paralegal by Lancaster and Trotter, P.A. ("LT") a law firm in Charlotte specializing in residential real estate. His title is "closing coordinator."
30. Raymond Lancaster, the senior partner of LT, testified at the hearing. He and Poe have known each other since elementary school and were classmates at Wake Forest Law School.

31. Prior to being hired to work at LT, Poe researched and discussed with Lancaster the restrictions that would apply to Poe's activities at the firm required by applicable ethical rules and opinions in order for Poe to avoid engaging in the unauthorized practice of law. LT and Poe have a clear understanding of these limits and have been scrupulous in adhering to them.
32. Poe has attended continuing education programs, including both programs relating to various real estate topics required to maintain his real estate license, as well as continuing legal education programs. The latter include programs he has attended within the past year on ethics and professionalism, substance abuse prevention, and a two day program on Real Property Practical Skills. He has made a particular effort to study the new TRID regulations governing residential real estate practice.
33. Poe acknowledged at the time of his misconduct, and still acknowledges, his responsibility for the moral and legal wrong that he engaged in by forging the endorsements on the checks for the disputed fees and not resolving the dispute over entitlement to the fees in an open and forthright manner with the Firm.
34. Poe had an excellent reputation as an attorney for competence and good character, as evidenced by the numerous letters submitted in support of his reinstatement and the testimony of witnesses Raymond Lancaster and David Dulin. It is especially noteworthy that Daniel Terry, a partner in the Firm at the time of Poe's misconduct and disbarment, submitted a letter unequivocally supporting Poe's reinstatement.
35. Ralph McMillan and his law partner Michelle Psaroudis were the only persons who either by letter or testimony expressed opposition to Poe's reinstatement.
36. Because Poe's misconduct resulted from a private dispute with the Firm, Poe's disbarment did not have an adverse impact on the public's perception of lawyers in North Carolina and had no impact on the administration of justice.
37. Poe and Lancaster intend for Poe to practice with the LT firm if Poe is reinstated to the practice of law.

BASED UPON the foregoing FINDINGS OF FACT, the panel makes the following:

CONCLUSIONS OF LAW

1. Poe has reformed and presently possesses the moral qualifications required for admission to practice law in this State taking into account the gravity of the misconduct which resulted in the Order of Disbarment.
2. The gravity of the misconduct by Poe which resulted in the Order of Disbarment was moderate.

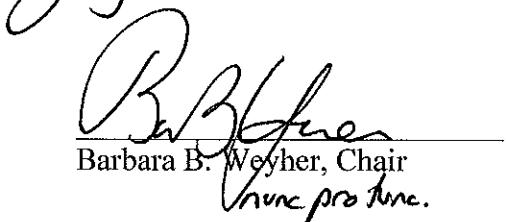
3. Permitting Poe to resume the practice of law within the State will not be detrimental to the integrity and standing of the bar, to the administration of justice, or to the public interest, taking into account the gravity of the misconduct which resulted in the Order of Disbarment.
4. At the time of his disbarment, Poe properly wound down his law practice and complied with the provisions of Subchapter B, Section .0124 of the Rules and Regulations of the North Carolina State Bar.
5. Poe has complied with the Consent Order of Disbarment entered in Wake County Superior Court.
6. Poe has not engaged in the unauthorized practice of law during the period of disbarment.
7. Poe understands the current Rules of Professional Conduct.
8. Poe has the competency and learning in the law required to practice law in this State.
9. Poe has satisfied all of the requirements for eligibility for reinstatement set forth in 27 NCAC 1B, Sec. 0125(a).

WHEREFORE, BASED UPON the foregoing Findings of Fact and Conclusions of Law, the panel make the following:

RECOMMENDATION TO THE COUNCIL

1. That Richard S. Poe's license to practice law in North Carolina be **reinstated** without conditions.
2. That the costs of the hearing and producing and transmitting the record to the Council be taxed to Poe.

Signed by the undersigned Chair of the hearing panel with the full knowledge and consent of the other members of the panel this 15 day of July, 2016.


Barbara B. Weyher, Chair
Weyher Law, Inc.

kyle,asdf
NEXT FILE !!!!!!!!,1059

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
16G1171

IN THE MATTER OF)
SAMUEL S. POPKIN,) REPRIMAND
ATTORNEY AT LAW)

On July 27, 2017 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by J. H. 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.

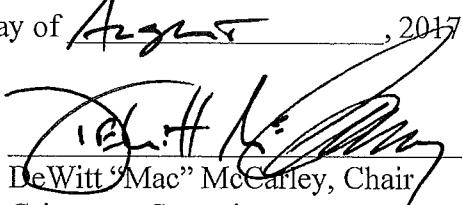
You were appointed to represent J.H. in a Termination of Parental Rights case. J.H. tried to reach you for information about the case and you failed to return his calls. Although you stated that you had no records of J.H.'s calls, you did not deny the failure to communicate. You were served with notice of the grievance and you were sent a second letter when your response was late. You did not request an extension of time to respond to the grievance, but your response was

nearly a full month late. You therefore violated Rules 1.4(a)(3) and (4) and 8.1(b). While the Grievance Committee acknowledges that you were working on a high profile trial at the time that you were served with the grievance, your prior discipline for similar conduct was also a factor in the final decision.

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 15th day of August, 2017.



DeWitt "Mac" McCarley, Chair
Grievance Committee

DM/lb

kyle,asdf
NEXT FILE !!!!!!!!,1065

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
16G1373 & 17G0056

IN THE MATTER OF)
)
SONIA M. PRIVETTE,) REPRIMAND
ATTORNEY AT LAW)

On July 27, 2017 the Grievance Committee of the North Carolina State Bar met and considered the grievances filed against you by D. A. and M. O. 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 responses to the letters 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 represented Ms. D. A. in a divorce, child custody and support case from December 2013 until July 2015. You admitted that you did not communicate with Ms. A. from December 2014 until September 2015. The Grievance Committee found that you did not adequately communicate with your client in violation of Rule 1.4(a)(3)(4) of the Rules of Professional Conduct.

In July 2016, Ms. A terminated your services and asked for a copy of her file. You admit that you did not timely respond to Ms. A.'s request for the file. In September 2016, Ms. Judy Treadwell of the State Bar's Attorney Client Assistance Program told you that Ms. A. wanted a copy of her file. However, you did not turn over the file at that time. In January 2017, you finally left a message for Ms. A. about turning over her file. You mailed the file to Ms. A. on February 3, 2017. The Grievance Committee found that your failure to promptly return Ms. A's file violated Rule 1.16(d).

You represented Ms. M. O. who was charged with child care subsidy fraud. You admitted that you did not take the "appropriate course of action" in the civil action that you handled for Ms. O. You further stated in your response that your "understanding of the law and possible procedures to follow may have, and appear to have, been erroneous." The Grievance Committee found that you lacked competence in this area in violation of Rule 1.1.

In issuing this reprimand, the Grievance Committee considered your disciplinary history as an aggravating factor. You were admonished in 1990 and 2015 for neglect and failure to communicate with your client.

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 29th day of August, 2017.



DeWitt "Mac" McCarley, Chair
Grievance Committee

DM/lb

kyle,asdf
NEXT FILE !!!!!!!!,1103

WAKE COUNTY

NORTH CAROLINA



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
94 DHC 1

THE NORTH CAROLINA STATE BAR,)
Plaintiff) FINDINGS OF FACT
) AND CONCLUSIONS OF LAW
v.) AND ORDER OF DISCIPLINE
)
GERALD E. RUSH, Attorney)
Defendant)

This matter was heard on the 5th day of December, 1996, before a hearing committee of the Disciplinary Hearing Commission composed of Henry C. Babb Jr., Chair; James R. Fox and R. Stephen Huntley. The plaintiff was represented by Fern E. Gunn. The defendant, Gerald E. Rush, represented himself. This matter was heard on remand from an order of the North Carolina Court of Appeals in N.C. State Bar v. Rush, 121 N.C. App. 488 (1996). The defendant renewed his motion to dismiss the charge and the hearing committee dismissed the motion. Based upon the pleadings, the evidence introduced at the hearing on July 14 and 15, 1994 and the arguments of counsel presented at the hearing on December 5, 1996, the hearing committee hereby enters the following:

FINDINGS OF FACT

1. The North Carolina 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 North Carolina General Statutes and the Rules and Regulations of the North Carolina State Bar.
2. The defendant was admitted to the North Carolina State Bar on October 6, 1975 and was at all times relevant hereto licensed to practice law in North Carolina, subject to the rules, regulations and Rules of Professional Conduct of the North Carolina State Bar.
3. During all times relevant hereto the defendant was actively engaged in the practice of law in Salisbury, North Carolina, and maintained a law office in Salisbury, North Carolina.
4. The defendant was properly served with process and the hearing was held with due notice to all parties.

5. On July 23, 1992, Priscilla Chambers Brown went to the defendant's law office for advice regarding a legal matter.

6. Ms. Brown and the defendant were the only two people present in the defendant's private law office when she sought advice from him.

7. The defendant engaged in unwanted and nonconsensual touchings of Ms. Brown on July 23, 1992 when he rubbed her hair, squeezed her breasts, pressed her legs together with his legs, and pressed down on her shoulders.

8. The defendant tried to make Ms. Brown touch his genitals. He also made inappropriate sexual remarks to her while she was in his private office.

9. Ms. Brown protested to the defendant about his conduct while she was in his private office. Ms. Brown did not make any protest about the defendant's conduct to his secretaries who were in the defendant's outer office when she hurriedly left the defendant's building.

Having found the foregoing findings of fact by clear, cogent, and convincing evidence, the hearing committee hereby enters the following:

CONCLUSIONS OF LAW

1. All parties are properly before the hearing committee and the committee has jurisdiction over the defendant, Gerald E. Rush, and the subject matter.

2. The defendant's touching of Ms. Brown violated N.C. Gen. Stat. Sec. 14-33(b)(2).

3. The defendant's conduct, as set out in the Findings of Fact above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) as follows:

By engaging in the unwanted and nonconsensual touching of a client, Ms. Brown, the defendant committed criminal acts that reflect adversely on his honesty, trustworthiness or fitness as a lawyer in other respects in violation of Rule 1.2(b) of the Rules of Professional Conduct and engaged in conduct that is prejudicial to the administration of justice in violation of Rule 1.2(d) of the Rules of Professional Conduct.

Based upon the foregoing Findings of Fact and Conclusions of Law and upon the evidence and arguments of the parties concerning the appropriate discipline, the hearing committee hereby makes the additional:

FINDINGS OF FACT REGARDING DISCIPLINE

1. The defendant's misconduct is aggravated by the following factors:
 - a. selfish motive;
 - b. vulnerability of the victim;
 - c. breach of the duty of the trust in the attorney-client relationship; and
 - d. substantial experience in the practice of law.
2. The defendant's misconduct is mitigated by the following factors:
 - a. absence of a prior disciplinary record.
3. The aggravating factors outweigh the mitigating factors.

Based upon the foregoing aggravating and mitigating factors and the arguments of the parties, the hearing committee hereby enters the following:

ORDER OF DISCIPLINE

1. The defendant is hereby suspended from the practice of law for three years, and it is ordered that:
 - a. The defendant shall submit his license and membership card to the Secretary of the North Carolina State Bar no later than 30 days following service of this order upon the defendant.
 - b. The discipline shall become effective 30 days following service of this order upon the defendant.
 - c. The defendant shall comply with all provisions of 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0124 of the N.C. State Bar Discipline & Disability Rules.
2. After six months active suspension, the defendant shall be eligible to apply for a stay of the balance of the suspension, upon filing a written petition and demonstrating compliance with the following conditions:
 - a. The defendant shall have received psychiatric counseling from a board certified psychiatrist, acceptable to the North Carolina State Bar, until that psychiatrist shall have indicated that the defendant does not suffer from any condition creating a predisposition for predatory sexual behavior. Furthermore, if after the six-month active period of suspension of the defendant's law license, the psychiatrist opined that the defendant had no predisposition for predatory sexual behavior, but believed that the defendant would benefit from continued psychiatric counseling beyond the six-month

active suspension period, this shall not alone be a bar to granting the stay of the 30 months remaining in the defendant's period of suspension.

b. The defendant shall not have violated any state or federal laws during the period of active suspension.

c. The defendant shall not have violated any provisions of the Rules of Professional Conduct during the period of active suspension.

d. The defendant shall have paid all costs incurred in this proceeding and taxed against the defendant, including Ms. Brown's travel expenses regarding the hearings held on July 14-15, 1994 and December 5, 1996.

e. The defendant shall have complied with all provisions of 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0125(b) of the N.C. State Bar Discipline & Disability Rules.

3. Upon entry of an order staying this suspension and granting the reinstatement of the defendant's license to practice law, the order of stayed suspension shall continue in force for the balance of the term of suspension, provided that the defendant complies with the following conditions:

a. The defendant shall violate no state or federal laws.

b. The defendant shall violate no provisions of the Rules of Professional Conduct.

c. The defendant shall pay any costs incurred in connection with his reinstatement proceeding and assessed against the defendant.

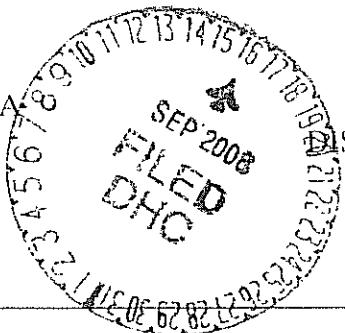
Signed by the chairman with the consent of the other hearing committee members, this the 24 day of January, 1997.



Henry C. Babb Jr.
Chairman
Disciplinary Hearing Commission

kyle,asdf
NEXT FILE !!!!!!!!,1116

NORTH CAROLINA
WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
06 DHC 23 & 08 BSR 3

IN THE MATTER OF)
THE REINSTATEMENT OF:)
))
))
ARCH K. SCHOCH V, Attorney)

ORDER OF REINSTATEMENT

THIS MATTER coming before a hearing committee of the Disciplinary Hearing Commission composed of Tommy W. Jarrett, Chair; J. Michael Booé, and Rebecca Brownlee; with J. Michael Booé having been appointed to replace John M. May who sat on the hearing committee that entered the Order of Discipline in this matter; and pursuant to a Petition for Reinstatement filed by Arch K. Schoch V (“Schoch”) on August 13, 2008, the hearing committee conducted a hearing by telephone conference call on September 8, 2008; with A. Root Edmonson representing the North Carolina State Bar and Alan M. Schneider representing Schoch.

Based upon the petition and its attachments, and with the North Carolina State Bar offering no evidence to contradict the evidence of the petitioner, the hearing committee makes the following:

FINDINGS OF FACT

1. Upon the consent of the parties, a hearing committee of the Disciplinary Hearing Commission (“DHC”) entered Findings of Fact, Conclusions of Law, and Consent Order of Discipline in 06 DHC 23 (“Order of Discipline”) suspending Schoch from the practice of law for three years effective from July 2005 when Schoch voluntarily ceased the practice of law.
2. On August 13, 2008, Schoch filed a petition for reinstatement with accompanying affidavits and attachments showing that he had satisfied the conditions of the Order of Discipline.
3. Counsel for the North Carolina State Bar did not offer evidence to contradict the averments in Schoch’s petition.

BASED UPON the foregoing Findings of Fact, the hearing committee makes the following

CONCLUSIONS OF LAW

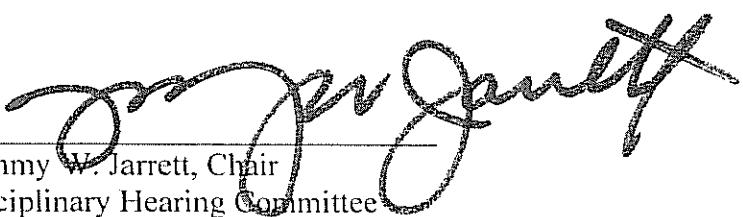
1. The Petitioner, Arch K. Schoch V, has satisfied the conditions necessary for reinstatement that the original hearing committee included in its Order of Discipline.
2. The Petitioner has met the requirements set out in 27 NCAC 1B, § .0125(b) and is entitled to reinstatement of his license to practice law in this jurisdiction.

BASED UPON the foregoing Findings of Fact and Conclusions of Law, the hearing committee enters the following:

ORDER OF REINSTATEMENT

Arch K. Schoch V is hereby reinstated to the active practice of law in North Carolina as of the date of this order.

Signed by the Chair with the consent of the other hearing committee members this
the 8th day of September 2008.



Tommy W. Jarrett, Chair
Disciplinary Hearing Committee

kyle,asdf
NEXT FILE !!!!!!!!,1118

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
14G1005

IN THE MATTER OF)
)
Brian S. Schrimsher,) REPRIMAND
Attorney At Law)
)

On July 16, 2015 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by S. M. 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.

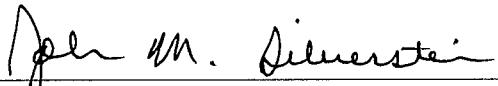
You were qualified as the administrator for the Estate of T.W.M. in October 2008. You filed no accountings in that matter until August 2013. You then failed to timely file a final accounting, despite orders of the clerk of court to do so. The clerk of court ordered that you

appear and show cause why you failed to file a final accounting. You did not appear at that hearing. You finally filed the final accounting in June 15, 2015. Your inattention to these matters violated Rules 1.3, 1.15-3(f) and 8.4(d) of the Rules of Professional Conduct.

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 30th day of JULY, 2015.


John M. Silverstein
Grievance Committee

JMS/lb

kyle,asdf
NEXT FILE !!!!!!!!,1130

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
13G0769

IN THE MATTER OF)
)
Peter R. Shedor,) CENSURE
ATTORNEY AT LAW)
)

On July 24, 2014, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by the North Carolina State Bar.

Pursuant to section .0113(a) of the Discipline and Disability Rules of the North Carolina State Bar, the Grievance Committee conducted a preliminary hearing. After considering the information available to it, including your response to the letter of notice, the Grievance Committee 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.

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

The Grievance Committee believes that a hearing before the Disciplinary Hearing Commission is not required in this case and issues this censure to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this censure.

You utilized an "Immediate Commission Release" form whereby you purported to be able to issue checks from closings to real estate agents prior to recording the required documents from the closings. In about 80-90% of closings from at least February through September 2013, you disbursed funds from closings prior to recording the required documents in violation of the Good Funds Settlement Act (N.C. Gen. Stat. § 45A-4) and Rule 1.15-2(a) and (m) of the Rules of Professional Conduct. You also disbursed funds from closings prior to having all funds deposited into your trust account for the closing, which on occasion resulted in disbursing entrusted funds in your trust account meant for other closings to those recipients, in violation of Rule 1.15-2(a), (b), (j), and (m). Typically within 1-3 days you had completed deposits for the closings and replenished any misapplied funds at that time. You

have since corrected your procedures to ensure all funds for closings are not merely in your possession but actually deposited at the time of closing.

You are hereby censured by the North Carolina State Bar for your violation of the Rules of Professional Conduct. The Grievance Committee trusts that you will ponder this censure, recognize the error that you have made, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession. This censure should serve as a strong reminder and inducement for you to weigh carefully in the future your responsibility to the public, your clients, your fellow attorneys and the courts, to the end that you demean yourself as a respected member of the legal profession whose conduct may be relied upon without question.

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 censure by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this 27th day of August, 2014.

John M. Silverstein
John M. Silverstein, Chair
Grievance Committee
The North Carolina State Bar

kyle,asdf
NEXT FILE !!!!!!!!,1131

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
16G0295

IN THE MATTER OF)
) REPRIMAND
WILLIAM R. SHELL,)
ATTORNEY AT LAW)

On October 27, 2016 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 were issued an Order of Administrative Suspension on August 16, 2013 for failure to comply with CLE requirements. You continued to engage in the practice of law after your suspension and wind down period. On February 19, 2016, approximately 3 years after your wind down period ended, you wrote a demand letter to opposing counsel stating that you represented "United American Contractors, Inc." and Tony Gentile, a North Carolina resident, in a

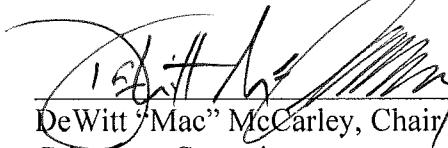
construction dispute. You attempted to represent your clients' legal rights and interests in this letter and suggested that the parties attend mediation. You claimed in the letter that if mediation did not work, you would proceed to litigation.

By representing the legal rights and interests of others on their behalf and by threatening litigation on behalf of others, you engaged in the unauthorized practice of law in violation of Rule 5.5(a). Moreover, by holding out in the letter to opposing counsel as able to practice law despite not being actively licensed in this state, you made a misleading statement regarding the services you could provide in violation of Rule 7.1(a).

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 11th day of November, 2016.



DeWitt "Mac" McCarley, Chair
Grievance Committee

DM/lb

kyle,asdf
NEXT FILE !!!!!!!!,1135

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
17G0945

IN THE MATTER OF)
SCOTT H. SHELTON,)
ATTORNEY AT LAW) CENSURE

On January 25, 2018, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by L. B. 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.

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

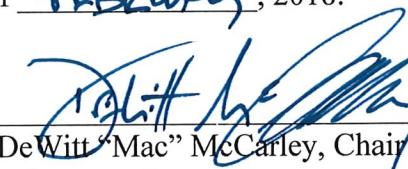
The Grievance Committee believes that a hearing before the Disciplinary Hearing Commission is not required in this case and issues this censure to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this censure.

You handled a real estate closing in which L.B. was the purchaser. At the closing, you collected funds for the premium on a home warranty policy. Subsequently, L.B. had need for the home warranty and discovered that the premium had not been paid. L.B. tried to contact you numerous times and you did not return her calls. L.B. called you from a different number and you answered the call. After L.B. identified herself, you told her to hold on and stated that you would get Mr. Shelton. You never returned to the phone. Your failure to communicate with L.B. in response to her calls violated Rule 1.4(a)(3) and (4) of the Rules of Professional Conduct. The Grievance Committee accepted your explanation that the check for the home warranty was not honored because your trust account was frozen as a result of the preliminary injunction. However, your failure to take corrective action when you became aware of the problem caused harm to your client and violated Rule 1.3. Your misrepresentation as to your identity in the phone call with L.B. violated Rule 8.4(c).

You are hereby censured by the North Carolina State Bar for your violation of the Rules of Professional Conduct. The Grievance Committee trusts that you will ponder this censure, recognize the error that you have made, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession. This censure should serve as a strong reminder and inducement for you to weigh carefully in the future your responsibility to the public, your clients, your fellow attorneys and the courts, to the end that you demean yourself as a respected member of the legal profession whose conduct may be relied upon without question.

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 censure by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this 22 day of February, 2018.



DeWitt Mac" McCarley, Chair
Grievance Committee
The North Carolina State Bar

DM/lb

kyle,asdf
NEXT FILE !!!!!!!!,1140

STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
18 DHC 33

THE NORTH CAROLINA STATE BAR Plaintiff

v.

RYAN D. SHOAF, Attorney,
Defendant

CONSENT ORDER
OF
DISCIPLINE

This matter was considered by a Hearing Panel of the Disciplinary Hearing Commission composed of R. Lee Farmer, Chair, and members, Fred W. DeVore, III and John M. Kane, Jr., pursuant to 27 N.C. Admin. Code 1B § .0115(i). Plaintiff was represented G. Patrick Murphy. Defendant Ryan D. Shoaf was represented by Dudley A. Witt. Defendant waives a formal hearing in this matter. The parties stipulate and agree to the findings of fact and conclusions of law recited in this order, and consent to the discipline imposed by this order. By consenting to the entry of this order, Defendant knowingly, freely, and voluntarily waives his right to appeal this consent order or to challenge in any way the sufficiency of the findings and conclusions herein.

Based upon the pleadings in this matter, the parties' stipulations of fact, facts developed during the pending litigation, and with the consent of the parties, the Hearing Panel hereby finds by clear, cogent, and convincing evidence the following:

FINDINGS OF FACT

1. Plaintiff, the North Carolina State Bar (hereafter "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 promulgated thereunder.

2. Defendant, Ryan D. Shoaf (hereafter "Defendant" or "Shoaf"), was admitted to the North Carolina State Bar on August 24, 2001 and is an attorney at law 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 the relevant period referred to herein, Defendant was actively engaged in the practice of law in Raleigh, Wake County, North Carolina.

4. At all times relevant to this complaint, American Home Title, LLC ("AHT") was a domestic limited liability company registered with the North Carolina Secretary of State. The principal office of AHT is in Charlotte, North Carolina.

5. Robyn H. Norwood is listed as the managing member of AHT in filings with the North Carolina Secretary of State.

6. AHT's website identified Norwood as the CEO/Director of AHT.

7. Robyn H. Norwood is not licensed to practice law in North Carolina.

8. AHT is not an entity authorized to practice law in North Carolina.

9. In or about 2016 and 2017 and for some period of time before the, AHT's website held the entity out as available to provide customers with all of the services necessary to conduct real estate closings in North Carolina.

10. AHT advertised to the public in North Carolina that: "Our range of products include Title, Closing & Escrow, Property Reports, full Purchase and Refinance products, including an experienced Reserve Mortgage team. You will find one point of contact. From application to closing, we provide the products and services that reduce your cycle times."

11. The drafting of legal documents necessary for the transfer of real estate title constitutes the practice of law in North Carolina.

12. AHT promoted on its website, "Our Purchase Concierge team will be happy to answer any of your questions!" None of the individuals identified as a member of the "Purchase Concierge" team are North Carolina lawyers.

13. Answering questions about the application of law to a party's legal needs to close a real estate transaction is the practice of law.

14. AHT arranges for the provision of legal services to its clients.

15. At some time in or before 2016, Defendant entered into an agreement with AHT to purportedly provide the supervision of the real estate closing services that AHT advertises that it provides to its clients.

16. Defendant represented to Plaintiff that he does not provide legal services on behalf of AHT; rather, he provides legal services to clients referred to him by AHT which clients retain and pay for Defendant's services. In actual practice, the process does not work as Defendant represented to Plaintiff.

17. Defendant represented to Plaintiff that 1) he operates independent from AHT; and 2) he is "not employed by" AHT but that he is "actually hired by the clients." In actual practice, the process does not work as Defendant represented to Plaintiff.

18. For each real estate transaction handled by AHT, AHT collects and disburses the proceeds. Defendant does not receive any funds from the borrower or the lender. After the conclusion of the transaction, AHT sends to Defendant his fee for legal

services as AHT disbursed any other funds such as lien payoffs and real estate broker commissions.

19. From 2016 through 2018, Defendant handled approximately 3,400 title searches for North Carolina clients of AHT.

20. Defendant's fee for his services to North Carolina clients of AHT was \$325.00 per closing.

21. Clients of AHT in whose closings Defendant participated did not choose Defendant to be their attorney; rather, AHT arranged for Defendant to provide legal services to them.

22. Kristin Miller is not an attorney and is not licensed to practice law in North Carolina.

23. Kristin Miller was identified on another website as being associated with AHT and providing attorney services.

24. V. Scarlett, a client of AHT, contacted Kristin Miller and asked to enlist her attorney services for a home purchase.

25. Kristin Miller replied to this request not with a statement that she was not an attorney or that AHT could not provide V. Scarlett with legal services, but with an affirmative offer to assist with the purchase of her new home.

26. V. Scarlett later learned that Defendant signed the title certification and purportedly provided the legal services necessary to complete V. Scarlett's transaction, despite the fact that V. Scarlett did not communicate with or choose Defendant and did not know of Defendant's existence or involvement in the transaction.

27. AHT may not provide legal services or the services of lawyers to its clients even if those services are performed by licensed North Carolina attorneys.

28. Defendant rarely communicated with parties to the real estate transactions for which he provided legal services. The parties to the real estate transaction for which Defendant provided legal services clients communicated with AHT and AHT, in turn, communicated with Defendant.

29. Defendant did not witness the execution of closing documents in most if not all real estate transactions for which he provided legal services to AHT clients.

30. Defendant rarely if ever visited the location of AHT to participate in real estate transactions for which he provided legal services.

31. In violation of N.C. Gen. Stat. § 84-5, Defendant allowed AHT to represent in its marketing and advertising that Defendant provides or provided legal services on behalf of AHT to AHT's customers.

CONCLUSIONS OF LAW

1. All parties are properly before the Hearing Panel and the Panel has jurisdiction over Defendant and the subject matter of this proceeding.

2. Defendant's conduct, as set out in the Findings of Fact above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) as follows:

- a) By providing legal services to North Carolina residents on behalf of AHT, Defendant aided AHT in the unauthorized practice of law in violation of Rule 5.5(f); and
- b) By accepting legal fees in an arrangement that promoted the unauthorized practice of law by AHT, Defendant collected illegal fees in violation of Rule 1.5(a).

Based upon the consent of the parties, the Hearing Panel also finds by clear, cogent, and convincing evidence the following:

ADDITIONAL FINDINGS REGARDING DISCIPLINE

1. The findings of fact and conclusions of law above are reincorporated as if set forth herein.

2. Defendant was admitted to the North Carolina State Bar in 2001 and has substantial experience in the practice of law.

3. Defendant has prior discipline in North Carolina: a 2009 Reprimand and a 2018 Admonition for conduct unrelated to the conduct in this matter.

4. The Hearing Panel has carefully considered all of the different forms of discipline available to it, including admonition, reprimand, censure, suspension, and disbarment, in determining the appropriate discipline to impose in this case.

Based upon the Findings of Fact, Conclusions of Law, and Additional Findings of Fact Regarding Discipline, and with the consent of the parties, the Hearing Panel also enters the following:

CONCLUSIONS REGARDING DISCIPLINE

1. The Hearing Panel has considered all of the factors enumerated in 27 N.C. Admin. Code 1B.0116(f)(1) of the Discipline and Disability Rules of the North Carolina State Bar and concludes that the following factors that warrant suspension or disbarment are present:

- a) elevation of Defendant's own interest above that of the client.

2. The Hearing Panel has considered all of the factors enumerated in 27 N.C. Admin. Code 1B.0116(f)(2) of the Discipline and Disability Rules of the North Carolina State Bar and concludes that no factors are present that would warrant disbarment.

3. The Hearing Panel has considered all of the factors enumerated in 27 N.C. Admin. Code 1B.0116(f)(3) of the Discipline and Disability Rules of the North Carolina State Bar and concludes the following factors are applicable in this matter:

- a) prior disciplinary offenses in this State;
- b) remoteness of one of the prior offenses;
- c) a pattern of misconduct;
- d) multiple offenses;
- e) cooperative attitude toward the proceedings;
- f) Defendant's degree of experience in the practice of law.

4. The Hearing Panel has considered lesser alternatives and finds that a reprimand or admonition would be insufficient discipline because of the significant potential harm to the administration of justice and the legal profession caused by Defendant's conduct.

5. The Hearing Panel has considered all forms of discipline available and finds that Defendant's conduct, in the context of this case, does not warrant a suspension of his law license or any greater degree of discipline.

6. A censure is warranted because entry of an order imposing less severe discipline would fail to acknowledge the seriousness of the conduct and would send the wrong message to attorneys and the public about the conduct expected of members of the Bar of this State.

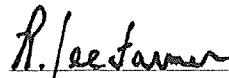
Based upon the foregoing Findings of Fact, Conclusions of Law, and Findings and Conclusions Regarding Discipline, the Hearing Panel enters the following:

ORDER OF DISCIPLINE

1. Defendant, Ryan D. Shoaf, is hereby Censured for his conduct.

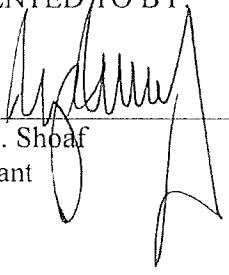
2. Defendant is taxed with the administrative fees and costs of this action as assessed by the Secretary which Defendant shall pay within thirty days of service of the notice of costs upon Defendant.

Signed by the Chair with the consent of the other Hearing Panel members, this the
15th day of April, 2019.

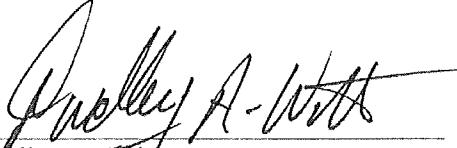


R. Lee Farmer
Disciplinary Hearing Panel

CONSENTED TO BY:



Ryan D. Shoaf
Defendant



Dudley A. Witt
Attorney for Defendant



G. Patrick Murphy, Deputy Counsel
Attorney for Plaintiff
The North Carolina State Bar
P.O. Box 25908
Raleigh, NC 27611
(919) 828-4620

kyle,asdf
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STATE OF NORTH CAROLINA
WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
14 DHC 17

THE NORTH CAROLINA STATE BAR,

Plaintiff
v.

CONSENT ORDER
STAYING SUSPENSION

JULIA LEIGH SITTON, Attorney,
Defendant

This matter was considered by a Hearing Panel of the Disciplinary Hearing Commission composed of Barbara B. Weyher, Chair, and members Ronald R. Davis and Christopher R. Bruffey, pursuant to North Carolina Administrative Code, Title 27, Chapter 1, Subchapter B, § .0114(x). Plaintiff was represented by Jennifer A. Porter. Defendant Julia Leigh Sitton ("Sitton") was represented by Joseph E. Zesztarski, Jr. The parties stipulate to the findings of fact set forth herein.

Based upon the pleadings in this matter, the parties' stipulations of fact, and with the consent of the parties, the Hearing Panel hereby finds by clear, cogent, and convincing evidence the following:

Findings of Fact

1. By Consent Order of Discipline entered June 24, 2014, Sitton was suspended for three years from the practice of law, effective September 21, 2012. The Consent Order provided that no less than twelve months following the effective date of suspension, Sitton would be eligible to apply for a stay of the remaining period of suspension upon satisfaction of the conditions stated in the Order of Discipline.

2. The date of the entry of the Order of Discipline was more than twelve months after the suspension's effective date of September 21, 2012. Accordingly, on June 24, 2014, Sitton submitted a petition requesting a stay of the remaining period of her suspension under the Order of Discipline.

3. In her verified petition, Sitton certified that she complied with all conditions for a stay of the remaining period of suspension set out in the Order of Discipline.

4. The State Bar's records confirm Sitton has maintained a physical address with the State Bar's membership department, has submitted payment for the fees and

costs from the DHC case, and is current on her membership fees and her CLE fees and hours.

Based upon the foregoing Findings of Fact, the Hearing Panel hereby makes the following:

Conclusions of Law

1. The petitioner, Julia Leigh Sitton, has satisfied the requirements set out in Rule .0125(b) of the North Carolina State Bar Discipline and Disability Rules and the conditions in the Order of Discipline for a stay of her suspension.

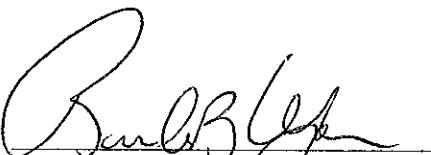
THEREFORE, it is hereby ORDERED:

1. The remaining period of Sitton's three year suspension of her license to practice law is stayed as long as she continues to meet all of the conditions set forth in the Order of Discipline in this case.

2. This stay of the remainder of Sitton's three year suspension is effective upon the signing and filing of this order.

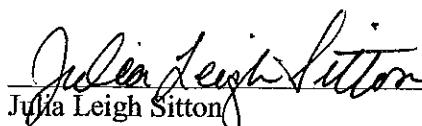
3. The Disciplinary Hearing Commission will retain jurisdiction of this matter pursuant to 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0114(x) of the North Carolina State Bar Discipline and Disability Rules throughout the period of the stayed suspension.

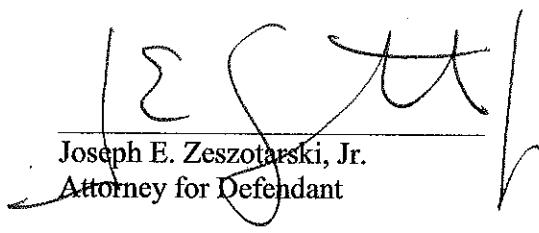
Signed by the Chair with the consent of the other hearing panel members, this the
24th day of June 2014.


Barbara B. Weyher, Chair
Disciplinary Hearing Panel

Agreed and consented to by:


Jennifer A. Porter
Attorney for Plaintiff


Julia Leigh Sitton
Defendant


Joseph E. Zeszotarski, Jr.
Attorney for Defendant

STATE OF NORTH CAROLINA

WAKE COUNTY



THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

CONSENT ORDER
OF DISCIPLINE

JULIA LEIGH SITTON, Attorney,

Defendant

This matter was considered by a Hearing Panel of the Disciplinary Hearing Commission composed of Barbara B. Weyher, Chair, and members Ronald R. Davis and Christopher R. Bruffey, pursuant to North Carolina Administrative Code, Title 27, Chapter 1, Subchapter B, § .0114(h). Plaintiff was represented by Jennifer A. Porter. Defendant Julia Leigh Sitton ("Sitton") was represented by Joseph E. Zesztarski, Jr. Both Plaintiff and Defendant stipulate and agree to the findings of fact and conclusions of law recited in this consent order and to the discipline imposed. Sitton has freely and voluntarily stipulated to the foregoing findings of fact and consents to the conclusions of law and entry of the order of discipline. Sitton freely and voluntarily waives any and all right to appeal the entry of this consent order of discipline.

Based upon the pleadings in this matter, the parties' stipulations of fact, and with the consent of the parties, the Hearing Panel hereby finds by clear, cogent, and convincing evidence 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, Julia Leigh Sitton ("Sitton"), was admitted to the North Carolina State Bar in 1987 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 State Bar transferred Sitton's law license to inactive status pursuant to her petition in 2004. Sitton remained in inactive status until 2011, when her petition to be

transferred back to active status was granted. Although transferred back to active status in 2011, Sitton has not engaged in the practice of law.

4. Sitton was properly served with process and the matter came before the Hearing Panel with due notice to all parties.

5. Sitton worked for the Bev Perdue Committee (“Committee”) in 2007 and 2008. The Bev Perdue Committee was a political committee to which the requirements of N.C. Gen. Stat. § 163-278.8 and § 163-278.11 applied.

6. Sitton was paid \$3,000.00 per month by the Committee.

7. In about August 2007, Sitton entered into an arrangement under which she purportedly provided consulting services to Tryon Capital Ventures, LLC for \$2,000.00 per month.

8. Sitton did not provide consulting services to Tryon Capital Ventures, LLC.

9. The \$2,000.00 per month paid to Sitton by Tryon Capital Ventures, LLC, was funded by Beverly Perdue supporter Charles Michael Fulenwider, who provided the funds to compensate Sitton for her work on the Perdue campaign.

10. Peter Reichard made the arrangements for Sitton to receive the extra \$2,000.00 per month for her work on the campaign through the purported consulting contract with Tryon Capital Ventures, LLC funded by Fulenwider. Reichard was the finance director for the Committee. Reichard was also a principal of Tryon Capital Ventures, LLC.

11. As a result of this arrangement, Fulenwider exceeded the limit on allowable contributions by a contributor under N.C. Gen. Stat. § 163-278.13. Additionally, the reports filed by the Committee identifying all contributions and expenditures made for the benefit of the candidate pursuant to N.C. Gen. Stat. § 163-278.8 and § 163-278.11 did not include the extra compensation being paid under this arrangement with Tryon Capital Ventures, LLC and Fulenwider.

12. On September 21, 2012, Sitton pled guilty in Wake County Superior Court to misdemeanor obstruction of justice for participating in this arrangement under which she received an extra \$2,000.00 per month for her work on the Bev Perdue campaign through a purported consulting contract under which she was not providing consulting services, which contributed to the above violations of campaign finance reporting laws.

Based upon the consent of the parties and the foregoing stipulated Findings of Fact, the Hearing Panel enters the following:

Conclusions of Law

1. All parties are properly before the Hearing Panel and the Panel has jurisdiction over Defendant and the subject matter of this proceeding.

2. Defendant's conduct as set out in the stipulated Findings of Fact above constitutes grounds for discipline as follows:

a. Pursuant to N.C. Gen. Stat. § 84-28(b)(1), for her conviction in state court of common law misdemeanor obstruction of justice, a criminal offense showing professional unfitness; and

b. Pursuant to N.C. Gen. Stat. § 84-28(b)(2), for violations of the Rules of Professional Conduct. By participating in an agreement with Reichard and Fulenwider under which she entered into a purported consulting contract with Tryon Capital Ventures LLC and received outside compensation for her work on the Perdue campaign, which resulted in Fulenwider exceeding limits on contributions and the Committee inaccurately reporting contributions and expenditures made for the benefit of the candidate, Defendant committed a criminal act 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).

Based upon the consent of the parties, the Hearing Panel also finds by clear, cogent, and convincing evidence the following:

Findings of Fact Regarding Discipline

1. Although it was not Sitton's intent to cause violations of campaign finance laws, Sitton acknowledges this was the effect of the arrangement with Tryon Capital Ventures, LLC and Fulenwider.

2. Defendant fully cooperated with the SBI investigation of this matter and admitted her conduct to the SBI, to the lawyers who prosecuted the criminal case, to the court in the criminal case, to the Grievance Committee and to the Disciplinary Hearing Commission.

3. The court in the criminal action against Defendant imposed the following sentence: 45 days incarceration, suspended; 12 months unsupervised probation with the condition that she not be employed by, or receive or solicit contributions for, any political candidate, campaign, or party; fine of \$5,000.00; and court costs.

4. Defendant acknowledges that she relied on the assurances of Reichard, the campaign finance manager, about the legitimacy of the arrangement rather than exercise her independent judgment. Defendant understands that her reliance was misplaced and that it was inappropriate to allow anyone to persuade her to do the wrong thing.

5. Defendant has expressed sincere remorse and contrition.

6. With the exception of the professional misconduct at issue in this case, Defendant has demonstrated good character in her professional life.

7. The misconduct at issue appears to be uncharacteristic of Defendant.

8. Defendant has no prior discipline.

9. Defendant did not begin practicing law when she was transferred to active status in 2011 and has voluntarily not engaged in the practice of law since she was convicted on September 21, 2012.

10. Defendant's misconduct received public attention, causing significant harm by bringing the legal profession into disrepute and significantly undermining the public's confidence in the integrity of the profession.

11. The Hearing Panel has carefully considered all of the different forms of discipline available to it, including admonition, reprimand, censure, suspension, and disbarment, in considering the appropriate discipline to impose in this case.

Based on the Findings of Fact and Conclusions of Law above and the additional Findings of Fact Regarding Discipline, the Hearing Panel makes the following:

Conclusions With Respect To Discipline

1. The Hearing Panel has carefully considered all of the different forms of discipline available to it. In addition, the Hearing Panel has considered all of the factors enumerated in 27 N.C.A.C. 1B § .0114(w)(1) of the Rules and Regulations of the North Carolina State Bar and concludes the following factors warrant suspension of Defendant's license:

a. Intent of Defendant to commit acts where the harm or potential harm is foreseeable;

b. Circumstances reflecting Defendant's lack of honesty, trustworthiness, or integrity;

c. Negative impact of Defendant's actions on client's or public's perception of the profession; and

d. Acts of dishonesty, misrepresentation, deceit, or fabrication.

2. The Hearing Panel has considered all of the factors enumerated in 27 N.C.A.C. 1B § .0114(w)(2) of the Rules and Regulations of the North Carolina State Bar and concludes that although some factors are present the circumstances of this case do not warrant disbarment in order to protect the public.

3. The Hearing Panel has considered all of the factors enumerated in 27 N.C.A.C. 1B § .0114(w)(3) of the Rules and Regulations of the North Carolina State Bar and concludes the following factors are applicable in this matter:

- a. Lack of prior discipline;
- b. Selfish motive;
- c. A pattern of misconduct;
- d. Full and free disclosure to the Hearing Panel and cooperative attitude toward the proceedings;
- e. Remorse;
- f. Other than the conduct at issue in this proceeding, Defendant has demonstrated good character and judgment in her professional career;
- g. Defendant's years of experience in the practice of law.

4. The integrity of the election process requires compliance with the applicable rules and regulations. Defendant's conduct, if continued or tolerated by the Bar, poses significant potential harm to the public and the profession.

5. The Hearing Panel has considered issuing an admonition, reprimand or censure but concludes that such discipline would not be sufficient discipline because of the gravity of the potential harm to the public and the profession. The Panel further concludes that such discipline would fail to acknowledge the seriousness of the offenses committed by Defendant and send the wrong message to attorneys regarding the conduct expected of members of the Bar in this State.

6. This Hearing Panel has considered lesser alternatives and concludes that a suspension with the possibility for the suspension to be stayed upon compliance with certain conditions is necessary to adequately protect the public and the profession.

7. For these reasons, this Hearing Panel finds that an order imposing discipline short of a suspension of Defendant's law license would not be appropriate.

Based upon the foregoing findings of fact and conclusions of law and the findings of fact and conclusion regarding discipline, and based upon the consent of the parties, the Hearing Panel enters the following:

Order of Discipline

1. Defendant, Julia Leigh Sitton, is hereby suspended from the practice of law for three years.

2. The effective date of the suspension shall be the date of Defendant's conviction, September 21, 2012.

3. Defendant is taxed with the administrative fees and the costs of this action as assessed by the Secretary. Defendant shall be served with a statement of costs stating the costs assessed against Defendant. Defendant shall pay the costs within thirty days of service of the statement of costs upon her.

4. Because Defendant has not engaged in the practice of law since she was transferred back to active status in 2011, it is unnecessary for her to comply with the wind-down provisions of 27 N.C. Admin. Code 1B § .0124 of the North Carolina State Bar Discipline & Disability Rules.

5. After no less than twelve months following the effective date of the suspension, September 21, 2012, Defendant may file a verified petition for a stay of the remaining period of the suspension. The remaining period of suspension may be stayed if Defendant establishes by clear, cogent, and convincing evidence that she has complied with the following conditions:

a. Defendant has complied with the general provisions for reinstatement listed in 27 N.C. Admin. Code 1B § .0125(b)(3) of the North Carolina State Bar Discipline & Disability Rules;

b. Defendant has paid the fees and costs taxed to her in this action within thirty days of receipt of the statement of costs;

c. Defendant has responded to all letters of notice and requests for information from the N.C. State Bar by the deadline stated in the communication;

d. Defendant has kept the State Bar Membership Department advised of her current physical home address and notified the State Bar of any change in address within ten days of such change;

e. Defendant paid all outstanding membership fees, Client Security Fund assessments, local judicial district dues, fees, and assessments, any other charges or surcharges the State Bar is authorized to collect, and any fees or costs assessed by the DHC or the State Bar;

f. At the time of her petition for stay, there is no deficit in Defendant's completion of mandatory Continuing Legal Education (CLE) hours, in reporting such hours or in payment of any fees associated with attendance at CLE programs; and

g. Defendant has not violated the Rules of Professional Conduct or the laws of the United States or any state.

6. If Defendant is granted a stay of her suspension, the stay of her suspension will remain in effect only if Defendant complies, and continues to comply, with the following conditions:

a. Defendant shall keep the State Bar Membership Department advised of her current business and home addresses. Defendant shall notify the State Bar of any change in address within ten days of such change. Her current business address must be a street address, not a P.O. box or drawer;

b. Defendant shall accept all certified mail from the State Bar sent to the address on record with the Membership Department of the North Carolina State Bar;

c. Defendant shall respond to all letters of notice and requests for information from the North Carolina State Bar by the deadline stated therein with full and complete responses and all requested documentation;

d. Defendant will timely comply with the State Bar continuing legal education requirements and will pay all fees and costs assessed by the applicable deadline;

e. Defendant will pay all membership, Client Security Fund, and any other related dues, fees, and/or costs by the applicable deadline;

f. Defendant will not violate any of the Rules of Professional Conduct in effect during the period of the stay;

g. Defendant will not violate any laws of the State of North Carolina or of the United States during the period of the stay; and

h. Defendant shall comply with such other and further requirements as may be imposed by any hearing panel that may grant a stay of Defendant's suspension.

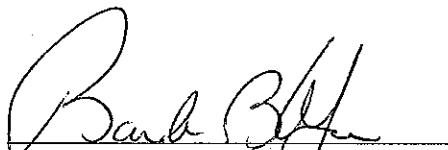
7. If an order staying any period of the suspension imposed by this Order is entered and Defendant fails to comply with any one or more of the conditions set out in this Order of Discipline, then the stay of the suspension of her law license may be lifted as provided in § .0114(x) of the North Carolina State Bar Discipline and Disability Rules.

8. If Defendant does not seek a stay of the active portion of the suspension of her law license or if some part of the suspension is stayed and thereafter the stay is revoked, Defendant must comply with the conditions set out in paragraph 5 of this section as well as the requirements of 27 N.C. Admin. Code 1B, § .0125(b) in order to be reinstated from this suspension to active status.

9. The Disciplinary Hearing Commission will retain jurisdiction of this matter pursuant to 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0114(x) of the

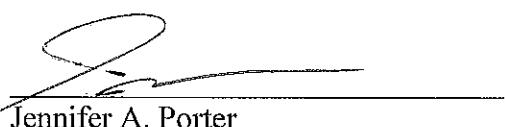
North Carolina State Bar Discipline and Disability Rules throughout the period of any stayed suspension.

24 Signed by the Chair with the consent of the other hearing panel members, this the day of June 2014.

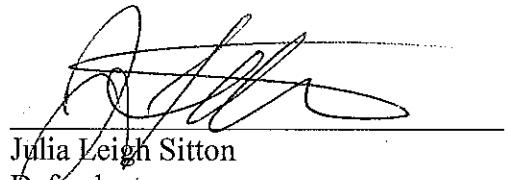


Barbara B. Weyher, Chair
Disciplinary Hearing Panel

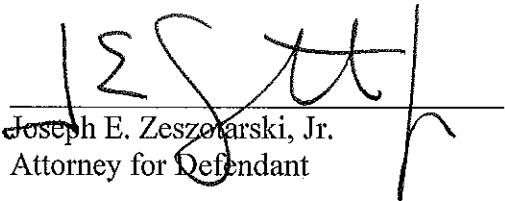
Agreed and consented to by:



Jennifer A. Porter
Attorney for Plaintiff



Julia Leigh Sitton
Defendant



Joseph E. Zeszotarski, Jr.
Attorney for Defendant

kyle,asdf
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NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
14G0754

IN THE MATTER OF)
)
TIMOTHY D. SMITH,)
ATTORNEY AT LAW)

CENSURE

On October 22, 2015, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by B.A. 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.

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

The Grievance Committee believes that a hearing before the Disciplinary Hearing Commission is not required in this case and issues this censure to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this censure.

B.A. retained you for representation on his domestic matters. After your office prepared the Motion to Modify Custody, B.A. requested changes to the Motion and tried to ask you questions. When B.A. declined to sign the verification form due to his concerns about missing and incorrect items, you failed to communicate with B.A. to answer his questions or explain the terms he was worried about. Instead of answering B.A., you texted him a curt statement stating that your assistant "asked [him] to sign Verification yesterday but [he] refused and left. Pls call her and do what she asks..." Your failure to promptly comply with reasonable requests for information and your failure to explain the matter to the extent necessary for B.A. to make informed decisions were violations of Rule 1.4(a)(4) and 1.4(b).

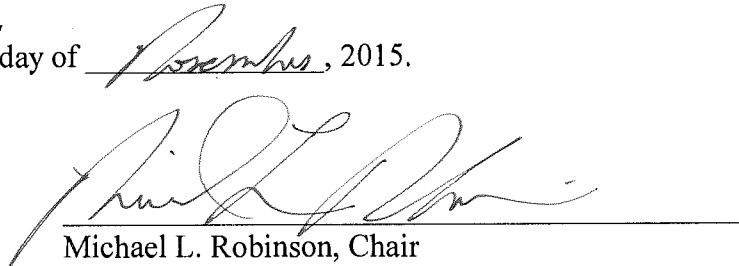
Additionally, you included in your invoice charges related to withdrawing from the representation. Although you did not pursue those fees from B.A., you indicated in your grievance response that those were monies that B.A. still owed you. 2007 FEO 8 explains that when the act of withdrawing is a professional obligation for the benefit of the lawyer, the cost of withdrawing cannot be shifted to the client. Your assertion that B.A. owed you money for withdrawing was a misrepresentation and thus a violation of Rule 8.1(a).

Given your history of receiving two communication-related reprimands in the past three years, the Grievance Committee determined that a censure was necessary in this case.

You are hereby censured by the North Carolina State Bar for your violation of the Rules of Professional Conduct. The Grievance Committee trusts that you will ponder this censure, recognize the error that you have made, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession. This censure should serve as a strong reminder and inducement for you to weigh carefully in the future your responsibility to the public, your clients, your fellow attorneys and the courts, to the end that you demean yourself as a respected member of the legal profession whose conduct may be relied upon without question.

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 censure by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this 6th day of September, 2015.



Michael L. Robinson, Chair
Grievance Committee
The North Carolina State Bar

MLR/hp

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NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
08G0454

IN THE MATTER OF)
)
Kenneth D. Snow,)
Attorney At Law)
)

REPRIMAND

On July 23, 2009 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by S. P.

Pursuant to Section .0113(a) of the Discipline and Disability Rules of the North Carolina State Bar, the Grievance Committee conducted a preliminary hearing. After considering the information available to it, including your response to the letter of notice, the Grievance Committee 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.

S.P. contacted you for assistance in seeking to adopt her granddaughter. S.P. had an initial meeting with you and attorney Naadei Dzani, at which you presented S.P. with an "Agreement for Legal Services" with your law firm, Coble & Snow, LLP. Ms. Dzani was not employed by your firm but you arranged to "co-represent" S.P. Pursuant to this arrangement, which was not set forth in the written Agreement, you would receive 30% of the fees and Ms.

Dzani would receive 70%. This arrangement was in violation of Rule 1.5(e), which prohibits the division of fees between lawyers not in the same firm.

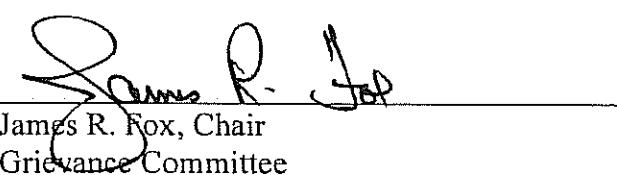
The Agreement for Legal Services you presented to S.P. is misleading in several respects. First, the statement "if Client fails to pay any billing statement of the Law Firm within ten (10) days . . . the Law Firm may withdraw" is misleading in that it suggests to the client that s/he will be immediately and unilaterally dropped for nonpayment. Rule 1.16(c) requires a lawyer to comply with applicable law requiring permission of a tribunal before withdrawing, and to continue representation if required by the court, so it is misleading to suggest that a lawyer can withdraw at will simply because fees are 10 days overdue. In addition, is a material misrepresentation of law to state "if a judgment or order is obtained on behalf of Client in Client's case, whether obtained by Law Firm or by subsequent counsel, . . . Law Firm may obtain an attorney's charging lien." Under North Carolina law, a lawyer is not entitled to an attorney charging lien if the settlement or judgment is obtained by subsequent counsel. Finally, it is misleading to state that a client file is the "exclusive property of the Law Firm" and that the "Law Firm shall not be obliged to preserve Client's file" after the representation. In fact, the original file belongs to the client, and "absent the client's consent to disposal of a file, a closed file must be retained for a minimum of six years after the conclusion of the representation." RPC 209. These statements in your Agreement for Legal Services constitute misleading communication about your services, in violation of Rule 7.1(a).

You accepted S.P.'s case even though neither you nor Ms. Dzani had handled an adoption case before. You did not associate with a lawyer who has experience in adoption matters, and therefore violated Rule 1.1, which provides that a lawyer shall not handle a legal matter he is not competent to handle without associating with a lawyer who is competent to handle the matter.

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 January 24, 2008 by the Council of the North Carolina State Bar regarding the taxing of the administrative and investigative costs to any attorney issued a reprimand by the Grievance Committee, the costs of this action in the amount of \$100.00 are hereby taxed to you.

Done and ordered, this the 18 day of August, 2009

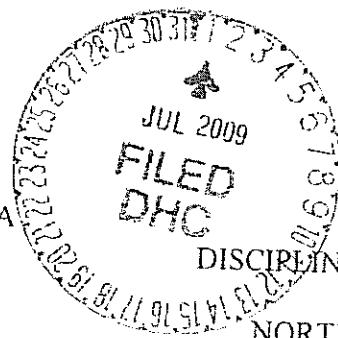


James R. Fox, Chair
Grievance Committee

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STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
07 DHC 9

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

CREIGHTON W. SOSSOMON, Attorney,

Defendant

FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
ORDER OF DISCIPLINE

This matter was heard on February 29 and March 1, 2008, before a hearing committee of the Disciplinary Hearing Commission composed of T. Richard Kane, Chair, M. H. Hood Ellis, and R. Mitchel Tyler. Carmen K. Hoyme and Brian P.D. Oten represented Plaintiff, the North Carolina State Bar. Defendant, Creighton W. Sossomon, was represented by Eugene E. Lester III. The original order in this matter was appealed and remanded by the Court of Appeals for additional findings of fact and conclusions of law, and reconsideration of the discipline to be imposed. On remand, based upon the pleadings, the evidence presented at the hearing, and the stipulations of the parties, the hearing committee hereby finds by clear, cogent, and convincing evidence the following

FINDINGS OF FACT

1. Plaintiff, the North Carolina 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 ("NCAC").

2. Defendant, Creighton W. Sossomon (hereinafter "Sossomon" or "Defendant"), was admitted to the North Carolina State Bar in 1969, 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 Revised Rules of Professional Conduct.

3. During the relevant periods referred to herein, Sossomon was engaged in the practice of law in the State of North Carolina and maintained a law office in Highlands, Macon County, North Carolina.

4. Sossomon was properly served with process and received due notice of the hearing in this matter.

5. Sossomon represented Linda David ("David") in the sale of approximately nineteen acres of land outside of Highlands, North Carolina to Old Hemlock Cove Development, LLC ("Old Hemlock"), a North Carolina Limited Liability Corporation organized by G. Sanders Dupree ("Dupree"), a developer.

6. David agreed to sell the land to Old Hemlock on condition that restrictive covenants were placed on the property.

7. David told Sossomon that she only wished to sell the property if restrictive covenants limited use of the land to a residential community of single-family homes.

8. The contract for sale of the property provided "Buyer and Seller shall mutually agree to restrictive covenants similar to Highlands Point." Highlands Point was an existing residential community developed by Dupree.

9. Prior to the 12 January 2004 closing, David reviewed and approved a proposed set of restrictive covenants, which she provided to Sossomon with the expectation that Sossomon would assure the covenants were enforceable. At the time of the closing, however, the parties had not executed the restrictive covenants.

10. Sossomon did not explain to David the legal significance of failing to execute and record the restrictive covenants prior to closing.

11. The deed from David to Old Hemlock filed at closing did not include any reference to restrictive covenants.

12. After the property was transferred from David to Old Hemlock in January 2004, Sossomon spoke with David and/or her husband Kenton (collectively, "the Davids") about their concerns regarding the fact that no restrictive covenants had been placed on the property.

13. When Sossomon spoke with the Davids about their concerns, Sossomon told the Davids that he believed Old Hemlock's obligation to restrict the use of the property survived closing and that, if necessary, they could sue to enforce said obligation.

14. Sossomon contacted the attorney for Old Hemlock on at least two occasions and requested that Old Hemlock and/or Dupree record the covenants.

15. Sossomon made these communications to Old Hemlock's attorney, which continued through at least February 2006, at the Davids' request.

16. No restrictive covenants were recorded on the property.

17. In July 2006, Dupree contracted to convey the unrestricted nineteen-acre tract to another developer, William Shephard ("Shephard"), who planned to build a multi-story

condominium on the property (this anticipated sale is referred to herein as "the Shephard/Dupree transaction").

18. On or about 19 July 2006, Shephard asked Sossomon to represent him in purchasing the property from Old Hemlock and Sossomon agreed to represent Shephard.

19. Sossomon undertook representation of Shephard without obtaining David's informed consent.

20. Shephard also planned to purchase a parcel of land adjacent to Old Hemlock's property from Lloyd Wagner ("Wagner") (this anticipated sale is referred to herein as "the Shephard/Wagner transaction"), and Sossomon agreed to handle that closing as well.

21. During the initial meeting between Sossomon and Shephard, Sossomon told Shephard about some of the terms of the prior contract between Old Hemlock and David, and indicated to Shephard that there were "possible problems" concerning restrictive covenants. The information about "possible problems" that Sossomon disclosed to Shephard came solely from Sossomon's representation of David in selling the property and the continuing concerns the Davids had communicated to Sossomon.

22. David did not give informed consent for Sossomon to reveal any information about the terms of the prior contract between Old Hemlock and David (referred to herein as "the Old Hemlock/David contract").

23. Sossomon's disclosure to Shephard of information about the Old Hemlock/David contract was not impliedly authorized in order to carry out the terms of Sossomon's representation of David.

24. No evidence was offered to show that Sossomon was permitted, pursuant to any of the exceptions set forth in Rule 1.6(b), to reveal to Shephard information about the Old Hemlock/David contract.

25. Sossomon subsequently agreed to also represent Old Hemlock in the transfer of the property to Shephard.

26. David did not give informed consent, confirmed in writing, to Sossomon's representation of either Old Hemlock or Shephard despite the conflicts of interest deriving from Sossomon's prior representation of David.

27. Neither Shephard nor Old Hemlock gave informed consent, confirmed in writing, to Sossomon's representation of them despite the conflicts of interest deriving from Sossomon's prior representation of David.

28. Prior to closing the Shephard/Wagner and the Shephard/Dupree transactions, Sossomon contacted the Davids in an effort to negotiate a modification or "waiver" of the restrictive covenant requirement in the Old Hemlock/David contract.

29. When Sossomon contacted the Davids regarding the possibility of "waiver," he did not inform them that he was representing Old Hemlock or Shephard.

30. The Davids informed Sossomon that they would accept a monetary amount in exchange for waiving the restrictive covenant requirement. Old Hemlock and Shephard declined to pay the amount the Davids requested as consideration for waiver of the restrictive covenant requirement in the Old Hemlock/David contract, and Old Hemlock and Shephard made no counteroffer.

31. Prior to the closings in the Shephard/Dupree and Shephard/Wagner transactions, which were scheduled for 12 September 2006, Sossomon contacted the Davids and informed them that transfer of the property was imminent.

32. Also during this September 2006 conversation, Sossomon explained to the Davids that filing a lawsuit and *lis pendens* would prevent a piece of property from being transferred.

33. Neither Shephard nor Old Hemlock gave informed consent for Sossomon to reveal to the Davids that closing on the Shephard/Dupree transaction was imminent.

34. Sossomon's disclosure to the Davids that transfer of the property was imminent was not impliedly authorized in order to carry out the terms of Sossomon's representation of Shephard or Old Hemlock.

35. No evidence was offered to show that Sossomon was permitted, pursuant to any of the exceptions set forth in Rule 1.6(b), to reveal to the Davids that transfer of the property was imminent.

36. During the 12 September 2006 closings, Mr. David arrived at Sossomon's office and requested a copy of the file from the 2004 Old Hemlock/David closing.

37. Dupree and Shephard asked Sossomon if the Davids could interfere with the transfer of the property to Shephard.

38. Sossomon informed Duprec and Shephard that the Davids could file a *lis pendens*.

39. Dupree and Shephard asked Sossomon to drive from his office in Highlands to the Macon County Register of Deeds office immediately to record the deed from Old Hemlock to Shephard and offered to drive Sossomon there. Sossomon declined and waited until he completed another closing before he left.

40. Sossomon arrived at the Macon County Register of Deeds at approximately 3:30 pm on 12 September 2006, and discovered that the Davids had filed a *lis pendens* against the property earlier that day at 3:00 pm.

41. Sossomon did not record the deed from Old Hemlock to Shephard because of the *lis pendens*.

42. Because the Shephard/Dupree transaction was not completed, the associated Shephard/Wagner transaction was also not completed at that time.

43. Protracted litigation between Old Hemlock and the Davids over the property ensued.

44. Sossomon admitted that his conduct violated Rule 1.9 of the North Carolina Rules of Professional Conduct.

Based on the record and the foregoing Findings of Fact, the Hearing Committee makes the following

CONCLUSIONS OF LAW

1. All the parties are properly before the hearing committee and the committee has jurisdiction over Defendant, Creighton W. Sossomon, and the subject matter.

2. Sossomon's conduct, as set out in the Findings of Fact above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) as follows:

- (a) By failing to ensure that the single family lot restriction requested by Linda David was in effect and enforceable upon transfer of the property to Old Hemlock, Sossomon failed to act with reasonable diligence in representing a client in violation of Rule 1.3;
- (b) By failing to inform Linda David prior to the January 2004 closing of the legal effect of failing to execute and record the restrictive covenants, Sossomon failed to explain a matter to the extent reasonably necessary to permit his client to make informed decisions regarding the representation in violation of Rule 1.4(b);
- (c) By undertaking representation of Shephard and Old Hemlock to transfer the land free from the restrictions that the Davids sought to place on the property without obtaining Linda David's informed consent, confirmed in writing, Sossomon represented persons whose interests were materially adverse to the interests of a former client, without the former client's informed consent confirmed in writing, in violation of Rule 1.9(a);
- (d) By negotiating with his former client, Linda David, about waiving the property restrictions without disclosing that he was representing Shephard and Old Hemlock, Sossomon failed to inform his former client of a circumstance for which her informed consent was required in violation of Rule 1.4(a);
- (e) By discussing with Shephard some of the terms of the prior contract between Old Hemlock and David without first obtaining David's informed

consent to this disclosure, Sossomon revealed information acquired during the professional relationship with a client in violation of Rule 1.6(a); and

- (f) By disclosing to the Davids that the closing in the Shephard/Dupree transaction was imminent without obtaining Shephard and Old Hemlock's informed consent to this disclosure, Sossomon revealed information acquired during the professional relationship with a client in violation of Rule 1.6(a), and used information relating to the representation of a client to the disadvantage of the client in violation of Rule 1.8(b).

Based upon the foregoing Findings of Fact and Conclusions of Law, the stipulations of the parties, and upon the additional evidence and arguments presented at the hearing concerning appropriate discipline, the hearing committee hereby finds by clear, cogent, and convincing evidence the following additional

FINDINGS OF FACT REGARDING DISCIPLINE

1. The property at issue in this case belonged to David's family for generations. David sought to limit use of the property because it had substantial sentimental value to David and because it is immediately adjacent to the Davids' house. [37:23-38:6 & 39:1-10, 224:1-3]

2. Linda David was vulnerable at the time Sossomon represented her in the sale of her property, as she did not understand the legal requirements for restricting land use, and therefore relied upon Sossomon to explain the situation and to effectuate her wishes. [42:11-18, 45:1-16]

3. As a result of her experience with Sossomon, David is "dubious" of lawyers and "leery" about dealing with them. [Vol. 2, 12:1-4].

4. As a result of his experience with Sossomon, Mr. David has "very little faith" that lawyers will tell clients "the whole story." [Vol. 2, 19:21-25]

5. The Shephard/Old Hemlock transaction and the Shephard/Wagner transaction were completed in March 2007, six months after the failed closing at issue in this case.

6. At the time of the September 2006 failed closing, Wagner had already acquired another property on which he was living. [Vol. 2, 23:20 to 24:4] Due to the delay in closing the Shephard/Wagner transaction, Wagner was obligated to pay an additional six months of interest and principal, utilities, taxes, insurance, and maintenance on the property he contracted to sell to Shephard. [Vol. 2, 26:22-25]

7. At the time of the September 2006 failed closing, Old Hemlock's principal Dupree was relying on receiving the closing proceeds in order to avoid foreclosure on another property he owned. Due to the delay in closing the Shephard/Dupree transaction, Dupree was unable to avoid foreclosure of that property and bankruptcy, and Dupree's credit was damaged. [Vol 2, 31:15 to 32:6]

8. Sossomon was forthcoming during his testimony before the DHC in this case when he acknowledged that he failed to obtain written confirmation of his clients' informed consent to the conflict of interest.

9. During his testimony, Sossomon testified that "the Bar's approach to this thing is wrong" and stated, despite his post-closing advice to Ms. David on her rights against subsequent owners of the property, "You're not connected to a client for the rest of your life simply because you close a real estate transaction for them." The committee found, despite his admission that he violated Rule 1.9, that these statements were a substantially incorrect minimization of his continuing ethical obligations to his clients and former clients. [197:23-24]

10. Although he acknowledged that he was "representing the seller" in the David-Old Hemlock transaction, in his testimony Sossomon repeatedly testified to the effect that his obligations were limited to effecting the seller's contract rather than achieving the client's goals in the transaction, especially the recording of restrictive covenants that would limit future use of the property to single-family residences. [e.g., 136:4-8 & 16-18, 138:13 through 139:18, 165:2-11, 199:18 through 203:5]

11. A lawsuit initiated by the Davids against Dupree on 12 September 2006 was still ongoing at the time of the hearing in this matter. [Plaintiff's Exhibits 10, 11, 13, 14, 15, Vol II, 11:16-21]

12. On 24 January 2007, David filed suit against Sossomon alleging legal malpractice, among other things. On 16 April 2007, Sossomon added Old Hemlock/Dupree as a third party defendant in that case. This lawsuit was also still pending at the time of the hearing in this matter. [Plaintiff's Exhibits 18 & 21]

13. As of the date of the hearing in this case, Dupree and the Davids had incurred substantial legal fees litigating the two cases described above. [Vol II, 19:2-3 & 33:9-18]

14. Sossomon has not previously been disciplined by the North Carolina State Bar.

Based upon the foregoing Findings of Fact, Conclusions of Law, Findings of Fact Regarding Discipline, and upon the evidence and arguments presented at the hearing concerning appropriate discipline, the hearing committee hereby enters the following additional

CONCLUSIONS REGARDING DISCIPLINE

1. Sossomon's misconduct is aggravated by the following factors:

- a. A pattern of misconduct;
- b. Multiple offenses;

c. Except for acknowledging his failure to obtain written informed consent to the conflict of interest, a refusal to acknowledge the wrongful nature of his conduct;¹ and

d. Vulnerability of the victim, Linda David.

2. Sossomon's misconduct is mitigated by the following factors:

a. Absence of a prior disciplinary record;

b. Full disclosure to the hearing committee.

3. The aggravating factors outweigh the mitigating factors.

4. Sossomon's actions caused significant actual harm to the profession in that his conduct undermined the trust of his former clients in the legal profession.

5. Sossomon's actions caused significant actual harm to his clients in that his knowing representation of clients and/or former clients with competing interests without informed consent from the clients and/or former clients, and his unauthorized disclosure of their confidences:

a. Created for those clients a situation that could only be resolved through expensive litigation; and

b. Otherwise caused economic loss to his clients.

6. Specifically, Sossomon's actions caused the following significant actual harm to his clients and/or former clients:

a. Both Sanders Dupree and Lloyd Wagner sustained economic loss due to the six-month delay in selling their respective properties to Shephard.

b. Both Sanders Dupree and Linda David sustained significant actual harm in the form of continued litigation against each other, in which both have expended substantial sums on attorneys fees, and in which only one of these affected parties will prevail.

7. The hearing committee has considered lesser alternatives and finds that a public censure, reprimand, or admonition would not be sufficient discipline because of the gravity of the actual harm to his clients and to the legal profession caused by Sossomon's conduct, and the threat of significant potential harm Sossomon poses to the public, including potential harm

¹ This is the conclusion of two of the Committee's three members; the third member dissents from this conclusion.

stemming from his continuing failure to appreciate his obligations as an attorney to his current and former clients.

8. The hearing committee considered all lesser sanctions and finds that discipline short of suspension would not sufficiently protect the public for the following reasons:

- a. Sossomon's pattern of continuing conduct;
- b. Sossomon's continuing course of multiple undisclosed offenses;
- c. With the exception of his admitted violation of Rule 1.9, Sossomon's refusal to appreciate the significance of the wrongful nature of his misconduct;
- d. In light of Sossomon's refusal to appreciate the wrongful nature of his conduct (over and above his failure to obtain written informed consent to the conflict), only discipline with tangible personal consequences will serve to deter Sossomon from future misconduct of this kind.
- e. Entry of an order imposing less serious discipline would fail to acknowledge the seriousness of the offenses Sossomon committed and would send the wrong message to attorneys and the public regarding the conduct expected of members of the Bar of this State.

9. The hearing committee therefore concludes that the only sanction in this case that can adequately protect the public is an active suspension of Sossomon's license for a period of time.

10. The expenses incurred by Plaintiff for stenographic and videographic assistance in the taking of Defendant's deposition, Dan Chapman's deposition, and William Shephard's deposition in this matter and the cost of those deposition transcripts were reasonable and necessary in the litigation of this case. The cost of those depositions should be taxed to the Defendant.

Based upon the foregoing Findings of Fact, Conclusions of Law, and additional Findings of Fact and Conclusions Regarding Discipline, the hearing committee hereby enters the following

ORDER OF DISCIPLINE

1. Defendant, Creighton W. Sossomon, is hereby suspended from the practice of law in North Carolina for one year, beginning 30 days from the date of service of this order upon Defendant.

2. Defendant shall submit his license and membership card to the Secretary of the North Carolina State Bar no later than 30 days following service of this order upon Defendant.

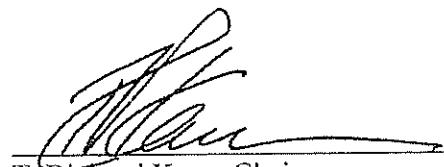
3. Defendant shall comply with the wind down provisions contained in 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0124(b) of the North Carolina State Bar Discipline & Disability Rules. Defendant shall file an affidavit with the Secretary of the North Carolina State Bar within 10 days of the effective date of this order, certifying he has complied with the wind down rule.

4. All costs of this action, which are to include the State Bar's deposition costs for the depositions of Defendant, Dan Chapman, and William Shephard, are taxed to Defendant. Defendant must pay the costs of this action within 30 days of service of the statement of costs by the Secretary.

5. At the conclusion of the one year active suspension of his license, Defendant may apply to be reinstated to the practice of law by filing a petition with the Secretary of the North Carolina State Bar demonstrating compliance with the general provisions for reinstatement set forth in 27 N.C. Admin. Code Chapter 1, Subchapter B § .0125(b) and demonstrating the following by clear, cogent, and convincing evidence:

- a. That he properly wound down his law practice and complied with the terms of 27 N.C. Admin. Code Chapter 1, Subchapter B § .0124 of the State Bar Discipline & Disability Rules;
- b. That he paid the costs of this proceeding within 30 days of service of the statement of costs upon him;
- c. That he has kept the North Carolina State Bar Membership Department advised of his current business and home address;
- d. That he has responded to all communications from the North Carolina State Bar received after the effective date of this order within 30 days of receipt or by the deadline stated in the communication, whichever is sooner; and
- e. That he has not violated the Revised Rules of Professional Conduct or the laws of the United States or any state.

Signed by the Chair with the consent of the other hearing committee members, this the
30th day of June, 2009.



T. Richard Kane, Chair
Disciplinary Hearing Committee

kyle,asdf
NEXT FILE !!!!!!!!,1195

WAKE COUNTY
NORTH CAROLINA

IN THE GENERAL COURTS OF JUSTICE
SUPERIOR COURT DIVISION

THE NORTH CAROLINA STATE BAR,)
PETITIONER,)
v.)
MARVIN RAY SPARROW,)
RESPONDENT.)

CONSENT ORDER
OF SUSPENSION

*Marvin Ray Sparrow
#1175
7/1/83
65*

THIS MATTER came on to be heard and was heard by the undersigned Judge of Superior Court of Wake County on motion of Petitioner, the North Carolina State Bar. Petitioner was represented by Katherine E. Jean. Respondent, Marvin Ray Sparrow, was represented by Sean Devereux. Based upon the consent of the parties, the Court makes the following:

FINDINGS OF FACT

1. Respondent, Marvin Ray Sparrow ("Sparrow"), was licensed to practice law in North Carolina on August 21, 1983.
2. Sparrow's address of record on file with the North Carolina State Bar is 175 N. Main Street, Rutherfordton, North Carolina 28139.
3. The State Bar's preliminary investigation indicates that Sparrow has engaged in professional misconduct.
4. Sparrow's continued practice of law may pose a threat of significant harm to the public and to the administration of justice.
5. The factual allegations under investigation by the State Bar raise substantial concern about Sparrow's current fitness to practice law.
6. Sparrow desires to cooperate with the State Bar.
7. To protect the public and the administration of justice, Sparrow's license to practice law in North Carolina should be suspended, Sparrow should be prohibited from rendering or offering to render any legal services in North Carolina, and Sparrow should be prohibited from representing to any person that he is presently qualified to provide legal services in North Carolina.

8. A need for prompt action exists to protect the public and the administration of justice.

Based upon the foregoing Findings of Fact, the Court makes the following

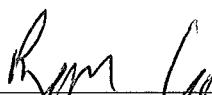
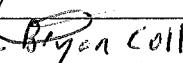
CONCLUSIONS OF LAW

1. The Court has jurisdiction of this cause pursuant to N.C. Gen. Stat. § 84-28(j) and pursuant to its inherent authority over attorneys.
2. Prompt action, pursuant to N.C. Gen. Stat. § 84-28(f), is necessary to protect the public and the administration of justice pending completion of the State Bar's investigation and conclusion of any disciplinary proceedings arising out of the allegations of misconduct.
3. To protect the public and the administration of justice, and pursuant to this Court's inherent authority over attorneys, Sparrow's license to practice law in North Carolina should be suspended, Sparrow should be prohibited from rendering or offering to render any legal services in North Carolina, and Sparrow should be prohibited from representing in any form to any person that he is presently qualified to provide legal services in North Carolina, until further order of the Court.

THEREFORE, IT IS HEREBY ORDERED:

1. Effective upon entry of this Order, the law license of Marvin Ray Sparrow is suspended until further order of this Court.
2. Effective upon entry of this Order, Sparrow is prohibited from rendering or offering to render any legal services in North Carolina and is prohibited from representing in any form to any person that he is presently qualified to provide legal services in North Carolina, until further order of the Court.
3. This Order is without prejudice to Sparrow's right to request a hearing to determine whether he should be reinstated to the practice of law in this State.
4. This Order shall remain in effect until further order of this Court.

THIS the 11th day of September, 2015.


AC Donald W. Stephens 
BC Bryan Collins, Jr.
Senior Resident Superior Court Judge

WE CONSENT:

Marvin Sparrow

Marvin Ray Sparrow
Respondent

Sean Devereaux

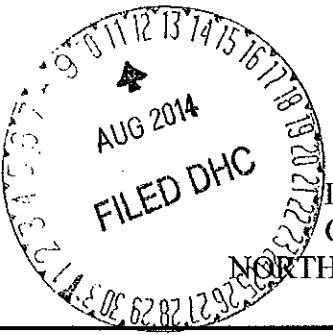
Sean Devereaux
Counsel for Respondent

3

Katherine E. Jean
Attorney for Petitioner
The North Carolina State Bar

kyle,asdf
NEXT FILE !!!!!!!!,1206

STATE OF NORTH CAROLINA
WAKE COUNTY

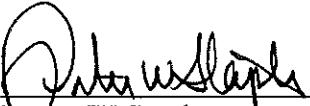


BEFORE THE
DISCIPLINARY HEARING
COMMISSION OF THE
NORTH CAROLINA STATE BAR
14 BSR 3

In the Matter of the Petition for
Reinstatement of Porter W Staples

NOW COMES PETITIONER, Porter W Staples and takes a voluntary dismissal, without prejudice, on the above captioned matter.

This is the 6 day of August, 2014.


Porter W Staples

kyle,asdf
NEXT FILE !!!!!!!!,1209

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
14G0095 & 14G0924

IN THE MATTER OF)
TERESA D. STEWART,) CENSURE
ATTORNEY AT LAW)

On October 22, 2015, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by M.C. 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.

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

The Grievance Committee believes that a hearing before the Disciplinary Hearing Commission is not required in this case and issues this censure to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this censure.

You represented M.C. in an immigration matter in which M.C. was applying for Deferred Action for Childhood Arrivals. M.C. was born in Mexico, but she speaks English. You did not ask M.C. whether she spoke English, simply assuming she did not because she "answered the phone in Spanish." Based on this unreasonable assumption, you delegated all communication with M.C. to your Spanish-speaking staff. By failing to even ascertain whether an interpreter was necessary to communicate with your client, you failed to reasonably consult with a client about the means by which the client's objectives were to be accomplished in violation of Rule 1.4(a)(2). In connection with M.C.'s case, you also did not adequately supervise your non-lawyer assistants in violation of Rule 5.3(b): For example, you permitted your intern to engage in the unauthorized practice of law

by independently conducting the initial client consultation, during which she informed M.C. of "the process for application and the documentation that would be needed to support the application."

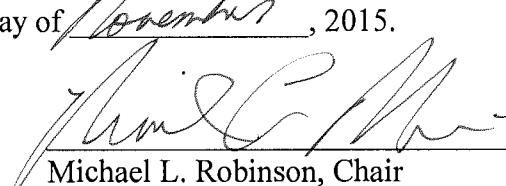
You submitted M.C.'s application to USCIS in December 2013, but did not attach several of the required supporting documents. In March 2014, USCIS sent a request for the missing documentation. You obtained two of the three necessary documents from M.C., and then responded to USCIS's request for the missing documents by filing what you knew to be an incomplete response six weeks before the deadline. As a result, M.C.'s application for Deferred Action was denied. When she contacted your office inquiring about the denial, you did not explain why her application was denied or what options remained, instead instructing your secretary to respond to M.C.'s inquiry. By filing a facially deficient application and an incomplete response on behalf of M.C., you failed to act with reasonable diligence and competence in violation of Rules 1.1 and 1.3. Your failure to explain why M.C.'s application was denied or discuss possible next steps was in violation of Rule 1.4(a)(3) and (4). Your decision to have your secretary provide this legal advice to M.C. when you were not present was in violation of Rule 5.3(b).

In addition, you failed to reconcile your attorney trust account in violation of Rule 1.15-3(d), leading to discrepancies between your records and the bank balance which prompted you to stop using the account in 2011. By mid-2013, you had identified all client balances in the account and were making the necessary deposits and disbursements to zero-out all of the client ledgers. The 2013 reconciliation reflected that there was one client for whom you had failed to timely make payment to the Clerk of Court, in violation of Rule 1.15-2(m). One of the checks by which you disbursed funds to yourself while reconciling the account did not contain a client attribution, in violation of Rule 1.15-2(h).

You are hereby censured by the North Carolina State Bar for your violation of the Rules of Professional Conduct. The Grievance Committee trusts that you will ponder this censure, recognize the error that you have made, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession. This censure should serve as a strong reminder and inducement for you to weigh carefully in the future your responsibility to the public, your clients, your fellow attorneys and the courts, to the end that you demean yourself as a respected member of the legal profession whose conduct may be relied upon without question.

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 censure by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this 6th day of November, 2015.



Michael L. Robinson, Chair
Grievance Committee
The North Carolina State Bar

kyle,asdf
NEXT FILE !!!!!!!!,1218

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
15G0146

IN THE MATTER OF)
) CENSURE
JAMES R. STREETER,)
ATTORNEY AT LAW)

On October 22, 2015, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by RB.

Pursuant to section .0113(a) of the Discipline and Disability Rules of the North Carolina State Bar, the Grievance Committee conducted a preliminary hearing. After considering the information available to it, including documents you provided on September 8, 2015, the Grievance Committee 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.

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

The Grievance Committee believes that a hearing before the Disciplinary Hearing Commission is not required in this case and issues this censure to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this censure.

You and Robert White ("White") represented RB and family members of RB in a civil action in Martin County. Defendant JB was dismissed from the case by order of superior court on or about May 24, 2010. On or about December 28, 2010, you and White filed a notice of voluntary dismissal as to defendant WT, Inc., the sole remaining defendant. You did not consult with your clients about taking a voluntary dismissal as to WT, Inc., and you did not communicate to your clients that their case had been dismissed. Your clients called your office asking for information about the case but you did not respond. Your clients learned of the voluntary dismissal from another source more than a year later when it was too late to refile.

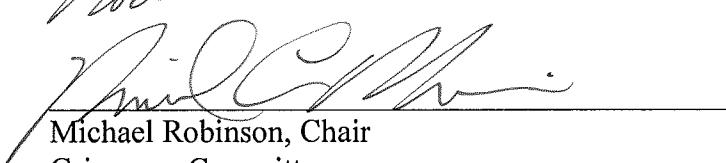
You were served with a letter of notice by the State Bar on May 27, 2015. You did not respond to the letter of notice within the time set by 27 N.C.A.C. 1B § .0112(c). You were served with a subpoena on September 4, 2015 commanding you to appear at the State Bar Office on September 8, 2015 for an examination and to produce your file in RB's case. You did not appear for the examination as commanded on September 8, 2015.

By failing to communicate with your clients about the decision to take a voluntary dismissal, failing to notifying them after the case was dismissed, and failing to respond to your clients' requests for information about the case, you violated Rule 1.4(a)(2), (a)(3), and (a)(4). By dismissing the case without the consent of your clients and without notifying your clients of the dismissal in time for them to refile the complaint, you violated Rule 8.4(d). By ending your representation of your clients without notice as required by Rule 16 of the General Rules of Practice for the Superior and District Courts, and without taking steps to protect your clients' right to refile the complaint, you violated Rule 1.16(c) and (d). By failing to timely respond to the letter of notice or appear pursuant to the State Bar's subpoena, you violated Rules 8.1(b) and 8.4(d).

You are hereby censured by the North Carolina State Bar for your violation of the Rules of Professional Conduct. The Grievance Committee trusts that you will ponder this censure, recognize the error that you have made, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession. This censure should serve as a strong reminder and inducement for you to weigh carefully in the future your responsibility to the public, your clients, your fellow attorneys and the courts, to the end that you demean yourself as a respected member of the legal profession whose conduct may be relied upon without question.

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 censure by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this 6th day of November, 2015.



Michael Robinson, Chair

Grievance Committee

The North Carolina State Bar

MLR/hp

kyle,asdf
NEXT FILE !!!!!!!!,1224

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
15G1157

IN THE MATTER OF)
)
) REPRIMAND
JAMAL M. SUMMEY,)
ATTORNEY AT LAW)

On July 27, 2017 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.

Your law partner represented Jimell Horton, who was charged with double homicide. Witnesses in the Horton case indicated that someone named "Little Jimmy" drove Horton back to the vicinity of the crime scene on the night of the murders, at which point Horton retrieved a gun he had discarded earlier in the evening. During the week prior to the Horton trial, you spoke with Little Jimmy about representation on a misdemeanor charge. You also discussed the fact that

police and prosecutors had been trying to contact Little Jimmy regarding the Horton case. You advised Little Jimmy to assert his Fifth Amendment privilege if he was called to testify in the Horton trial. When the State called Little Jimmy to testify on the third day of trial, Little Jimmy pled the fifth in response to virtually every question, including "did you have breakfast this morning?"

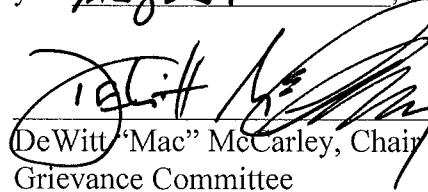
Your law partner could not have given legal advice (specifically, recommending that he plead the Fifth) to a potentially critical State's witness against his client. Under Rule 1.10(a), your partner's conflict was imputed to you, and giving legal advice to Little Jimmy was in violation of the Rule.

After examining you under oath regarding your involvement with Little Jimmy, the Court declared a mistrial, noting that you and your law partner had conflicts of interest, and that your decision to advise Little Jimmy when you knew that he was a potential witness in the Horton case "prevented the defendant from having the representation guaranteed to him by the Sixth Amendment." Your conduct was prejudicial to the administration of justice in violation of Rule 8.4(d), in that three days of court time were wasted and a mistrial declared because of your actions.

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 15th day of August, 2017.



DeWitt "Mac" McCarley, Chair
Grievance Committee

DM/lb

kyle,asdf
NEXT FILE !!!!!!!!,1265

NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
17G0336

IN THE MATTER OF)
) REPRIMAND
STEPHANIE L. VILLAVER,)
ATTORNEY AT LAW)

On July 27, 2017 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.

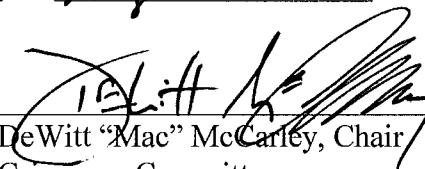
You advertised on your Facebook page that you specialized in personal injury claims "such as Auto Accidents, Slip & Falls, Worker's Compensation & Wrongful Death Traffic and Criminal cases." You cannot state that you specialize in an area of law since you are not certified by a specialization board as a specialist. Your use of the word specialize in your Facebook post violated Rule 7.4(b).

In your response to this grievance, you stated that you did not know that your consultant had used the word "specialize" in describing the delivery of your legal services on your Facebook page. You indicated that you omitted to tell the consultant about impermissible words or language in lawyer advertising. This omission is particularly significant since you were reprimanded by the Grievance Committee in February 2014 for advertising that you specialized in areas of the law, in violation of Rule 7.4(b). The Grievance Committee concluded that the buck stops with you as it relates to how your legal services are advertised.

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 August, 2017.


DeWitt "Mac" McCarley, Chair
Grievance Committee

DM/lb

kyle,asdf
NEXT FILE !!!!!!!!,2653

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
16G1361

IN THE MATTER OF)
)
) REPRIMAND
JONATHAN W. WASHBURN,)
ATTORNEY AT LAW)

On July 27, 2017 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by J. S. 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.

Your firm issued an operating account check to pay recording fees for which you did not have sufficient funds in the operating account. You were served with a letter of notice by the North Carolina State Bar, to which you timely responded. In the course of the grievance investigation, you described prospective changes in procedures to avoid future issues with the payment of recording fees. The Grievance Committee recognizes your effort to address the issue

but cautions you to ensure than any corrective measure is consistent with the protection of your clients' interests and achievement of the goals for which your clients retain you. The Grievance Committee does not assess whether prospective measures will comply with the Rules of Professional Conduct and accordingly makes no findings regarding those measures.

The letter of notice with which you were served requested that you provide as part of your response the quarterly reconciliation of your trust account(s) for the fourth quarter of 2016 required under Rule 1.15-3(d)(1). Although you timely responded to the letter of notice on February 9, 2017, you did not provide the requested quarterly reconciliation. Instead, you provided an e-mail from you to SoftPro asking when they would complete the reconciliation work being done for your firm, with a handwritten note that you were waiting on SoftPro to provide reconciliations and would provide them upon receipt. On February 23, 2017, you provided the State Bar with an additional e-mail between you and SoftPro in which SoftPro indicated on February 9, 2017 that it had not yet begun reconciling your trust accounts due to a database retrieval error. As of May 3, 2017, you had not provided the State Bar with your fourth quarter 2016 trust account reconciliation. On May 3, 2017, the State Bar followed up on this issue and asked you to provide quarterly reconciliations for the fourth quarter of 2016 and the first quarter of 2017 by May 31, 2017. On May 30, 2017 you responded and provided reconciliation documents from SoftPro for 2016. You noted that you pressed SoftPro to complete the reconciliations and they were provided on May 30, 2017 for 2016. As of May 30, 2017, you did not have a reconciliation for the first quarter of 2017 (through March 2017).

The Grievance Committee noted in the reconciliation documents before it that there were negative balances resulting from disbursements attributed to your firm in excess of firm funds in the trust account, thereby potentially impacting entrusted client funds in the trust account, in violation of Rule 1.15-2(a), (j), and (m). The negative balances were not properly handled in either reconciliation process, in that they were included in totaling the client balances. This inclusion produced an artificially lowered client balance total. You included in your subsequent correspondence to the State Bar documentation of appropriate action to investigate and address the negative balances, one of which appeared to have possibly resulted from data entry error.

The Grievance Committee found the evidence showed you failed to timely conduct the monthly and quarterly reconciliations of your trust accounts in the form and manner required by Rule 1.15-3(d). Your failure to have timely conducted the required monthly and quarterly reconciliations of your trust accounts is in violation of Rule 1.15-3(d).

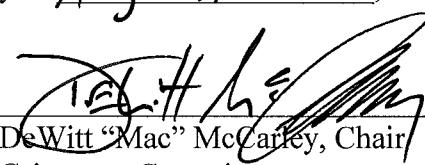
In your July 13, 2017 letter to the State Bar, you referenced internal reconciliations performed by your firm, but did not provide any such records until after the meeting of the Grievance Committee. The reports you mailed to the State Bar on July 31, 2017, for the period of April 2016 through June 2017, do not warrant any different conclusion. All reconciliation reports provided bore report print dates of late July 2017, with one exception. Additionally, the records were not timely provided to the State Bar when requested in the letter of notice. The date of production to the State Bar and the dates on the records indicate that the reconciliations were not timely completed. These records do not alter the Grievance Committee's finding that you failed to timely conduct the monthly and quarterly reconciliations of your trust accounts in the form and manner required by Rule 1.15-3(d).

In recognition of corrective actions you have taken with regard to these trust account issues, the Grievance Committee determined that issuance of a reprimand was the appropriate action to take in this case.

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 9th day of August, 2017.



DeWitt "Mac" McCarley, Chair
Grievance Committee

DM/lb

kyle,asdf
NEXT FILE !!!!!!!!,2664

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
12G0794

IN THE MATTER OF)
)
WILLIAM E. WEST, JR.)
ATTORNEY AT LAW)

CENSURE

On January 21, 2016, the Grievance Committee of the North Carolina State Bar met and considered the above-captioned grievance. 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.

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

The Grievance Committee believes that a hearing before the Disciplinary Hearing Commission is not required in this case and issues this censure to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this censure.

In 2007, you undertook to represent Paul Moore ("Moore") in a federal investigation involving a fraud scheme in South Carolina. You were introduced to Moore by Jonathan Moses ("Moses"), who would later become Moore's codefendant. The Grievance Committee found that your relationship with Moses, as explained below, created a situation in which you could not ethically represent Moore.

After Moore and Moses were indicted, the United States Department of Justice ("USDOJ") filed a motion alleging that you had a conflict of interest in representing Moore. The alleged conflict was based in part on the allegation that Moses owed you \$100,000.00. In response to the Letter of Notice in this grievance matter, you admitted that Moses still owed you \$100,000.00. The Grievance Committee found that you obviously had an interest in Moses repaying you the \$100,000.00. It follows that you had a personal interest in ensuring that Moses did not go to prison so that he would be in a better position to repay

you. The Grievance Committee found that you had a conflict of interest in representing Moore. Rule 1.7(a)(2) provides: "Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if the representation of one or more clients may be materially limited by the lawyer's responsibilities to another client, a former client, or a third person, or by a personal interest of the lawyer. The Grievance Committee concluded that a concurrent conflict of interest existed in that your representation of Moore might be materially limited by your personal interest in having Moses repay the loan. Rule 1.7(b) provides that when a concurrent conflict of interest exists, an attorney can only represent a client if each client affected by a concurrent conflict of interest gives written consent. Although you contend that you advised Moore of your prior business relationship with Moses and his indebtedness to you, and that Moore wanted to go forward with the representation, you acknowledge that Moore did not sign a written waiver of the conflict. Accordingly, your conduct violated Rule 1.7(a)(2).

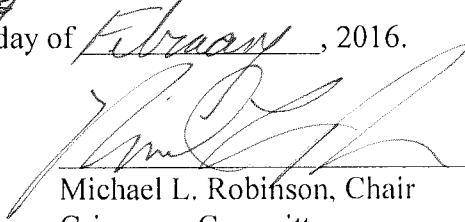
The Grievance Committee also found that you accepted payment from Moses for at least part of the legal fee you charged for representing Moore. In your January 11, 2013 response to the State Bar's follow up questions, you provided an *amended* IRS form 8300 reporting the receipt of cash in excess of \$10,000.00. On that form, which was dated 1/17/10 (after USDOJ raised the conflict of interest issue), you stated in the Comments section: "Although originally reported as a transaction involving funds received from Moses to me on behalf of Moore, the transaction is now somewhat confusing in that it is unclear whether Moses was paying to me part of a loan indebtedness owed or loaning funds to Moore to pay Moore's legal fees to me. In any event, the sum of \$28,000 was received, and both parties have been notified." Therefore, the Grievance Committee concluded that the information you say you provided on the *original* Form 8300 shows that Moses paid Moore's initial attorney fee. Even if Moore consented, which you state he did, your independent judgment was in question because of Moses's indebtedness to you. Therefore, the Grievance Committee concluded that by accepting compensation from Moses for your representation of Moore, you violated Rule 1.8(f) which prohibits an attorney from accepting compensation from one other than the client unless the client gives informed consent and there is no interference with the lawyer's independence of professional judgment or with the lawyer-client relationship.

Finally, during the State Bar's grievance investigation, you asserted that you were unable to provide certain documents because your office was broken into. You stated: "[d]espite my firm being well-appointed with furniture, expensive computers, and electronics, nothing was missing from our offices except a number of files with names beginning with the letter 'M.'" Therefore, according to you, "files concerning 'Moore' or 'Moses' would have been taken." Throughout the grievance process, you repeatedly failed to provide documents (such as the original Form 8300) because they were purportedly in the stolen file(s). You attached to your response to the Letter of Notice the top part of a police report to support your claim that your office had been broken into. The State Bar obtained a copy of the bottom part of the report which listed the property you reported stolen: two computer monitors, a fire extinguisher, and a camera. There is no mention on the police report of any files being stolen. The Grievance Committee found that you knowingly made a false statement of material fact in connection with a disciplinary matter in violation of Rule 8.1(a).

You are hereby censured by the North Carolina State Bar for your violation of the Rules of Professional Conduct. The Grievance Committee trusts that you will ponder this censure, recognize the error that you have made, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession. This censure should serve as a strong reminder and inducement for you to weigh carefully in the future your responsibility to the public, your clients, your fellow attorneys and the courts, to the end that you demean yourself as a respected member of the legal profession whose conduct may be relied upon without question.

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 censure by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this 15th day of February, 2016.



Michael L. Robinson, Chair
Grievance Committee
The North Carolina State Bar

MLR/bc

kyle,asdf
NEXT FILE !!!!!!!!,2665

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
17G1034

IN THE MATTER OF)
)
SONYA L. WHITAKER,)
ATTORNEY AT LAW)

On April 19, 2018 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.

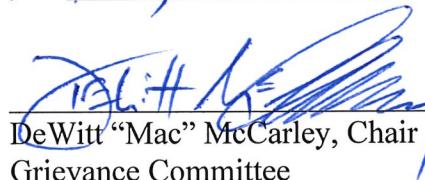
You filed a reinstatement petition from an Administrative Suspension of your law license. On the petition you answered that you did not have any disciplinary complaints, investigations, or actions pending before a professional licensing organization. In fact, you were aware that State Bar Grievance 17G0026 was pending and under investigation at the time. You received notice of that grievance on April 28, 2017. Over the next several months the Bar repeatedly requested

information from you in reference to the grievance, but you did not comply until after filing the petition for reinstatement. When questioned about the statement on the reinstatement petition, you claimed you did not know 17G0026 was a grievance. This was disingenuous as you had clear notice that it was a grievance. You therefore made a false statement to the Administrative Committee of the State Bar. You violated Rules 8.1(a) and 8.4(c).

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 30th day of May, 2018.


DeWitt "Mac" McCarley, Chair
Grievance Committee

DM/lb

kyle,asdf
NEXT FILE !!!!!!!!,2666

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
15G0147

IN THE MATTER OF)
ROBERT L. WHITE,) CENSURE
ATTORNEY AT LAW)

On October 22, 2015, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by RB.

Pursuant to section .0113(a) of the Discipline and Disability Rules of the North Carolina State Bar, the Grievance Committee conducted a preliminary hearing. After considering the information available to it, including information you provided on June 20, 2015, the Grievance Committee 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.

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

The Grievance Committee believes that a hearing before the Disciplinary Hearing Commission is not required in this case and issues this censure to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this censure.

You and James Streeter ("Streeter") represented RB and family members of RB in a civil action in Martin County. Defendant JB was dismissed from the case by order of the superior court on or about May 24, 2010. On or about December 28, 2010, you and Streeter filed a notice of voluntary dismissal as to defendant WT, Inc., the sole remaining defendant. You did not consult with your clients about taking a voluntary dismissal as to WT, Inc., and you did not communicate to your clients that their case had been dismissed. Your clients sought information about the case after it was dismissed but you did not respond. Your clients learned of the voluntary dismissal from another source more than a year later when it was too late to refile.

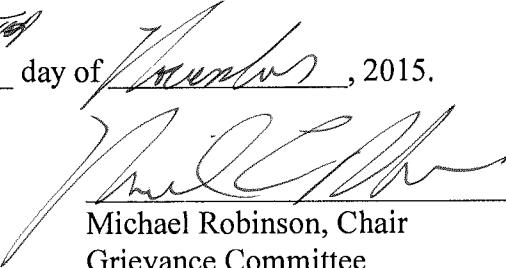
You did not file a timely response to the grievance but you did file a response after being notified that a timely response had not been filed. In your response to the grievance, you stated that you served in a consulting role in the case. However, documents in the case show that you, along with Streeter, were actively involved in all major aspects of the case including the signing of the pleadings, giving notice of appeal of a motion to dismiss, and signing the voluntary dismissal.

By failing to communicate with your clients about the decision to take a voluntary dismissal, failing to notifying them after the case was dismissed, and failing to respond to your clients' requests for information about the case, you violated Rule 1.4(a)(2), (a)(3), and (a)(4). By dismissing the case without the consent of your clients and without notifying your clients of the voluntary dismissal in time for them to refile the complaint, you violated Rule 8.4(d). By ending your representation of your clients without notice as required by Rule 16 of the General Rules of Practice for the Superior and District Courts, and without taking steps to protect your clients' right to refile the complaint, you violated Rule 1.16(c) and (d). By failing to timely respond to the letter of notice, and then mischaracterizing your role in the case as that of a consultant, you violated Rule 8.1(a) and (b).

You are hereby censured by the North Carolina State Bar for your violation of the Rules of Professional Conduct. The Grievance Committee trusts that you will ponder this censure, recognize the error that you have made, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession. This censure should serve as a strong reminder and inducement for you to weigh carefully in the future your responsibility to the public, your clients, your fellow attorneys and the courts, to the end that you demean yourself as a respected member of the legal profession whose conduct may be relied upon without question.

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 censure by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

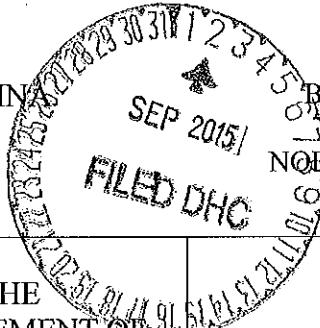
Done and ordered, this 6 day of January, 2015.


Michael Robinson, Chair
Grievance Committee
The North Carolina State Bar

MLR/hp

kyle,asdf
NEXT FILE !!!!!!!!,2668

STATE OF NORTH CAROLINA
WAKE COUNTY



BEFORE THE SECRETARY
OF THE
NORTH CAROLINA STATE BAR
14 DHC 24, 15 BSR 11

IN RE: THE MATTER OF THE
PETITION FOR REINSTATEMENT OF

ORDER STAYING SUSPENSION

PAUL L. WHITFIELD

THIS MATTER is before the Secretary of the North Carolina State Bar pursuant to a Petition for an Order Staying Suspension filed by Paul L. Whitfield ("Whitfield") on 31 August 2015.

Based upon the petition and its attachments and upon a review of the records of the North Carolina State Bar, the Secretary makes the following

FINDINGS OF FACT

1. On 13 November 2014, a hearing panel of the Disciplinary Hearing Commission (hereinafter, "DHC") entered a Consent Order of Discipline in file number 14 DHC 24 (hereinafter "the Order of Discipline"). Whitfield was served with the Order of Discipline on 1 December 2014.

2. The Order of Discipline suspended Whitfield's license to practice law in North Carolina for a period of two years, effective 31 December 2014. The Order of Discipline provided that, after serving six months of the active suspension of his license, Whitfield could file a petition seeking a stay of the remaining portion of his suspension upon compliance with the conditions stated in the Order of Discipline.

3. On 31 August 2015, Whitfield filed a verified petition requesting a stay of the remaining portion of his active suspension and seeking reinstatement to active status with the North Carolina State Bar subject to the continuing conditions and requirements set forth in the Order of Discipline.

4. The Order of Discipline requires that Whitfield be in compliance with a number of conditions to qualify for a stay of the remaining portion of his suspension.

5. In his petition, Whitfield certified that he has satisfied all of the conditions in the Order of Discipline to qualify for a stay of the remaining portion of his suspension.

6. Counsel for the North Carolina State Bar did not file an objection to Whitfield's petition.

Based upon the foregoing Findings of Fact, the Secretary makes the following

CONCLUSIONS OF LAW

1. The petitioner, Paul L. Whitfield, has satisfied the conditions established in the Order of Discipline for a stay of his suspension and reinstatement to active status, subject to the continuing conditions set forth in the Order of Discipline.

2. Whitfield's reinstatement to active status should be conditioned upon compliance with the conditions and requirements in the Order of Discipline.

THEREFORE, based upon the findings and conclusions stated herein, the Secretary hereby enters the following

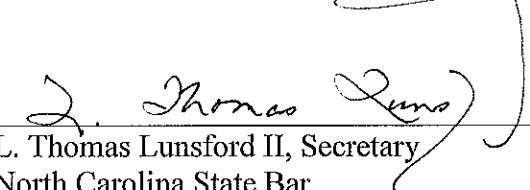
ORDER

1. The remaining active suspension of Paul L. Whitfield's license imposed by the Order of Discipline in 14 DHC 24 is hereby stayed and Whitfield is reinstated to the active practice of law in North Carolina as of the date of this order.

2. The stay of the remaining suspension is subject to the terms, conditions, and requirements set forth in the Order of Discipline.

3. Whitfield's status as an active member of the North Carolina State Bar is contingent upon his compliance with all of the remaining conditions set forth in the Order of Discipline.

This the 2nd day of September, 2015.


L. Thomas Lunsford II, Secretary
North Carolina State Bar

kyle,asdf
NEXT FILE !!!!!!!!,2695

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
15G0088

IN THE MATTER OF)
STEVEN B. WRIGHT,) REPRIMAND
ATTORNEY AT LAW)

On July 21, 2016 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by V. V. 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.

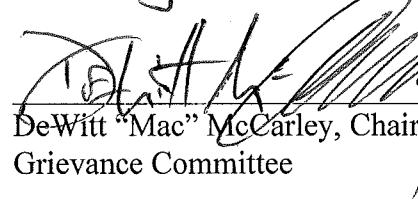
You were retained to represent V.V. in his federal criminal defense. After V.V.'s mother paid you \$10,000, purportedly from her retirement account, the court removed you from the representation due to a conflict of interest. Although you agreed that V.V.'s mother was due a refund for a portion of the fee, you failed to deliver that refund in violation of Rule 1.15-2(n). While the Bar recognizes some difficulties you had in making contact with V.V.'s mother, the

Rule requires that you promptly deliver any entrusted property to the rightful owner. Additionally, you failed to respond to the fee dispute facilitator in violation of Rule 1.5(f)(2) and failed to answer follow-up questions by the State Bar's deputy counsel in violation of Rule 8.1(b).

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 4th day of August, 2016.


DeWitt "Mac" McCarley, Chair
Grievance Committee

DM/lb