

STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
17 DHC 9

THE NORTH CAROLINA STATE BAR,
Plaintiff

v.

STEVEN TROY HARRIS, Attorney,
Defendant

ORDER OF DISCIPLINE

This matter came on for consideration by a hearing panel of the Disciplinary Hearing Commission composed of Beverly T. Beal, Chair, Allison C. Tomberlin, and Warren McDonald pursuant to Plaintiff's Motion for Default Order Imposing Discipline. Leonor Bailey Hodge represented Plaintiff, the North Carolina State Bar. Defendant, Steven Troy Harris, did not appear in this matter. Pursuant to 27 N.C. Admin. Code § .0115(l)(4), the Hearing Panel decided this matter based upon the written submissions, including Plaintiff's Motion for Default Order Imposing Discipline.

ESTABLISHED FACTS

Pursuant to the Entry of Default against Defendant, all allegations in the complaint are deemed admitted. Therefore, the following are the established facts:

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, Steven Troy Harris (hereafter "Defendant"), was admitted to the State Bar on 18 August 2000 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. Defendant was actively engaged in the practice of law in the State of North Carolina and maintained a law office in Durham, Durham County, North Carolina until 12 November 2015.
4. On 12 October 2015, an Order of Administrative Suspension was issued to Defendant which resulted in Defendant's license to practice law being suspended effective 12 November 2015.
5. After the effective date of his suspension, Defendant was not an active member of the State Bar and thus was not permitted to hold himself out as competent

or qualified to give legal advice, counsel or furnish the services of a lawyer to another, or collect a legal fee.

6. On or about 14 July 2014, M. Brewer retained Defendant to file a lawsuit on his behalf in a civil matter.

7. Defendant collected \$15,000 from Brewer for his representation of him.

8. As of May 2015, Defendant had not yet filed a complaint on behalf of Brewer.

9. On or about 18 June 2015, Brewer sent Defendant a text message inquiring about the status of his legal matter and informing Defendant that Brewer was extremely stressed about the situation.

10. Defendant did not respond to Brewer's June 18th text message, nor did Defendant respond to several text messages that Brewer sent after his June 18th text message.

11. On 17 August 2015, Defendant sent the following text message response to Brewer: "Can we talk Monday at 11am.[sic] I'm out of the office this week [sic]"

12. Between August 2015 and October 2015, Brewer sent Defendant several text messages inquiring about the status of Defendant's representation of Brewer.

13. Defendant only replied to Brewer's messages twice.

14. On 14 October 2015, Brewer sent the following text message to Defendant: "Hey steve. [sic] Donna told me you are filing Tuesday. Is this true?"

15. Defendant replied "that's the plan."

16. Defendant's last text message communication to Brewer was on 14 April 2016 in which he stated "Got us rolling. Got to get service [sic]"

17. Defendant had not filed any civil action on Brewer's behalf as of April 14th. Therefore, there was no need to obtain service of the complaint.

18. Defendant never filed a civil action on Brewer's behalf.

19. Defendant sent the 14 April 2016 message to give the false impression that he had filed a civil action on behalf of Brewer.

20. Defendant had not completed his representation of Brewer when he was suspended from the practice of law.

21. Defendant did not earn the \$15,000 fee he collected from Brewer.

22. Defendant did not refund the unearned fee.

23. Defendant failed to notify Brewer of his suspension, the reason for his suspension, and his consequent inability to act as an attorney after the effective date of his suspension.

24. Defendant failed to advise Brewer to seek legal advice elsewhere.
25. Defendant failed to withdraw from his representation of Brewer before the effective date of his suspension.
26. On or about 5 January 2016, Brewer and his wife retained Defendant to represent their son in a custody matter.
27. Defendant collected an additional \$3,500 from the Brewers for his representation of their son in the domestic matter.
28. Defendant collected the \$3,500 fee from the Brewers while he was suspended from the practice of law.
29. Due to his suspension, Defendant was not an active member of the State Bar and thus was not permitted to hold himself out as competent or qualified to give legal advice, counsel or furnish the services of a lawyer to another, or collect a legal fee.
30. On or about 16 September 2016, the State Bar opened a grievance file against Defendant concerning his conduct in the Brewer matter.
31. Defendant personally accepted service of the Letter of Notice on 26 September 2016, after efforts to serve Defendant by certified mail were unsuccessful.
32. The Letter of Notice informed Defendant that he was required to respond in writing to the grievance within 15 days of service of the Letter of Notice.
33. Defendant did not submit a written response to the grievance.
34. F. Fichera retained Defendant to represent her in a domestic matter on or about 15 December 2014.
35. Defendant collected \$3,316 from Fichera as partial payment of his \$3,500 legal fee.
36. Defendant had not completed his representation of Fichera when he was suspended from the practice of law.
37. Defendant did not earn the entire amount of the \$3,316 fee he collected from Fichera.
38. Defendant failed to refund the unearned portion of the fee.
39. Defendant failed to notify Fichera of his suspension, the reason for his suspension, and his consequent inability to act as an attorney after the effective date of his suspension.
40. Defendant failed to advise Fichera to seek legal advice elsewhere.
41. Defendant failed to withdraw from his representation of Fichera before the effective date of his suspension.

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42. On or about 11 July 2016, the State Bar opened a grievance file against Defendant concerning his conduct in the Fichera matter.

43. Defendant personally accepted service of the Letter of Notice on 26 September 2016.

44. The Letter of Notice informed Defendant that he was required to respond in writing to the grievance within 15 days of service of the Letter of Notice.

45. Defendant did not submit a written response to the grievance.

46. On or about 31 July 2015, S. Travers retained Defendant to represent him in defense of a claim for alienation of affection.

47. In July 2015, Defendant collected an initial payment of \$5,000 from Travers. This initial payment was for Defendant's representation of Travers in filing an answer to the complaint, deposing the plaintiff, and deposing the plaintiff's ex-wife.

48. Defendant falsely represented to Travers that he had deposed the plaintiff's ex-wife in furtherance of his representation of Travers.

49. Defendant did not depose the plaintiff's ex-wife.

50. Defendant did not earn the entire amount of the initial \$5,000 he collected from Travers.

51. On or about 15 December 2015, Defendant collected a second \$5,000 payment from Travers. This payment was for Defendant's representation of Travers in written discovery, Travers' deposition, and mediation.

52. On or about 5 January 2016, Defendant represented Travers at his deposition.

53. However, Defendant failed to prepare a response to discovery requests that were served on Travers.

54. On 29 January 2016, Defendant falsely represented to Travers that he had served discovery requests on his behalf.

55. Defendant had not prepared or served any discovery requests on behalf of Travers.

56. Defendant did not earn the entire amount of the second \$5,000 payment he collected from Travers.

57. Defendant did not refund the unearned fee.

58. Defendant had not completed his representation of Travers when he was suspended from the practice of law.

59. Defendant failed to notify Travers of his suspension until February 2016, which was after the effective date of his suspension.

60. Although Defendant informed Travers of his suspension, Defendant failed to inform Travers of the reason for his suspension and his consequent inability to act as an attorney after the effective date of his suspension.

61. Defendant failed to advise Travers to seek legal advice elsewhere.

62. Defendant failed to withdraw from his representation of Travers before the effective date of his suspension.

63. On or about 23 August 2016, the State Bar opened a grievance file against Defendant concerning his conduct in the Travers matter.

64. Defendant personally accepted service of the Letter of Notice on 26 September 2016.

65. The Letter of Notice informed Defendant that he was required to respond in writing to the grievance within 15 days of service of the Letter of Notice.

66. Defendant did not submit a written response to the grievance.

67. On or about 6 January 2016, T. Roche retained Defendant to represent him in a domestic matter.

68. Defendant collected \$925 from Roche as his legal fee.

69. Defendant did not inform Roche that he was suspended from the practice of law in November 2015.

70. Defendant communicated with Roche using the following email address: steven@stharrislaw.com.

71. By using the above listed email address, Defendant gave the false appearance that Defendant was authorized to practice law.

72. On 14 January 2016, Defendant communicated with Roche by email address that used the following signature line: Steven T. Harris, Esq.

73. By using the above listed signature line on email communication with Roche, Defendant gave the false appearance that Defendant was authorized to practice law.

74. Defendant held himself out as an attorney throughout his interactions with Roche.

75. On or about 11 July 2016, the State Bar opened a grievance file against Defendant concerning his conduct in the Roche matter.

76. Defendant personally accepted service of the Letter of Notice on 26 September 2016.

77. The Letter of Notice informed Defendant that he was required to respond in writing to the grievance within 15 days of service of the Letter of Notice.

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78. Defendant did not submit a written response to the grievance.
79. On 26 January 2016, D. and K. Graves retained Defendant to represent their daughter in defense of misdemeanor criminal charges.
80. On or about 26 January 2016, Defendant collected \$1,500 from the Graves in partial payment of the legal fee.
81. On or about 9 February 2016, Defendant collected an additional \$900 from the Graves in payment of legal fees.
82. Defendant did not inform the Graves that he was suspended from the practice of law in November 2015.
83. On 29 February 2016, Defendant appeared on behalf of the Graves' daughter at a hearing for a civil domestic violence protective order (DVPO) that was related to the criminal charges.
84. For subsequent hearing dates, Defendant provided false excuses for the reason another attorney, D. Meier, would appear for the Graves' daughter in his stead.
85. On or about 7 March 2016, Defendant falsely informed the Graves that Meier would appear at the 8 March 2016 hearing date because Defendant had a conflict.
86. On or about 10 March 2016, Defendant falsely informed the Graves that Meier would represent their daughter at the hearing for the civil DVPO because Meier had a good relationship with the judge.
87. Defendant failed to respond to text messages from K. Graves sent to him on 21, 23, and 31 March 2016 inquiring about the status of her daughter's case.
88. On or about 4 April 2016, Defendant sent a text message to the Graves informing them that he would see them in court the next day.
89. On or about 5 April 2016, Defendant sent the Graves a text message to inform them that Meier would get to court before Defendant. However, Defendant did not inform the Graves that Meier would appear on behalf of their daughter at the hearing on that date.
90. On or about 5 April 2016, Defendant and Meier met the Graves at the court house.
91. Although Meier represented the Graves' daughter in the courtroom, Defendant met with them outside of court to present a proposed plea agreement.
92. Defendant did not offer any explanation to the Graves for Meier's appearance on behalf of their daughter at the April 5th hearing.
93. On or about 14 June 2016, the State Bar opened a grievance file against Defendant concerning his conduct in the Graves matter.



94. Defendant personally accepted service of the Letter of Notice on 26 September 2016.

95. The Letter of Notice informed Defendant that he was required to respond in writing to the grievance within 15 days of service of the Letter of Notice.

96. Defendant did not submit a written response to the grievance.

97. On or about 2 February 2016, F. Graybeal retained Defendant to prepare wills for Graybeal and his spouse.

98. Defendant collected a \$1,500 legal fee from Graybeal.

99. Defendant did not inform Graybeal that he was suspended from the practice of law in November 2015.

100. Graybeal made several attempts by email and text message to contact Defendant in an effort to get an update on the status of Defendant's preparation of the wills.

101. Defendant did not respond to Graybeal's attempts to contact him.

102. Defendant did not prepare a will for Graybeal or his spouse.

103. On or about 12 September 2016, Graybeal filed a Petition for Resolution of Disputed Fee against Defendant, petition no. 16 FD 0414.

104. Defendant accepted service of petition no. 16 FD 0414 on 26 September 2016.

105. Defendant was required to provide a written response to the fee dispute petition within 15 days of his receipt of the petition, which was on 11 October 2016.

106. Defendant failed to provide a written response to the petition.

107. Defendant did not refund the \$1,500 fee he collected from Graybeal.

108. On or about 18 January 2016, Defendant collected \$2,000 from N. Ren as payment for his representation of her at a hearing for a Motion for entry of a Domestic Violence Protective Order.

109. On or about 10 February 2016, Defendant collected an additional \$500 from Ren in furtherance of such representation.

110. Defendant did not inform Ren that he was suspended from the practice of law in November 2015.

111. Defendant obtained continuances for Ren's case throughout February 2016.

112. During this time period, Ren worked with Defendant to prepare her case for hearing.

113. On or about 25 February 2016, Defendant was contacted by counsel for the opposing party in the matter in which Defendant purported to represent Ren.

114. When opposing counsel asked Defendant if he was suspended from the practice of law, Defendant stated "it was not a problem" and "should have been fixed."

115. Defendant's statements to counsel for the opposing party that the suspension of his law license was not a problem and should have been fixed were false and misleading.

116. Ren first learned that Defendant was not authorized to practice law on or about 25 March 2016 when she appeared in court and was informed that Meier would be handling her case.

117. Ren had not met Meier before March 25th.

118. Ren's case was continued again until 6 April 2016.

119. Between March 25th and April 6th, Ren attempted to contact Defendant and Meier by telephone, email and text message to discuss her case.

120. Neither responded to Ren's attempts to communicate with them.

121. Meier appeared for Ren again at the 6 April 2016 hearing.

122. Defendant did not provide the information he had obtained about Ren's case to Meier, including information about relevant evidence. This failure resulted in Meier inadequately representing Ren at the April 6th hearing.

123. On or about 23 May 2016, the State Bar opened a grievance file against Defendant concerning his conduct in the Ren matter.

124. Defendant personally accepted service of the Letter of Notice on 26 September 2016.

125. The Letter of Notice informed Defendant that he was required to respond in writing to the grievance within 15 days of service of the Letter of Notice.

126. Defendant did not respond in writing to the grievance.

127. On or about 10 December 2015, Defendant collected \$350 from A. Wooten-Sheppard as payment of his legal fee for representation of her in a traffic matter.

128. Defendant did not inform Wooten-Sheppard that he was suspended from the practice of law in November 2015.

129. Defendant did not appear on behalf of Wooten-Sheppard for the traffic matter.

130. Defendant did not refund to Wooten-Sheppard the \$350 he collected from her as a legal fee.

131. Defendant did not respond to calls from Wooten-Sheppard seeking an update on the status of her traffic matter.

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132. On or about 3 March 2016, the State Bar opened a grievance file against Defendant concerning his conduct in the Wooten-Sheppard matter.

133. Defendant personally accepted service of the Letter of Notice on 26 September 2016.

134. The Letter of Notice informed Defendant that he was required to respond in writing to the grievance within 15 days of service of the Letter of Notice.

135. Defendant was also required to produce bank records and a client ledger for Wooten-Sheppard.

136. Defendant did not respond in writing to the grievance.

137. Defendant did not produce bank records or a client ledger for Wooten-Sheppard.

Based on the foregoing Established Facts, 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, Steven Troy Harris.
2. Entry of Default by the Secretary of the State Bar was proper.
3. Pursuant to 27 N.C. Admin. Code § .0115(l)(4) Plaintiff's Motion for Default Order Imposing Discipline may be decided based on the parties' written submissions.
4. Defendant's conduct, as set forth in the Established Facts above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(3).
5. Defendant's conduct, as set forth in the Established Facts 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 perform any meaningful work on Brewer's behalf between 14 July 2014 and 12 November 2015, Defendant failed to act with reasonable diligence and promptness in representing a client in violation of Rule 1.3;
 - b) By failing to respond to Brewer's text message inquiries about the case. Defendant failed to promptly comply with reasonable requests for information in violation of Rule 1.4(a)(4);
 - c) By providing false status updates to Brewer about the status of his representation of Brewer, Defendant failed to keep the client informed of the status of the matter in violation of Rule 1.4(a)(3) and engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c);
 - d) By continuing to represent Brewer after his law license was suspended in November 2015 and undertaking representation of Brewer's son in a domestic

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matter in January 2016, Defendant engaged in the unauthorized practice of law in violation of Rule 5.5(a);

e) By failing to inform Brewer of his suspension from the practice of law, Defendant failed to keep the client reasonably informed about the status of the matter in violation of Rule 1.4(a)(3), failed to explain the matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation in violation of Rule 1.4(b), and failed to take steps to protect his client's interests in violation of Rule 1.16(d);

f) By collecting \$15,000 from Brewer to file a civil lawsuit on his behalf and then failing to file such lawsuit, Defendant collected a clearly excessive fee in violation of Rule 1.5(a);

g) By collecting \$3,500 from Brewer to represent Brewer's son in a custody action while Defendant was suspended from the practice of law, Defendant collected an illegal fee in violation of Rule 1.5(a) and engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c);

h) By failing to withdraw from Brewer's case before the effective date of his suspension, Defendant failed to withdraw from representation of a client where the representation will result in a violation of the Rules of Professional Conduct in violation of Rule 1.16(a);

i) By failing to refund the unearned \$15,000 fee he collected from Brewer upon his suspension, Defendant failed to take steps to protect his client's interests in violation of Rule 1.16(d);

j) By failing to submit a written response to the Letter of Notice, Defendant failed to respond to a lawful demand for information from a disciplinary authority in violation of Rule 8.1(b);

k) By failing to inform Fichera of his suspension from the practice of law, Defendant failed to keep the client reasonably informed about the status of the matter in violation of Rule 1.4(a)(3) and failed to explain the matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation in violation of Rule 1.4(b);

l) By failing to withdraw from his representation of Fichera before the effective date of his suspension, Defendant failed to withdraw from representation of a client where the representation will result in a violation of the Rules of Professional Conduct in violation of Rule 1.16(a);

m) By collecting a legal fee from Fichera and then failing to perform the legal services for which he was paid, Defendant collected a clearly excessive fee in violation of Rule 1.5(a);

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- n) By failing to submit a written response to the Letter of Notice, Defendant failed to respond to a lawful demand for information from a disciplinary authority in violation of Rule 8.1(b);
- o) By failing until February 2016 to inform Travers of his suspension from the practice of law and then failing to inform Travers of his consequent inability to act his attorney, Defendant failed to keep the client reasonably informed about the status of the matter in violation of Rule 1.4(a)(3) and failed to explain the matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation in violation of Rule 1.4(b);
- p) By failing to withdraw from his representation of Travers, Defendant failed to withdraw from representation of a client where the representation will result in a violation of the Rules of Professional Conduct in violation of Rule 1.16(a);
- q) By collecting a legal fee from Travers and then failing to perform the legal services for which he was paid, Defendant collected a clearly excessive fee in violation of Rule 1.5(a);
- r) By failing to refund upon his suspension the unearned fee he collected from Travers, Defendant failed to take steps to protect his client's interests in violation of Rule 1.16(d);
- s) By failing to respond to discovery requests served on Travers' behalf, Defendant failed to act with reasonable diligence and promptness in representing a client in violation of Rule 1.3, failed to make a reasonably diligent effort to comply with a legally proper discovery request by an opposing party in violation of Rule 3.4(d)(2), and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d);
- t) By providing false information to Travers about the status of his representation of Travers, Defendant failed to keep the client reasonably informed of the status of the matter in violation of Rule 1.4(a)(3) and engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c);
- u) By failing to submit a written response to the Letter of Notice, Defendant failed to respond to a lawful demand for information from a disciplinary authority in violation of Rule 8.1(b);
- v) By failing to inform Roche of his suspension from the practice of law, Defendant engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d);
- w) By collecting a legal fee from Roche while he was suspended from the practice of law and thus unable to render legal services, Defendant collected

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an illegal fee in violation of Rule 1.5(a) and engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c);

x) By undertaking representation of Roche in January 2016 after the effective date of his suspension from the practice of law, Defendant engaged in the unauthorized practice of law in violation of Rule 5.5(a);

y) By sending communications to Roche that gave the false appearance that Defendant was authorized to practice law, Defendant engaged in the unauthorized practice of law in violation of Rule 5.5(b)(2) and engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c);

z) By failing to submit a written response to the Letter of Notice, Defendant failed to respond to a lawful demand for information from a disciplinary authority in violation of Rule 8.1(b);

aa) By failing to inform the Graves of his suspension from the practice of law and the true reason for Meier's involvement in the case, Defendant engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c) and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d);

bb) By collecting a legal fee from the Graves while he was suspended from the practice of the law, Defendant collected an illegal fee in violation of Rule 1.5(a) and engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c);

cc) By undertaking representation of the Graves' daughter in January 2016 after the effective date of his suspension from the practice of law, appearing on her behalf in February 2016, and presenting a proposed plea agreement, Defendant engaged in the unauthorized practice of law in violation of Rule 5.5(a);

dd) By sending communications to the Graves that gave the false appearance that Defendant was authorized to practice law, Defendant engaged in the unauthorized practice of law in violation of Rule 5.5(b)(2) and engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c);

ee) By failing to submit a written response to the Letter of Notice, Defendant failed to respond to a lawful demand for information from a disciplinary authority in violation of Rule 8.1(b);

ff) By failing to inform Graybeal of his suspension from the practice of law and failing to respond to Graybeal's communications seeking an update on the status of the representation, Defendant engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d);

gg) By collecting a legal fee from Graybeal while he was suspended from the practice of the law, Defendant collected an illegal fee in violation of Rule 1.5(a) and engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c);

hh) By undertaking representation of Graybeal in February 2016 after the effective date of his suspension from the practice of law, Defendant engaged in the unauthorized practice of law in violation of Rule 5.5(a);

ii) By failing to submit a written response to the fee dispute petition, Defendant failed to participate in good faith in the fee dispute resolution process in violation of Rule 1.5(f)(2);

jj) By failing to inform Ren of his suspension from the practice of law, failing to respond to Ren's communications seeking an update on the status of her case, and failing to provide relevant information about Ren's case to Meier, Defendant engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d);

kk) By collecting a legal fee from Ren while he was suspended from the practice of the law, Defendant collected an illegal fee in violation of Rule 1.5(a) and engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c);

ll) By undertaking representation of Ren in January 2016 and holding himself out to Ren, opposing counsel, and the court as authorized to practice law after the effective date of his suspension from the practice of law, Defendant engaged in the unauthorized practice of law in violation of Rule 5.5(a);

mm) By falsely suggesting to opposing counsel in the Ren matter that his suspension from the practice of law was not a problem, Defendant engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c);

nn) By failing to submit a written response to the Letter of Notice, Defendant failed to respond to a lawful demand for information from a disciplinary authority in violation of Rule 8.1(b);

oo) By failing to inform Wooten-Sheppard of his suspension from the practice of law and failing to respond to Wooten-Sheppard's communications seeking an update on the status of her case, Defendant engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d);

pp) By collecting a legal fee from Wooten-Sheppard while he was suspended from the practice of the law, Defendant collected an illegal fee in violation of Rule 1.5(a) and engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c);

qq) By holding himself out as an attorney capable of undertaking representation of Wooten-Sheppard in December 2015, after the effective date

of his suspension from the practice of law, Defendant engaged in the unauthorized practice of law in violation of Rule 5.5(a); and

rr) By failing to submit a written response to the Letter of Notice and failing to produce bank records and a client ledger for Wooten-Sheppard, Defendant failed to respond to a lawful demand for information from a disciplinary authority in violation of Rule 8.1(b).

Based on the foregoing Established Facts and Conclusions of Law, the Hearing Panel enters the following:

CONCLUSIONS OF LAW REGARDING DISCIPLINE

1. The Hearing Panel has considered all of the factors contained in 27 N.C. Admin. Code 1B § .0116(f)(1) and concludes that the following factors that warrant suspension or disbarment are present:

- a. Intent of the defendant to cause the resulting harm;
- b. Intent of the defendant to commit acts where the harm or potential harm is foreseeable;
- c. Circumstances reflecting the defendant's lack of honesty, trustworthiness, or integrity;
- d. Elevation of the defendant's own interest above that of the client;
- e. Negative impact of the defendant's actions on the administration of justice;
- f. Impairment of the client's ability to achieve the goals of the representation;
- g. Acts of dishonesty, misrepresentation, deceit, or fabrication;
- h. Multiple instances of failure to participate in the legal profession's self-regulation process.

2. The Hearing Panel has considered all of the factors contained in 27 N.C. Admin. Code 1B § .0116(f)(2) and concludes that the following factors that warrant disbarment are present:

- a. Acts of dishonesty, misrepresentation, deceit, or fabrication.

3. The Hearing Panel has considered all of the factors enumerated in 27 N.C. Admin. Code 1B § .0116(f)(3) and concludes that the following are applicable in this matter:

- a. Dishonest or selfish motive;

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- b. Indifference to making restitution;
- c. Pattern of misconduct;
- d. Multiple offenses;
- e. Refusal to acknowledge wrongful nature of conduct; and
- f. Vulnerability of victims.

4. Defendant caused significant harm to his clients by failing to refund the unearned portion of the legal fees he collected from Brewer, Fichera, and Travers.

5. Defendant caused significant harm to the Brewers and Travers by falsely leading them to believe he was pursuing litigation on their behalf.

6. Defendant caused significant harm to the administration of justice in the cases of the Brewers and Travers.

7. Defendant caused significant harm to his clients by failing to notify them of his suspension and failing to advise them to seek legal advice elsewhere.

8. Defendant caused significant harm to Brewer, the Graves, Graybeal, Ren, Roche, and Wooten-Sheppard by (i) collecting money from them in payment of purported legal fees while he was suspended from the practice of law and (ii) falsely leading them to believe that he was authorized to represent them in legal matters and was performing legal work on their behalf.

9. By falsely holding himself out as authorized to practice law while suspended and collecting legal fees, Defendant has caused harm to the legal profession in that his conduct reinforces the negative stereotype that lawyers are selfish and out for personal gain thereby undermining the trust and confidence that the public has in the legal system.

10. Defendant's failure to respond to the State Bar and the disciplinary complaint caused harm to the profession by undermining the privilege of lawyers in this State to remain self-regulating.

11. Defendant's conduct caused potential significant harm to the public, the administration of justice and the legal profession in that his actions bring the legal profession into disrepute.

12. The Hearing Panel has considered all lesser sanctions including suspension, censure, reprimand, and admonition and finds that discipline less than disbarment would not adequately protect the public from Defendant's future misconduct for the following reasons:

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a. Defendant demonstrated his disregard for attorney regulation by continuing to hold himself out as authorized to practice law during his administrative suspension, which shows that suspension from the practice of law was insufficient to protect the public and the legal profession from Defendant's misconduct;

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 lawyers and the public regarding the conduct expected of members of the Bar of this State;

c. The protection of the public and the legal profession requires that Defendant not be permitted to return to the practice of law until he demonstrates the following by clear, cogent, and convincing evidence: (i) that he has reformed, (ii) that he possesses the moral qualifications required for admission to practice law in North Carolina, taking into account the misconduct that is the subject of this order, (iii) that he understands the current Rules of Professional Conduct, and (iv) that reinstatement will not be detrimental to the public or the integrity and standing of the legal profession. Disbarment is the only discipline that will require Defendant to make such a showing before returning to the practice of law.

Based on the foregoing Established Facts, Conclusions of Law, and Conclusions of Law Regarding Discipline, the Hearing Panel hereby enters the following:


ORDER OF DISCIPLINE

1. Defendant, Steven Troy Harris, is hereby DISBARRED from the practice of law.
2. Defendant shall immediately surrender his law license and membership card to the Secretary of the North Carolina State Bar following service of this order upon Defendant.
3. Defendant shall pay within 30 days of service of the statement of costs upon him by the Secretary of the State Bar the administrative fees and costs of this proceeding.
4. To the extent that Defendant has not previously complied with the provisions of 27 N.C. Admin. Code 1B § .0128, Defendant shall immediately comply with such provisions.
5. Defendant shall provide the following to the State Bar within 30 days of the effective date of this Order: a physical address (not P.O. Box or Drawer) and telephone number at which clients seeking return of their files can communicate with Defendant and obtain such files.
6. Defendant shall return client files to the client within 5 days of receipt of a request for return of the client file. Defendant will be deemed to have received any such request 3 days after the date the request is sent to Defendant

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if the request is sent to the address Defendant provided to the State Bar pursuant to this Order.

Signed by the Chair with the consent of the other Hearing Panel members, this the 9th day of October, 2017.


Beverly T. Beal, Chair
Disciplinary Hearing Panel