

NORTH CAROLINA  
WAKE COUNTY

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

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

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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).

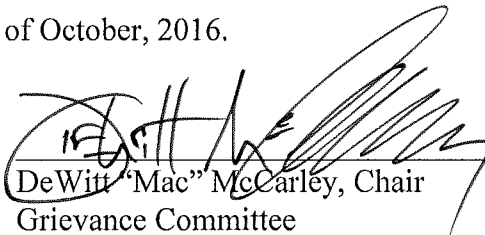
You filed a Motion for Appropriate Relief (MAR) on behalf of N.M. You failed to include in the MAR statutorily-required attorney certifications and the necessary supporting affidavit. After these deficiencies were pointed out in a motion filed by the State, you filed a Verified and Amended Motion for 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 27<sup>th</sup> day of October, 2016.

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

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