

STATE OF NORTH CAROLINA
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
16 CVS 13142

THE NORTH CAROLINA STATE BAR,
Petitioner
v.
ADAM LOREN BAKER, Attorney,
Respondent

2017 FEB 13 AM 11:26

WAKE COUNTY, C.S.C.

BY

[Signature]

CONSENT ORDER
OF
DISBARMENT

THIS MATTER came before the undersigned Judge of the Superior Court upon the tender of surrender of the law license of Adam Loren Baker. Petitioner, the North Carolina State Bar, was represented by Mary D. Winstead. Respondent was represented by Alan M. Schneider.

Based upon the Affidavit of Surrender of Law License submitted to the Court by Adam Loren Baker and the consent of the parties, the Court makes the following:

FINDINGS OF FACT

1. Baker was licensed to practice law on March 27, 2010.
2. During all periods relevant hereto, Baker was actively engaged in the practice of law in Raleigh, Wake County, North Carolina.
3. At various times between 2013 and 2016, Baker practiced as a solo practitioner, as an associate attorney with the Cary Law firm, and as an associate attorney with the law firm of Anderson Jones, PLLC.
4. Between 2013 and 2016, Baker misappropriated over \$27,000.00 in entrusted funds he received from clients.
5. Baker used the more than \$27,000.00 in entrusted funds he misappropriated from clients for his personal benefit.
6. From November 2015 through mid-September 2016, Baker was employed as a salaried associate attorney at the law firm of Anderson Jones, PLLC ("the firm"), in Raleigh, North Carolina.
7. During the time Baker was employed by the firm, he did not have his own trust account.

8. Baker's agreement with the firm was that fees Baker collected while he was employed by the firm were the property of the firm.

9. Baker did not have an agreement with the firm that allowed him to personally retain fees or other funds received from clients while he was employed at the firm.

10. While working as an associate attorney at the firm, Baker accepted and personally retained at least \$66,000.00 from clients for legal fees and the payment of costs and fines and concealed those funds from the firm.

11. Baker misappropriated the more than \$66,000.00 in funds that he concealed from the firm to his own use.

12. Baker failed to deposit most of the entrusted funds he received while employed with the firm into any trust account.

13. Between 2013 and 2016, Baker accepted loans from clients during the time he was representing the clients.

14. Between 2013 and 2016, Baker gave clients false information about the status of their cases.

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

CONCLUSIONS OF LAW

1. This Court has jurisdiction over Baker 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. Baker's misconduct constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2), as follows:

- (a) By misappropriating entrusted funds, Baker used entrusted property for the benefit of one other than the legal or beneficial owner in violation of 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);
- (b) By retaining payments from clients without the firm's knowledge while employed at the firm and misappropriating those funds for his personal benefit, Baker used entrusted property for the benefit of one other than the legal or beneficial owner in violation of 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);

- (c) By failing to deposit entrusted funds into a trust account, Baker failed to safeguard entrusted property in violation of Rule of Professional Conduct 1.15-2(a) and (b);
- (d) By accepting loans from clients, Baker entered into a business transaction with a client in violation of Rule of Professional Conduct 1.8(a); and
- (e) By giving his clients false information about the status of their cases, Baker engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule of Professional Conduct 8.4(c).

4. Baker has engaged in professional misconduct warranting disbarment.

IT IS NOW, THEREFORE, ORDERED:

- 1. The surrender of the license of Adam Loren Baker is hereby accepted.
- 2. Adam Loren Baker is DISBARRED from the practice of law in North Carolina effective upon entry of this Order.
- 3. Baker 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 Rule .0124.
- 4. Within 15 days of the effective date of this Order Baker shall provide the State Bar with an address and telephone number at which clients seeking return of files can communicate with Baker and obtain such files.
- 5. Baker shall promptly return client files in his possession, custody, or control to clients upon request, within five days of receipt of such request. Baker will be deemed to have received any such request three days after the date the request is sent to him if the request is sent to the address Baker provided to the State Bar pursuant to this Order.
- 6. Baker 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.
- 7. Baker'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 satisfied the conditions for reinstatement set out in 27 N.C. Admin. Code 1B § .0125.
- 8. The costs of this action are taxed against Adam Loren Baker.

Done and Ordered this 13TH day of FEBRUARY 2017.

Kendra D. Hill
Superior Court Judge Presiding

Consented to:

Alan M. Schneider

Alan M. Schneider
Attorney for Respondent

Adam Loren Baker

Adam Loren Baker
Respondent

Maryl Winstead

Maryl Winstead
Attorney for Plaintiff

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(h) AFFIDAVIT OF
SURRENDER OF LAW LICENSE

Adam Loren Baker, being first duly sworn, deposes and says as follows:

1. I was licensed to practice law in North Carolina on March 27, 2010.
2. I desire to surrender and hereby tender my license to practice law in North Carolina.
3. My surrender is freely and voluntarily rendered. It is not the result of coercion or duress. I am fully aware of the implication of submitting my surrender.
4. I am aware that there is a pending investigation by the State Bar regarding the following allegations:
 - (a) Between 2013 and 2016, I misappropriated over \$27,000.00 in entrusted funds received from clients and used the funds for my personal benefit.
 - (b) While employed by the law firm of Anderson Jones, PLLC, I concealed from the firm over \$66,000.00 in funds that I collected from clients for legal fees and the payment of costs and fines and appropriated those funds to my own benefit.
 - (c) I did not deposit most of the entrusted funds I received while employed with the firm into any trust account.
 - (d) I accepted loans from several clients while I was representing them.
 - (e) I gave clients false information about the status of their cases.
5. I acknowledge that the material facts upon which the investigation is predicated are true.
6. 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 10 day of FEBRUARY, 2017.

Adam Loren Baker
Adam Loren Baker

I, Cheyenne Merrigan Notary Public of the County of Wake, State of North Carolina, certify that Adam Loren Baker personally appeared before me this day and acknowledged the due execution of the foregoing Affidavit.

Sworn to and subscribed before me, this the 10th day of February, 2017.

Cheyenne Merrigan
Notary Public
My Commission Expires: 8/19/19

