

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

WAKE COUNTY

19 CVS

THE NORTH CAROLINA STATE BAR,

Petitioner WAKE CO., C.S.C.

v.

ORDER OF DISBARMENT

JAMES W. ZISA, Attorney,

Respondent

2019 MAR 11 P 4:14

BY 

THIS MATTER came before the undersigned Judge of the Superior Court of Wake County upon the tender of surrender of the law license of James W. Zisa. Petitioner, the North Carolina State Bar, was represented by Carmen Hoyme Bannon. Respondent, James W. Zisa, was represented by Alan M. Schneider.

Based upon the Affidavit of Surrender of Law License submitted to the Court by James W. Zisa and the consent of the parties, the court makes the following:

## FINDINGS OF FACT

1. Zisa was licensed to practice law on 22 August 1987.
2. During all periods relevant hereto, Zisa was actively engaged in the practice of law in New Hanover County, North Carolina.
3. Zisa had sex with two of his clients, disclosed confidential client information, charged excessive fees, lacked diligence and failed to communicate with multiple clients, made a false statement to the State Bar, and failed to respond to five notices from the State Bar regarding grievances filed against him.

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

## CONCLUSIONS OF LAW

1. This court has jurisdiction over Zisa 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 engaging in the conduct described in Finding of Fact #3, above, Zisa had sexual relations with current clients, revealed information acquired during the professional relationship with a client, charged a clearly excessive fee, failed to exercise reasonable diligence and failed to adequately communicate with clients, knowingly made a false statement of material fact in connection with a disciplinary violation, and knowingly failed to respond to lawful demands for information from a disciplinary authority in violation of Rules of Professional Conduct 1.19, 1.6(a), 1.5(a), 1.3, 1.4, 8.1(a) & (b), and 8.4(c).

4. Zisa's misconduct constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2).

5. Zisa has engaged in professional misconduct warranting disbarment.

IT IS NOW, THEREFORE, ORDERED:

1. The surrender of the license of James W. Zisa is hereby accepted.

2. James W. Zisa is DISBARRED from the practice of law in North Carolina effective upon entry of this Order.

3. Zisa shall comply with the provisions of 27 N.C. Admin. Code 1B §.0128 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 .0128.

4. Within 15 days of the effective date of this Order Zisa shall provide the State Bar with an address and telephone number at which clients seeking return of files can communicate with Zisa and obtain such files.

5. Zisa shall promptly return client files in his possession, custody, or control to clients upon request, within five days of receipt of such request. Zisa 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 Zisa provided to the State Bar pursuant to this Order.

6. Zisa 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.

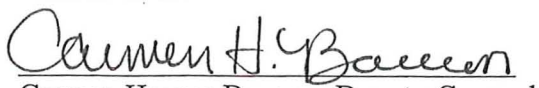
7. Zisa's law license shall not be reinstated until he has demonstrated to the satisfaction of the Disciplinary Hearing Commission and the Council of the North Carolina State Bar that he has complied with 27 N.C. Admin. Code 1B §§ .0128 and .0129(a).

8. The costs of this action are taxed against James W. Zisa.

Done and Ordered this 8 day of March, 2019.

  
Superior Court Judge Presiding

Consented to:

  
Carmen Hoyme Bannon, Deputy Counsel  
Attorney for Petitioner

  
Alan M. Schneider  
Counsel for Respondent

  
James W. Zisa, Respondent

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AFFIDAVIT OF  
SURRENDER OF LAW LICENSE

James Zisa, being first duly sworn, deposes and says as follows:


1. I desire to surrender and hereby tender my license to practice law in North Carolina.
2. 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.
3. I am aware that there is a pending investigation by the State Bar regarding allegations that I had sex with two of my clients, disclosed confidential client information, charged excessive fees, lacked diligence and failed to communicate with multiple clients, made a false statement to the State Bar, and failed to respond to five notices from the State Bar regarding grievances filed against me.
4. I acknowledge that the material facts upon which the investigation is predicated are true.
5. 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 25 day of February, 2019.

  
James Zisa

I, Michael Lane, Notary Public of the County of Brunswick, State of North Carolina, certify that James Zisa personally appeared before me this day, was sworn, attested that the foregoing Affidavit is true and accurate of his own personal knowledge, and executed the foregoing Affidavit.

Sworn to and subscribed before me, this the 25<sup>th</sup> day of February

  
Notary Public

My Commission Expires: Dec 1, 2020

