STATE OF NORTH CAROLINA

WAKE COUNTY

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
10DHC8

THE NORTH CAROLINA STATE BAR,	:	
Plaintiff	:	
V.	:	ANSWER TO COMPLAINT
ANNETTE H, EXUM, Attorney,	:	
Defendant	:	

NOW COMES DEFENDANT, Annette H. Exum, hereafter, Atty. Exum, in answer to Plaintiff's complaint to say the following.

1. Admit
2. Admit
3. Admit
4. Defendant answers as set forth in forgoing paragraphs.
5. Deny.
6. Admit.
7. Admit.
8. Admit.
9. Admit.
10. Admit.
11. Admit.
12. Admit. Defendant did not provide a full written response to the State Bar's request, but did communicate with the Bar regarding the request and did verbally respond with some information requested by the request.
13. Atty. Exum incorporates and does answer by reference responses provided to the above allegations.
14. Admit.
15. Admit.
16. Admit. Confusion regarding discovery arose from defense rather than plaintiff represented by Atty. Exum.
17. Admit.
18. Admit.
19. Atty. Exum neither admits nor denies this allegation.
20. Atty. Exum does not have information sufficient to admit or deny this allegation.
21. Admit.
22. Admit.

23. Deny as to the report being incoherent. Admit as to supplement to the report needed.
24. Admit that Atty. Exum had not tried a Postal Worker case before the EEOC. Deny, that Ms. Mann's case was the first EEOC case represented.
25. Deny.
26. Admit as to seeking co-counsel. Deny that Atty. Exum did not seek or contact co-counsel until January 9, 2007. Although co-counsel only officially made appearance in the matter on January 10, 2007 and met extensively on January 9, 2007, counsel met, communicated and conferred in December 2006. Due to his prior commitments, Atty. Exum did absolve him from any responsibility regarding the transmission of pre-hearing report.
27. Admit that medical conditions outside Atty. Exum's control gave rise to a request for rescheduling. Atty. Exum neither admits nor denies that AJ expected medical documentation post hearing.

28. Admit that Atty. Exum did not provide medical documentation. Denies that AJ expected medical documentation post hearing.
29. Admit in part and deny in part. As a remedy to balance government's interest due to pre-trial report while preventing prejudice to Ms. Mann, Ms. Exum and AJ advocated for and agreed to the remedy that preserved Ms. Mann's right to seek damages and adjudication in another tribunal.
30. Admit.
31. Admit.
32. Deny.
33. Admit.
34. Admit.
35. Admit.
36. Admit.
37. Admit that Atty. Exum did not make a written response to the inquiry or provide items requested by the inquiry. Atty. Exum denies that she made no response. Atty. Exum did communicate with the Bar regarding the request.
38. Deny. That Atty. Exum made no response. Admit that the response was not written or complete.

(a) Deny, as to unnecessary delays. Admits to a pre-hearing report not timely served. Deny as to possession of legal knowledge reasonably necessary for representation.
(b) Deny as to a failure to act with reasonable diligence or the characterization as to failure to respond to the judges "numerous requests".
(c) Deny. Atty. Exum did request an extension to serve the response and sincerely expressed an interest in pursuing the fee dispute process.
(d) Admit to failure to provide the full written response to the request for supplemental inquiry and acknowledges that the response that she made was not the extent and scope of the response required.

39. Answers to paragraphs 1-38 are herein incorporated.
40. Admit as to the engagement for representation denies as to the scope and content of fee structure related to representation.
41. Admit.
42. Deny.
43. Admit confusion was raised by defense rather than plaintiff.
44. Admit.
45. Admit as to rescheduling of pre-hearing.
46. Deny.

47. Admit.
48. Atty. Exum can neither admits or deny this allegation.
49. Deny.
50. Admit.
51. Admit.
52. Admit as to objection to exhibits included in pre-hearing.
53. Admit.
54. Deny.
55. Admit.
56. Deny.
57. Admit.
58. Admit.
59. Admit.
60. Admit.
61. Atty. Exum did not provide a written response to the March 12, 2008 inquiry, though she did communicate with the Bar regarding the inquiry.
62. Admit.
63. Atty. Exum did communicate with the Bar regarding the inquiry, but did not provide the full written response to the inquiry.
(a) Denies unnecessary delay. Atty. Exum appropriately requested continuances, as provided by the governing rules, due to medical conditions outside her control. Atty. Exum denies the lack of ability to represent EEOC cases.
(b) Atty. Exum did hand deliver discovery to opposing counsel in satisfaction of discovery. In addition, Atty. Exum did provide requested information to the AJ. Atty. Exum acted with diligence despite unforeseen circumstances that presented challenges to representation outside her control.
(c) Atty. Exum pleads mitigated circumstance in response to this allegation.
64. Atty. Exum does answer by incorporating by reference answers and responses provided to the above allegations.
65. Admit as to engagement of representation. Atty. Exum denies the allegation as to the scope and basis for fees regarding the representation.
66. Admit.
67. Deny.
68. Admit.
69. Admit.
70. Deny. Based on Ms. Ashby's actions that could be construed as illegal, Atty. Exum suggested that Ms. Ashby use the documents already provided as a summary for proof of expenditures needed for reimbursement.
71. Deny.
72. Admit.
73. Admit.
74. Admit.
75. Admit.
76. Atty. Exum did not provide a written response to the inquire, but did communicate with regard to the inquiry.
77. Admit.
78. Admit that Atty. Exum did not provide a written response that answered the inquiry.

(a) Deny. Based on Ms. Ashby's acts that were arguably criminal in nature, Atty. Exum felt a duty to take precautions to not further the criminal enterprise and sought direction from the Bar regarding the matter.
(b) Atty. Exum does plead mitigated circumstances to this allegation.
79. Atty. Exum does incorporate by reference the answers and responses provided above to the applicable allegations.
80. Admit.
81. Admit.
82. Admit.
83. Admit.
84. Admit.
85. Admit that Atty. Exum did not provide a written response that answered the inquiry.
86. Admit.
87. Admit that Atty. Exum did not provide a written response that answered the inquiry.
(a) Atty. Exum does plead mitigated circumstance to this allegation.
88. Atty. Exum does incorporate by reference the answers and responses provided above to allegations as appropriate.
89. Deny.
90. Admit.
91. Admit.
92. Admit.
93. Admit.
94. Admit.
95. Deny.
(a) Atty. Exum does plead mitigated circumstances to this allegation and does show that she made various acts of good faith to resolve this matter and to communicate with the mediator in the process.
96. Atty. Exum does answer by reference to the answers and responses provided to the above allegations.
97. Admit as to engagement for representation. Deny that Atty. Exum charged Ms. Hill Jones $5,000 for the full representation.
98. Admit as to engagement for representation to research and consider her cliams. Deny that Atty. Exum charged Ms. Hill Jones $2,500 for each matter, in their entirety.
99. Admit.
100. Deny.
101. Admit.
102. Deny.
103. Admit.
104. Admit.
105. Admit.
106. Admit.
107. Deny. Atty. Exum did have various communications with the mediator regarding the matter.
108. Admit.
109. Deny.
110. Admit.
(a) Atty. Exum does plead mitigated circumstance to this allegation. Although Ms. Hill-Jones did receive drafts of a separation agreement, she could not find her husband that would have been a

necessary party to any such agreement. Atty. Exum attempted to find him and expended personal efforts to determine his whereabouts. She also met with Ms. Hill-Jones to report her findings.
(b) Atty. Exum denies the factual basis of this allegation.
(c) Atty. Exum denies the factual basis of this allegation.
111. Atty. Exum does answer by reference to the answers and responses provided to the above allegations.
112. Admit, as to engagement of representation. Deny as to the fee, scope and terms of representation.
113. Admit.
114. Admit.
115. Deny.
116. Atty. Exum denies the factual basis of this allegation.

Respectfully submitted this May 14, 2010.

Annette H. Exum
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