

The North Carolina State Bar
Office of Counsel

**2010
Annual
Report**

OFFICE OF COUNSEL STAFF

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Fern Gunn Simeon, Deputy Counsel	Ext. 258
David R. Johnson, Deputy Counsel	Ext. 230
Jennifer A. Porter, Deputy Counsel	Ext. 262
Nichole P. McLaughlin, Deputy Counsel	Ext. 238
Carmen Hoyme Bannon, Deputy Counsel	Ext. 283
Brian P.D. Oten, Deputy Counsel	Ext. 226
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Tim Batchelor, Investigator	Ext. 274
Glenn Sexton, Investigator	Ext. 292
Roger Allen, Investigator	Ext. 265
Steve Annis, Investigator	Ext. 284
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Becky Carroll, Paralegal	Ext. 234
Wondella Payne, Paralegal	Ext. 296
Maria Brown, Paralegal	Ext. 235
Heather Page, Paralegal	Ext. 280
Lori Reams, Administrative Assistant	Ext. 232
Joshua Hoffman, Administrative Assistant	Ext. 295
Dawn Whaley, Administrative Assistant	Ext. 278
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Krista Bathurst, Mediator	Ext. 228
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OFFICE OF COUNSEL

The Office of Counsel is the legal department of the North Carolina State Bar. The office consists of disciplinary staff, the authorized practice staff, the investigations department and the Attorney/Client Assistance Program (ACAP) staff. The disciplinary staff reports upon all grievances against North Carolina lawyers received by the State Bar. It investigates and litigates claims of professional misconduct and disability. The office assists the Authorized Practice Committee by investigating and resolving complaints concerning the unauthorized practice of law, including representing the State Bar in litigation to obtain injunctions to prohibit the unauthorized practice of law. It represents the State Bar in federal and state trial and appellate courts. The office provides legal counsel to the Client Security Fund Board of Directors, pursues subrogation actions for recovery of funds paid by the CSF, and disburses funds from the trust accounts of deceased, disabled and disbarred lawyers. The office also provides legal opinions on issues of interest to all departments and committees of the State Bar.

The ACAP staff helps members of the public resolve problems with lawyers other than matters involving potentially serious violations of the Rules of Professional Conduct. The ACAP staff also provides information about the grievance process, the courts and the justice system and helps resolve fee disputes between lawyers and their clients.

The Office of Counsel includes twelve lawyers, one administrator, five paralegals, four administrative assistants, eleven investigators, one random auditor, one trust account compliance counsel, the ACAP director, who is also a fee dispute resolution facilitator, a second fee dispute resolution facilitator and three public liaisons.

The Office of Counsel is located in the State Bar Building, 208 Fayetteville Street, Raleigh, N.C. 27601. It is open from 9 a.m. until 5 p.m. on weekdays and may be reached at 919-828-4620. Each staff person's telephone extension appears on pages two and three of this report.

**2010 ANNUAL REPORT
OFFICE OF COUNSEL
THE NORTH CAROLINA STATE BAR**

Attorney Client Assistance Program

The Attorney/Client Assistance Program (“ACAP”) is comprised of six staff members: three public liaisons, two fee dispute resolution facilitators, one of whom is also a certified mediator, and one administrative assistant. In 2010, the staff responded to a total of 14,017 calls from members of the general public, a slight decrease over the 14,237 received in 2009. As a result of those calls, ACAP contacted 3,314 lawyers. It also responded to 2,381 letters and 553 email messages.

In 2010, the State Bar opened 744 fee dispute resolution files. Of those, 146 were addressed by the fee dispute committees of judicial districts bars and the remaining 598 files were addressed, when appropriate, by the State Bar’s fee dispute resolution facilitators. Judicial district bars reported that they received 36 requests for fee dispute resolution, all of which were addressed locally but monitored by the State Bar’s fee dispute resolution facilitators.

Authorized Practice Committee

The Authorized Practice Committee opened 132 files in 2010, compared to the 98 files opened in 2009. The committee resolved 110 files during 2010.

In August 2009, the office filed a civil action against a Charlotte real estate broker, Dianne Carter, who allegedly purports to “represent” a private party in his dispute with a homeowner’s association. Carter allegedly prepared and filed pleadings and appeared in court on behalf of the homeowner. She is also alleged to have recorded frivolous documents at the Register of Deeds. In May 2010, the State Bar obtained a preliminary injunction enjoining these activities.

In October 2009, the office filed a civil action against another Charlotte real estate broker, Eric Darden. Darden is alleged to have prepared and filed pleadings in Union County and Mecklenburg County courts. In October 2010, Darden consented to entry of a permanent injunction enjoining his activities.

In June 2010, the office filed a civil action against Darius Little of Durham. Little is alleged to be holding himself out as able to provide legal services, including negotiating tort claims. The case is pending. The office also worked with the Durham District Attorney on criminal charges to which Little pled guilty.

In October 2010, the office filed a civil action against Frank P. Dec and his business, American National Abstracts (dba ANA Deeds). Dec, a New York lawyer, is alleged to operate a business offering “attorney prepared” deeds in all 50 states. Dec is not licensed to practice law in North Carolina.

In November 2010, the office filed a civil action against Steven Glenn Johnson. The lawsuit alleges that, in a purported effort to assist people facing foreclosure, Johnson prepares “land trusts” naming himself as trustee.

Also during 2010, the office was authorized to seek injunctions against two other defendants, Slate Title Company and Lienguard, Inc. The lawsuits have not yet been filed.

The office continues to work with the Consumer Protection Division of the North Carolina Attorney General’s Office seeking to prevent a number of debt adjusting and loan modification firms from offering the services of lawyers who are not licensed to practice law in North Carolina. The services of these lawyers constitute the unauthorized practice of law. Furthermore, debt adjusting is illegal in North Carolina. The office and the Consumer Protection Division are also working to stop several businesses that offer living trusts to senior citizens.

Grievance Committee Actions

During calendar year 2010, the State Bar opened 1,317 grievance files, compared with 1,489 files opened in 2009.

Also in 2010, the office reviewed ten direct mail solicitation letters. Six of the reviewed letters involved minor violations of advertising ethics rules. The office reviewed 24 direct mail solicitation letters in 2009.

All grievances received by the State Bar must be considered and acted upon by one or more members of the Grievance Committee. The committee considered a total of 1,249 grievances during 2010. Of those, 966 were dismissed. One file was dismissed and retained because the respondent lawyer had been disbarred. Six files were abated because the respondent lawyers had been transferred to disability inactive status. These files represent approximately 78 percent of the grievances considered by the committee. In addition to the grievances that were dismissed outright in 2010, 18 files were dismissed with letters of caution and 54 were dismissed with letters of warning.

In 2010, the Grievance Committee issued admonitions in 26 files, reprimands in 31 files and censures in 27 files. Ninety-eight files were referred for trial before the Disciplinary Hearing Commission (DHC). A total of 182 grievances resulted in either imposition of discipline by the Grievance Committee or referral to the DHC. That figure represents approximately 15 percent of the grievances considered by the committee in 2010. The Chair of the Grievance Committee also transferred three lawyers to disability inactive status. The committee referred four lawyers to the Lawyer’s Assistance Program. Eleven files were continued for further investigation. Two files were stayed and referred to the Administrative Committee and three files were referred to the Ethics Committee for a formal ethics opinion.

Cases Before the Disciplinary Hearing Commission

1. Disciplinary and Disability Cases

The DHC is the independent tribunal which hears lawyer disciplinary cases. The 20-member commission hears cases involving alleged violations of the Rules of Professional Conduct, cases in which it is alleged that a lawyer is disabled, petitions from disbarred and suspended lawyers seeking reinstatement to the practice of law and show cause petitions alleging that a lawyer has violated a prior DHC order. Each case is heard by a panel of three consisting of two lawyers and one layperson.

During 2010, the Office of Counsel completed a total of 47 disciplinary, reinstatement and show cause cases before the DHC. Of those, 22 were resolved by trial or default judgment and 25 were resolved by consent. In 2009, the office completed 33 such cases. Of those, 18 were resolved by consent, 15 were tried and one case was dismissed.

In 2010, the DHC entered 12 orders of disbarment. In four cases, the lawyers misappropriated funds from a client or law firm. In two cases, the lawyers facilitated fraudulent real estate transactions by making false representations on HUD-1 Settlement Statements. One lawyer was a former judge who was removed from the bench by the Supreme Court and who was found to have engaged in conduct involving deceit, made false statements to the district attorney, attempted to influence the recollection of potential witnesses, gave untruthful testimony before the Judicial Standards Commission and lied to an SBI agent. One lawyer made misrepresentations to the court, filed frivolous claims and engaged in hostile and disruptive behavior toward the court and toward opposing counsel. One lawyer falsely claimed a dependent on a tax return. One lawyer engaged in the unauthorized practice of law while his law license was suspended. One lawyer forged judges' signatures on court documents. One lawyer abandoned her law practice, neglected her clients and failed to disburse entrusted funds.

In 2010, the DHC imposed four active suspensions, seven suspensions in which the lawyer could seek a stay after serving some period of active suspension, and 15 suspensions entirely stayed upon compliance with various conditions. After a show cause hearing one lawyer's stayed suspension was activated. The DHC censured four lawyers and transferred three lawyers to disability inactive status.

2. Reinstatement Cases

In 2010, the DHC denied reinstatement to two suspended lawyers. The DHC also dismissed a disbarred lawyer's petition for reinstatement because he did not comply with the requirements for such a petition.

Actions Before the State Bar Council

1. Tenders of Surrender of License

In 2010, two lawyers surrendered their law licenses to the State Bar Council and were disbarred. One misappropriated entrusted funds and the other forged judicial orders and made misrepresentations about those documents to clients and to the State Bar. Six lawyers surrendered their law licenses and were disbarred by the Council during 2009.

2. Reinstatement Proceedings

The Council affirmed the DHC's order dismissing a disbarred lawyer's petition for reinstatement.

Actions Before the Secretary

The Secretary receives reinstatement petitions from lawyers whose licenses are suspended for disciplinary violations and enters reinstatement orders in uncontested cases. Contested cases are referred to the DHC for trial.

Two suspended lawyers filed reinstatement petitions with the Secretary in 2010. Both cases were referred to the DHC for trial and the DHC denied reinstatement.

Actions Before the State Trial Courts

1. Judicial Disbarments

In 2010, nine lawyers surrendered their law licenses and were disbarred by the Wake County Superior Court. Three participated in a ticket fixing scheme in Johnston County and six misappropriated entrusted funds. In 2009, five lawyers surrendered their licenses to the Superior Court and were disbarred.

2. Injunction Proceedings

During 2010, the Office of Counsel obtained injunctions prohibiting nine lawyers from handling entrusted funds. The office obtained injunctions against 12 lawyers in 2009.

3. Appointment of Trustees for Law Practices of Missing, Deceased, Disabled & Disbarred Lawyers

In 2010, the Office of Counsel petitioned the courts to appoint trustees to wind down the law practices of eight lawyers. Of that number, two lawyers were disabled, one lawyer had abandoned his practice and five lawyers had died. The State Bar filed 11 trustee petitions in 2009.

4. Disciplinary and Disability Cases in the State Trial Courts

The office prosecuted a show cause hearing in Forsyth County Superior Court against a lawyer who was found to have behaved disrespectfully toward the court. The court censured the lawyer for his misconduct.

5. Miscellaneous

As usual, in 2010 the State Bar was a party to numerous actions in the State courts. The Office of Counsel represented the State Bar in many of these actions. In one case, the State Bar was represented by the North Carolina Attorney General.

At the end of 2010, the office had five pending cases in district and superior courts seeking reimbursement from disbarred lawyers for payments made by the Client Security Fund.

The office appeared in Wake County Superior Court to obtain permission to disburse funds from the trust accounts of five disbarred, deceased or disabled lawyers.

Elizabeth Wolfenden v. State Bar et al (Wake County Superior Court). Wolfenden was the defendant in a DHC action. Originally, the State Bar pled that Wolfenden was disabled and sought a psychiatric evaluation. In the alternative, the State Bar sought imposition of discipline for professional misconduct. After a psychiatrist opined that Wolfenden is not disabled, the State Bar dismissed its disability claim and proceeded with the disciplinary case. Wolfenden brought this action in Wake County Superior Court against the State Bar and several Orange County lawyers and judges. She alleged that the Orange County lawyers and judges conspired to make false reports to the State Bar of her erratic behavior, alleged disability and professional misconduct. She also alleged that the State Bar violated various of her rights by alleging that she is disabled. Wolfenden sought to enjoin the DHC action, contending that any disciplinary proceedings should occur in Wake County Superior Court. However, the disciplinary hearing was concluded and Wolfenden was disbarred in July, so the injunction claim was moot. Wolfenden also sought damages, interest, costs and attorney fees. The Attorney General's Office, which represented the State Bar, removed the case to federal court. The federal court found that Wolfenden's claims under § 1983 were deficient and remanded the remaining claims to Wake County Superior Court. The case was designated as exceptional and a judge from out of district was assigned to hear the defendants' motions to dismiss. After a hearing, Wolfenden's claims against the State Bar were dismissed because they are barred by sovereign immunity.

Shuford and Hunter, P.L.L.C. v. Thomas Brown et al. (Cabarrus County Superior Court). The State Bar intervened in this lawsuit. When the State Bar became a party, the trial court had already authorized seizure of the assets of Thomas D. Brown of Charlotte, a disbarred lawyer, and his wife. Brown embezzled over \$1,000,000.00 from his former law firm's trust account. The original plaintiffs are Brown's former law partners. Brown's and his wife's assets were liquidated to generate funds with which to compensate clients whose entrusted funds were embezzled. The State Bar intervened to assert its claim to a sufficient amount of those liquidated assets to reimburse it for sums it paid to satisfy Client Security Fund claims. Lawyers for Brown's former law partners proposed a plan by which Lawyers Mutual would pay an arbitrator to consider and make recommendations to the court on each claim to the liquidated assets. Several interested parties objected and progress was stalled for over a year. Recently, all parties consented and the court entered an order approving the plan. The

State Bar submitted several claims to the arbitrator. The arbitrator filed his report with the court, and Judge Erwin Spainhour approved the arbitrator's report. The CSF received its share of the liquidated assets.

Earl Holmes and Moneen Allen v. Leonor Bailey Hodge, Deputy Counsel (Mecklenburg County District Court). Holmes and Allen were the buyer and real estate broker in a real estate transaction closed by lawyer Sybil Barrett. Barrett is a defendant in a DHC action. The State Bar subpoenaed Allen's real estate file and a list of those transactions in which Allen participated with Barrett as the closing lawyer. The State Bar also subpoenaed the lender's file for this transaction and sent notice of its subpoena to Holmes as required by the North Carolina Right to Financial Privacy Act. Holmes and Allen sued Leonor for alleged intentional infliction of emotional distress in connection with service of these subpoenas. The court granted Ms. Hodge's motion to dismiss.

Christopher Livingston v. Carolin Bakewell, Margaret Cloutier, Carmen Bannon and the North Carolina State Bar (Wake County Superior Court). Christopher Livingston was admonished by the Disciplinary Hearing Commission in 2008 for practicing law in other jurisdictions in which he was not admitted and for making disrespectful assertions about a federal district court judge in a pleading. On January 3, 2010, he filed this lawsuit seeking damages, injunctive relief and attorney fees. The pleading asserts various theories of recovery but does not allege facts which would give rise to liability under any such theories.

Actions Before the State Appellate Courts

The office represented the State Bar in several appellate cases in 2010.

The State Bar filed a brief as *amicus curiae* in **Johnson v. Schulz**, an appeal from Johnston County. The sellers in a residential real estate transaction sued the buyers, contending that the buyers should bear the risk of loss suffered when the buyers' closing lawyer, now disbarred Donald Parker, embezzled the buyers' loan proceeds. The Superior Court entered summary judgment in favor of the buyers and the sellers appealed. The Court of Appeals reversed and remanded with a dissent. The buyers appealed to the Supreme Court. The State Bar filed a new *amicus* brief. On April 15, 2010, the Supreme Court affirmed the Court of Appeals' decision. Upon remand to Johnson County Superior Court, the parties reached a settlement agreement. The settlement includes a contribution by the Client Security Fund to make the sellers whole.

In August, 2008, the DHC suspended Asheville lawyer **Paul Erickson** for five years. It found that Erickson propounded fraudulent documents to the court purportedly for the benefit of his debtor "clients" but actually at the behest of gifters now incarcerated in California. Erickson appealed. The Court of Appeals affirmed the DHC in an unpublished opinion.

In March 2009, the DHC reprimanded **Rachel Lea Hunter** of Cary for continuing to refer to herself as "Madame Justice" on her website. The Court of Appeals affirmed the DHC in an unpublished opinion. The Supreme Court dismissed Hunter's appeal and denied her petition for discretionary review.

The DHC censured Charlotte lawyer **Glen A. Cipriani** for engaging in a conflict of interest by using confidential client information for his own personal benefit. Cipriani appealed. After he served a proposed record on appeal, Cipriani withdrew his appeal and accepted the censure.

Brent Wood of Cary was convicted on federal felony charges. The DHC entered an order of disbarment based on the conviction. When the federal district court set aside the criminal conviction, the DHC set aside the disbarment order. When the 4th Circuit reinstated the conviction, the DHC reinstated the disbarment order. Wood appealed. Wood contends that he could not be disciplined until he was sentenced by the federal court. The federal court has now sentenced Wood. The case will be decided without oral argument.

In March, 2008, the DHC suspended Highlands lawyer **Creighton Sossomon** for one year. Sossomon appealed both the underlying disciplinary order and an order dismissing his appeal for failure to file the record timely. The Court of Appeals affirmed all but one of the rule violations and remanded for additional findings of fact on that rule violation and additional findings of fact with respect to discipline. On remand, the DHC again ordered a one-year suspension. Sossomon again appealed. The Court of Appeals affirmed. The Supreme Court stayed the suspension pending its decision on Sossomon's petition for discretionary review.

The Wake County Superior Court suspended **Bambi Faivre Walters** from practicing before the North Carolina courts for nine months. Walters appealed. The superior court found that while she was a *pro se* litigant in the North Carolina Business Court, Walters blocked email communications from the court and failed to abide by orders sent to her by email. Walters withdrew her appeal.

Mark Badgett of Pinnacle appealed a DHC order of disbarment. Badgett was a district court judge in District 17B. In a Judicial Standards Commission proceeding, the Supreme Court found that while he was a judge, Badgett engaged in conduct involving deceit, made false statements to the district attorney, attempted to influence the recollection of potential witnesses, was untruthful in the JSC hearing and lied to an SBI agent. The Supreme Court removed him from office. The DHC entered summary judgment on all of the rule violations, holding that Badgett was collaterally estopped to relitigate the factual issues that were resolved in the JSC. The appeal is pending.

Reginald Alston was censured by the DHC. The DHC found that Alston engaged in belligerent conduct toward the Clerk of Court presiding as a judicial officer in a partition proceeding and filed a frivolous contempt action against the Clerk. Alston gave notice of appeal but then withdrew his appeal.

Elizabeth J. Wolfenden appealed a DHC order disbaring her. Wolfenden was found to have engaged in a number of rule violations while representing multiple clients. Among the violations were the filing of frivolous and disruptive pleadings and accusing opposing counsel and presiding judges of misconduct and bias without factual basis. The case was tried for two days in April and then continued until July. When the case resumed in July, Wolfenden did not appear. She contends that the DHC proceedings are unconstitutional and that the Office of Counsel acted unethically in prosecuting her. The Court of Appeals and the Supreme Court both denied her petitions to stay the disbarment pending appeal. The Court of Appeals denied her motion for pauper status. The Supreme Court denied her petition for *certiorari* to review the denial of her motion for pauper status.

Wolfenden failed to file a record on appeal timely. She recently withdrew all appeals and filed a Rule 60 motion in the DHC.

The DHC censured **Mark A. Key** of Lillington for filing documents in court while his law license was suspended. His appeal is pending.

The DHC censured **Pamela A. Hunter** of Charlotte for neglecting two clients. Her appeal is pending.

Actions Before the Federal Courts

Willie Gilbert v. North Carolina State Bar and A. Root Edmonson (Federal District Court for the Eastern District of North Carolina). In 2003, the State Bar filed a disciplinary action against Willie D. Gilbert in the Disciplinary Hearing Commission (DHC), alleging that Gilbert misappropriated entrusted funds and seeking to impose professional discipline. In 2004, Gilbert obtained an order in Wilson County Superior Court enjoining prosecution of the DHC case. After several years in the state appellate courts, that injunction was finally dissolved in 2009. Almost immediately, Gilbert brought this action in federal court seeking again to enjoin the DHC action. Gilbert alleges that the State Bar's disciplinary action was brought in bad faith and violates his alleged constitutional right to practice law. Gilbert also sued the State Bar's employee, A. Root Edmonson, who was prosecuting the disciplinary case. Gilbert seeks damages, costs and attorney fees. The NC Attorney General represents the State Bar and Edmonson. Under *Younger v. Harris*, 401 U.S. 37 (1971), the federal district court dismissed all of the claims against Edmonson in his official capacity and against the State Bar and stayed the claims against Edmonson in his individual capacity. Gilbert appealed to the 4th Circuit, which denied Gilbert's motion for an emergency stay of the disciplinary trial and dismissed Gilbert's appeal, effectively returning the case to the federal district court. The disciplinary case was tried and discipline was imposed on April 7, 2010. The only remaining claims are those against Edmonson in his individual capacity. It is unlikely that Gilbert will prevail on his claims against Edmonson. Gilbert has not quantified his alleged damages. Since the DHC case concluded, Gilbert has made no effort to advance this litigation.

SUMMARIES OF DISCIPLINARY, DISABILITY & REINSTATEMENT ACTIONS

COUNCIL DISBARMENTS

<u>Attorney Name</u>	<u>File No.</u>	<u>Date of Disbarment</u>
Michael J. Miller	10 BCS 1	04/16/2010
Jonathan A. McCollum	10 BCS 2	10/29/2010

JUDICIAL DISBARMENTS

<u>Attorney Name</u>	<u>File No.</u>	<u>Date of Disbarment</u>
Chadwick C. Lee	09 CRS 1761-1788	01/25/2010
J. Lee Hatch	09 CRS 1749-1760	01/25/2010
Cynthia L. Jaeger	10 CRS 822-831	02/22/2010
Kenneth L. Poortvliet	09 CVS 8977	03/05/2010
Treve B. Lumsden, Jr.	09 CVS 23747	04/14/2010
Paul R. Huffman	10 CVS 6844	05/20/2010
Richard S. Poe	10 CV 011027	06/30/2010
Tracy Barley	10 CVS 4279	10/06/2010
Gerard A. Bos	10 CVS 004434	12/31/2010

BEFORE THE GRIEVANCE COMMITTEE TRANSFERS TO DISABILITY INACTIVE STATUS

<u>Attorney Name</u>	<u>File No.</u>	<u>Date of Transfer</u>
Terrance L. Williams	09G1048	02/11/2010
Debra Gilchrist	10 D 1	03/02/2010
Robert Melville, Jr.	08G0662 & 08G0669	11/10/2010

BEFORE THE DISCIPLINARY HEARING COMMISSION

Completed Discipline & Disability Cases

<u>Attorney</u>	<u>File No.</u>	<u>Outcome</u>
Alton Y. Lennon	10 DHC 1	Disbarred (consent)
William D. Orander, III	09 DHC 26	Disbarred (default/trial)
Mark H. Badgett	09 DHC 6	Disbarred (trial)
Thomas L Nesbit	08 DHC 12	Disbarred (trial)
Elizabeth Wolfenden	09 DHC 9	Disbarred (trial)
James E. Baum	10 DHC 14	Disbarred (default)
Savanah R. Bowie	10 DHC 16	Disbarred (consent)
Ivan N. Walters	09 DHC 3	Disbarred (default)
Frederick R. Pierce	10 DHC 21	Disbarred (default)
John E. Lewis	10 DHC 36	Disbarred (consent)
Mildred Akachukwu	09 DHC 32	Disbarred (trial)
E.E. Lefler	10 DHC 5	Disbarred (default/trial)
Janet P. Reed	09 DHC 13	5 year suspension (trial)
Johnny Gaskins	09 DHC 30	2 year suspension (trial)
Mohammed M. Shyllon	03 DHC 12 & 10 DHC 9	18 month suspension (consent)
John S. Austin	09 DHC 23	6 month suspension (consent)

Completed Discipline & Disability Cases Continued

<u>Attorney</u>	<u>File No.</u>	<u>Outcome</u>
Nathanael Pendley	10 DHC 25	5 year suspension; possible stay after 30 months active (trial)
D. Bernard Alston	09 DHC 19	5 year suspension; possible stay after 18 months (consent)
David P. Folmar	09 DHC 31	5 year suspension; possible stay after 18 months (consent)
Walter E. Ricks, III	10 DHC 24	3 year suspension; possible stay after 18 months (consent)
Nikita V. Mackey	09 DHC 18	3 year suspension; possible stay after 1 year (consent)
Jack E. McLamb, III	10 DHC 10	3 year suspension; possible stay after 6 months (consent)
S. Vann Sauls	10 DHC 11	3 year suspension; possible stay after 6 months (consent)
Willie D. Gilbert	03 DHC 16	5 year suspension; stayed 5 years (trial)
Stuart Brock	10 DHC 6	5 year suspension; stayed 5 years (consent)
LaShon A. Harley	09 DHC 25	3 year suspension; stayed 5 years (trial)
Jennifer Y. Leech	09 DHC 14	3 year suspension; stayed 3 years (trial)
Christopher Dean Johnson	09 DHC 1	3 year suspension; stayed 3 years (consent)
Ronald L. Pressley	09 DHC 27	3 year suspension; stayed 3 years (consent)
Diedra Lynn Whitted	10 DHC 3	3 year suspension; stayed 3 years (consent)
William E. Brown	09 DHC 33	3 year suspension; stayed 3 years (trial)
Christopher T. Watkins	10 DHC 31	3 year suspension; stayed 3 years (consent)
Jerry M. Smith	10 DHC 26	3 year suspension; stayed 3 years (consent)

Completed Discipline & Disability Cases Continued

<u>Attorney</u>	<u>File No.</u>	<u>Outcome</u>
Randolph C. Romeo	10 DHC 4	3 year suspension; stayed 2 years (consent)
Robert K. Trobich	09 DHC 21	2 year suspension; stayed 3 years (consent)
Sharyl Y. Mason-Watson	10 DHC 7	2 year suspension; stayed 3 years (consent)
Jeanne Plowden Hall	10 DHC 20	2 year suspension; stayed 2 years (consent)
Samantha E. Alsup	10 DHC 2	1 year suspension; stayed 1 year (trial)
John M. Holmes Jr.	09 DHC 28	Censure (consent)
Mark A. Key	10 DHC 13	Censure (trial)
Pamela A. Hunter	09 DHC 24	Censure (trial)
Glenn A. Cipriani	10 DHC 15	Censure (trial)
Karen Zaman	09 DHC 11	Disability Inactive (consent)
Bret Tomits	09 DHC 29	Disability Inactive (consent)
Marcia Y. Burton	10 DHC 19	Disability Inactive (consent)
Eric Richardson	10 DHC 33	Dismissed (trial)

Completed Show Cause Hearings

<u>Attorney</u>	<u>File No.</u>	<u>Outcome</u>
Ronald Pressley, Jr.	09 DHC 27	3 year suspension activated

Completed Reinstatement Cases

<u>Attorney</u>	<u>File No.</u>	<u>Outcome</u>
Michael H. McGee	04 DHC 21R	reinstatement denied
David S. Harless	09 RD 1 & 05 DHC 4	reinstatement denied

Pending Disciplinary & Disability Cases

<u>Attorney Name</u>	<u>File No.</u>	<u>Trial Date</u>
Bradley Lamb	07 DHC 28	interim suspension
Annette Exum	10 DHC 8	3/04/2011
Cabel Regan	10 DHC 12	11/21/2011
Phillip Rose	10 DHC 27	1/27-28/2011

Sybil Barrett	10 DHC 18	2/03-04/2011
Charles Ruffin Poole	10 DHC 22	interim suspension
Pauline Makia	10 DHC 27	3/03-04-05/2011
Carmen Battle	10 DHC 27	3/03-04-05/2011
Holly Stevens	10 DHC 27	3/03-04-05/2011
Jamie Newsom	10 DHC 27	3/03-04-05/2011
Kelton Brown	10 DHC 28	2/25/2011
Perry Martin	10 DHC 29	3/11/2011
Joel Brewer	10 DHC 30	interim suspension
Charles Feagan	10 DHC 32	2/04/2011
Kimberly Jordan	10 DHC 34	3/18/2011
Porter Staples	10 DHC 35	2/11/2011
Theophilus Stokes	10 DHC 37	2/25/2011
Tonya Ford	10 DHC 38	3/18/2011
Albert M. Neal	10 DHC 39	4/28-29/2011
David Rogers	10 DHC 40	4/01/2011
Mark Jenkins	10 DHC 41	3/31/2011–4/01/2011
David Bayard	10 DHC 42	4/15/2011
Michael F. Easley	10 DHC 43	interim suspension
Samuel Thomas	11 DHC 1	not scheduled
Joe Biesecker	11 DHC 2	not scheduled
Robert Burford	11 DHC 3	not scheduled

Pending Reinstatement Cases

<u>Attorney Name</u>	<u>File No.</u>	<u>Hearing Date</u>
Michael McGee	04 DHC 21	not scheduled

Pending Show Cause Hearings

<u>Attorney Name</u>	<u>File No.</u>	<u>Trial Date</u>
Mark Bibbs	09 DHC 5	not scheduled
William Brown	09 DHC 33	not scheduled

BEFORE THE STATE TRIAL COURTS

Trustees Appointed in 2010

<u>Name of Attorney</u>	<u>Reason Trustee Sought</u>
Nathaniel E. Clement	Deceased
Cameron Ferguson	Disabled
John W. Halstead, Jr.	Deceased
Eugene C. Hicks, III	Deceased
Howard C. McGlohon	Deceased
Bruce H. Robinson, Jr.	Deceased
Mark L. Waple	Disabled
Lyle J. Yurko	Abandonment

TROs and Preliminary Injunctions Obtained in 2010

<u>Name of Attorney</u>	<u>Date of Injunction</u>
Annette Exum	05/26/2010
Lisa Arnold	06/03/2010
Cameron Ferguson	06/23/2010
Brian C. Daniels	08/04/2010
John Mauney	08/23/2010
Sybil Barrett	09/02/2010
Roydera Hackworth	09/24/2010
Louie Wilson, III	11/10/2010
J. Neal Rodgers	12/22/2010

BEFORE THE GRIEVANCE COMMITTEE

Totals for 2010

Total Grievance Files Opened – 1,317

Total Cases Considered by Committee – 1,249

Dismissals – 966

Files dismissed & retained – 1

Files abated - 6

Files Dismissed with Letters of Caution – 18

Files Dismissed with Letters of Warning – 54

Files issued Admonitions – 26

Files issued Reprimands – 31

Files issued Censures – 27

Files referred to DHC – 98

Grievance Totals for January 2010*

- 239 Cases were dismissed
 - 0 Cases were dismissed and retained
 - 0 Case was abated
 - 4 Cases were continued until the April 2010 meeting or for further investigation
 - 1 Case previously issued an admonition was reconsidered and dismissed with a letter of caution
 - 1 Case was denied reconsideration
 - 5 Lawyers received letters of caution
 - 13 Lawyers received letters of warning
 - 1 Lawyer received reciprocal discipline
 - 5 Lawyers received admonitions
 - 9 Lawyers received reprimands
 - 3 Lawyers received censures
 - 12 Lawyers were referred to the Disciplinary Hearing Commission

**January 2010 totals include files dismissed in the 4th quarter of 2009 that are not included in the 2009 numbers listed in this report.*

Grievance Totals for April 2010

- 259 files were dismissed
 - 0 files were dismissed and retained
 - 5 files were abated
 - 4 files were continued
 - 1 file was tabled
 - 1 file previously issued a reprimand was reconsidered and dismissed with a letter of caution
 - 1 file previously issued a reprimand was reconsidered and dismissed with a letter of warning
 - 2 lawyers were referred to the Lawyers' Assistance Program
 - 2 lawyers received letters of caution
 - 20 lawyers received letters of warning
 - 11 lawyers received admonitions
 - 5 lawyers received reprimands
 - 4 lawyers received censures
 - 16 lawyers were referred to the Disciplinary Hearing Commission

Grievance Totals for July 2010

- 180 files were dismissed
- 0 files were dismissed and retained
- 0 files were abated
- 1 file was continued
- 3 files previously issued reprimands were tabled and referred to Ethics Committee
- 1 file previously referred to the Disciplinary Hearing Commission was reconsidered and dismissed with a letter of warning
- 1 file previously referred to the Lawyers' Assistance Program was reconsidered and dismissed
- 1 lawyer was referred to the Lawyers' Assistance Program
- 5 lawyers received letters of caution
- 11 lawyers received letters of warning
- 5 lawyers received admonitions
- 6 lawyers received reprimands
- 4 lawyers received censures
- 13 lawyers were referred to the Disciplinary Hearing Commission

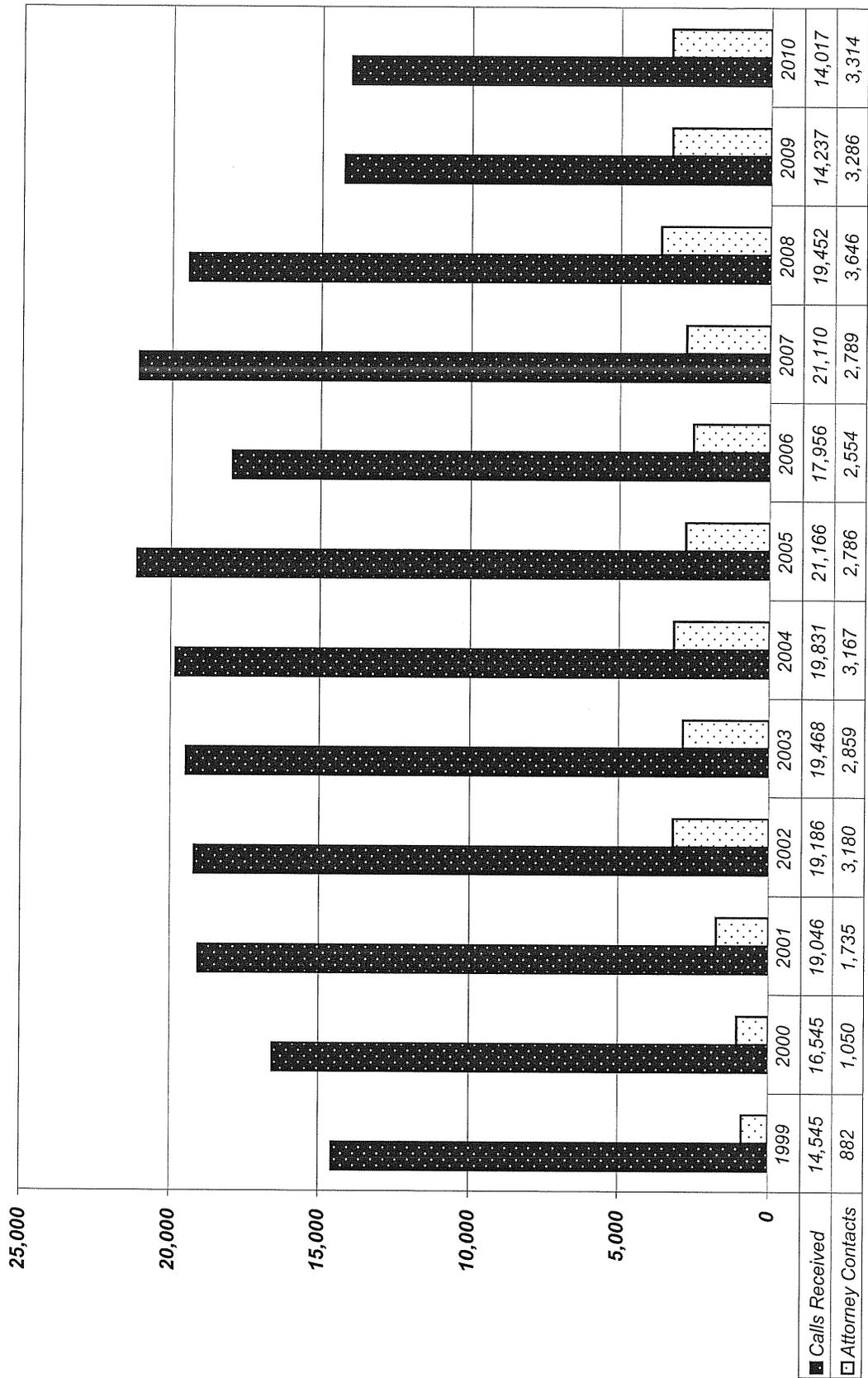
Grievance Totals for October 2010

- 288 files were dismissed
- 1 file was dismissed and retained
- 1 file was abated
- 1 file was continued
- 1 file previously issued a censure was reconsidered and issued a reprimand
- 4 lawyers received letters of caution
- 10 lawyers received letters of warning
- 4 lawyers received admonitions
- 7 lawyers received reprimands
- 4 lawyers received censures
- 14 lawyers were referred to the Disciplinary Hearing Commission

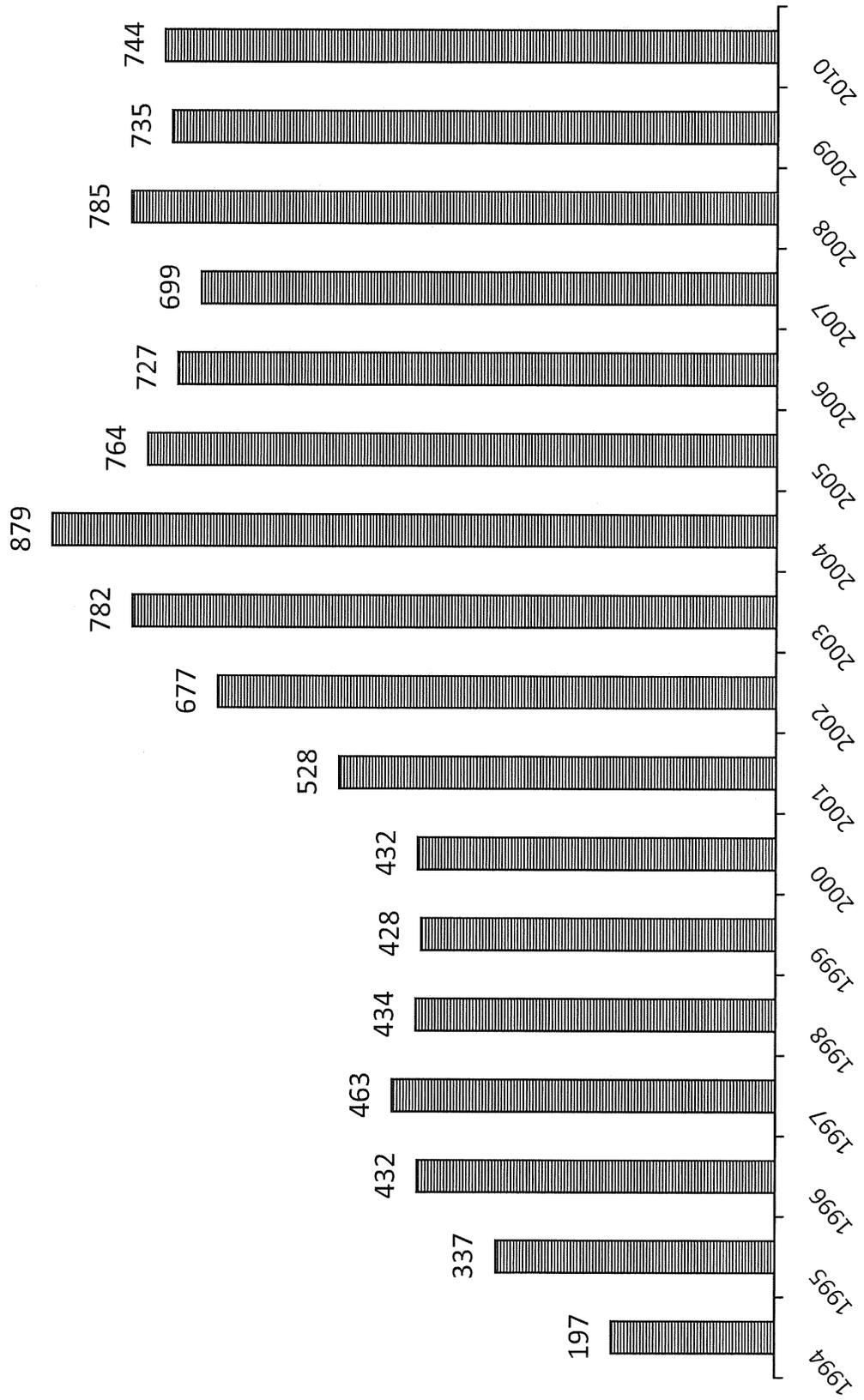
ATTORNEY CLIENT ASSISTANCE PROGRAM

Calls Received and Attorney Contacts

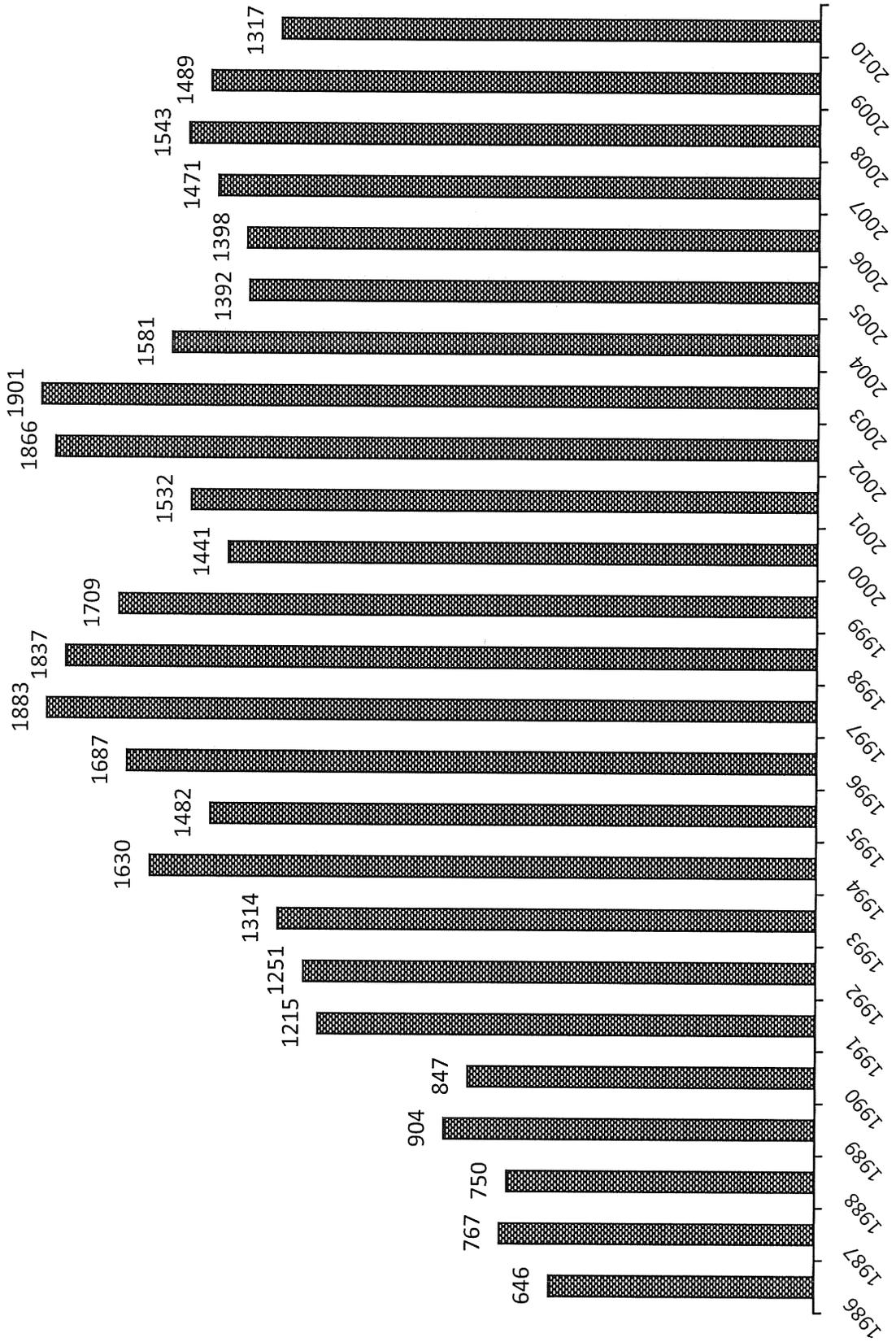
(January - December)



Fee Dispute Resolution Petitions Filed



Grievances Filed Annually



Surrenders and Disbarments (DHC, Council and Courts)

