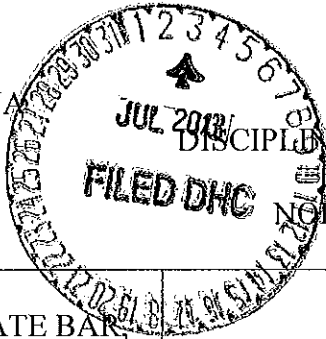


STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
12 DHC 25

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

STEVEN B. DECILLIS, Attorney,

Defendant

ORDER OF DISCIPLINE

This matter came on to be heard and was heard before a Hearing Panel of the Disciplinary Hearing Commission composed of M. H. Hood Ellis, Chair, Barbara B. Weyher, and Joe Castro pursuant to 27 N.C.A.C. 1B § .0114. Plaintiff was represented by Mary D. Winstead, Deputy Counsel. Defendant, Steven B. DeCillis, was represented by James D. Williams, Jr. and Jonathan W. Trapp. Defendant waives a formal hearing in this matter and both parties stipulate and consent to the entry of this Order and to the discipline imposed. Defendant waives any right to appeal this consent Order or to challenge in any way the sufficiency of the findings. On April 1, 2013, the Hearing Panel granted Plaintiff's Motion for Judgment on the Pleadings and entered an order finding the following facts and conclusions of law by clear, cogent, and convincing evidence:

FINDINGS OF FACT ESTABLISHED BY THE ORDER  
ENTERING JUDGMENT ON THE PLEADINGS

1. Plaintiff, the North Carolina State Bar, is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar, Chapter 1 of Title 27 of the North Carolina Administrative Code (NCAC).

2. Defendant, Steven B. DeCillis (Defendant or DeCillis), was admitted to the North Carolina State Bar in 1994 and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the laws of the State of North Carolina, the rules and regulations of the North Carolina State Bar and the Rules of Professional Conduct.

3. During all or part of the relevant periods referred to herein, DeCillis was engaged in the practice of law in the State of North Carolina and maintained law offices in Henderson, Vance County, North Carolina and Warrenton, Warren County, North Carolina.

4. On or about April 6, 2010, E.P.V. retained Defendant to represent her in connection with a wreck she was involved in on or about March 19, 2010.

5. On August 27, 2010, Defendant filed a personal injury complaint on E.P.V.'s behalf against L.T.H.

6. In May of 2011, L.T.H. retained Defendant to represent her on two separate legal matters unrelated to the personal injury lawsuit.

7. In May of 2011, when Defendant undertook to represent L.T.H. on two separate legal matters, the personal injury lawsuit Defendant had filed on behalf of E.P.V. was still pending.

8. On or about June 10, 2011, L.T.H. retained Defendant to advise her in a third legal matter unrelated to the personal injury lawsuit.

9. In June of 2011, when Defendant undertook to represent L.T.H. by advising her in a third legal matter, the personal injury lawsuit Defendant had filed on behalf of E.P.V. was still pending.

10. At no time in May or June of 2011 did Defendant ask for E.P.V.'s consent for Defendant to represent L.T.H.

11. Once Defendant undertook to represent L.T.H., he did not withdraw from representation of E.P.V.

12. Defendant engaged in sexual relations with L.T.H. while he was representing L.T.H.

13. Defendant engaged in sexual relations with L.T.H. while he was representing E.P.V. in the lawsuit against L.T.H.

14. Defendant did not inform his client E.P.V. of his representation of L.T.H. until approximately August 25, 2011 when Defendant presented E.P.V. with a settlement check in the personal injury lawsuit and a document informing her of his representation of L.T.H. and his relationship with L.T.H.

#### CONCLUSIONS OF LAW ESTABLISHED BY THE ORDER ENTERING JUDGMENT ON THE PLEADINGS

1. All the parties are properly before the Disciplinary Hearing Commission and the Disciplinary Hearing Commission has jurisdiction over Defendant, Steven B. DeCillis, and the subject matter of this proceeding.

2. Defendant's conduct, as set forth in the Findings of Fact above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) in that Defendant violated the Rules of Professional Conduct as follows:

- (a) By engaging in sexual relations with L.T.H. while he was representing her, Defendant engaged in sexual relations with a current client in violation of Rule 1.19(a);

- (b) By representing L.T.H. and engaging in sexual relations with L.T.H. at a time when he was suing her on behalf of another client, Defendant engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d);
- (c) By continuing to represent E.P.V. after he engaged in sexual relations with L.T.H. whom he was suing on behalf of E.P.V., Defendant engaged in representation of E.P.V. which involved a concurrent conflict of interest in that Defendant's personal interest might have materially limited his representation of E.P.V. in violation of Rule 1.7(a)(2);
- (d) By representing L.T.H. while he was suing her on behalf of his client E.P.V., and by representing E. P.V. while undertaking to represent L.T.H., Defendant engaged in representation of clients involving a concurrent conflict of interest in violation of Rule 1.7(a)(2);
- (e) By failing to promptly inform E.P.V. that he was undertaking to represent the opposing party in her lawsuit on other matters, Defendant failed to promptly inform his client of a decision or circumstance for which the client's informed consent is required in violation of Rule 1.4(a)(1); and
- (f) By failing to withdraw from representation of E.P.V. when he undertook to represent L.T.H., Defendant failed to withdraw from representation of a client when the representation would result in a violation of the Rules of Professional Conduct in violation of Rule 1.16(a)(1).

Based on the foregoing Findings of Fact and Conclusions of Law established by the Order entering Judgment on the Pleadings and with the consent of the parties, the Hearing Panel makes by clear, cogent and convincing evidence the following:

#### ADDITIONAL FINDINGS REGARDING DISCIPLINE

1. Defendant's decisions to undertake to represent a client and have sex with that client at the same time he was suing that client on behalf of another client evidence a lack of judgment, trustworthiness, and integrity.
2. Defendant's decision to engage in a sexual relationship with the opposing party in the lawsuit in which he was representing E.V. caused potential harm to E.V.'s case and deprived E.V. of the right to representation by an attorney whose loyalty and independent judgment were not compromised.
3. Defendant self-reported his violation of Rule 1.19 but did not report the conflict of interest matter.

4. Local newspapers where DeCillis practices law have published several articles about the allegations in the complaint against DeCillis. DeCillis's conduct has had a negative impact on the public's perception of the profession and has harmed the profession.

5. Defendant took steps to seek psychological counseling during the pendency of these proceedings.

6. In the course of that treatment, Defendant admitted for the first time that he had a problem with sexual compulsive behavior.

7. Defendant has engaged in sexually inappropriate behavior in the past.

8. Since June 2012, Defendant has participated in individual and group therapy at the Center for the Assessment and Treatment of Sexual Disorders and has made progress in his treatment.

9. Defendant's treatment provider has concluded that he should not have unsupervised contact with female clients for the foreseeable future.

Based on the foregoing Findings of Fact, Conclusions of Law and Additional Findings Regarding Discipline, the Hearing Panel enters the following:

#### CONCLUSIONS REGARDING DISCIPLINE

1. The Hearing Panel has carefully considered the factors listed in 27 NCAC 1B .0114(w) and concludes that the following factors are present:

(a) From 27 NCAC 1B .0114(w)(1):

- i. DeCillis intended to commit the conduct found herein, engaging in sex with a client while he was suing that client on behalf of another client and the harm or potential harm resulting from these acts was foreseeable.
- ii. DeCillis's conduct caused potential harm or actual harm to the clients, the profession, and the administration of justice.
- iii. DeCillis's conduct reflects adversely on his trustworthiness and integrity.
- iv. DeCillis elevated his sexual interests above the best interests of his clients.
- v. DeCillis's conduct negatively impacts the clients' and the public's perception of the profession.
- vi. DeCillis's conduct negatively impacts the administration of justice.
- vii. DeCillis's conduct adversely affected third parties.

(b) From 27 NCAC 1B .0114(w)(3):

- i. DeCillis has no prior discipline but the Hearing Panel notes that at a prior DHC hearing in 03 DHC 6, the DHC dismissed the action against DeCillis but concluded the following: "[T]he evidence introduced during the hearing warrants that the dismissal be made in conjunction with a Letter of Caution. The evidence showed a pattern of action by the Defendant towards females that he came in contact with to be of a sexually aggressive nature. Although this conduct did not create a basis for discipline, it was determined to be unprofessional and not in accord with accepted professional practice."
- ii. DeCillis's selfish motive in that he placed his interests over his clients' interests.
- iii. DeCillis violated multiple provisions of the Rules of Professional Conduct as set out above.
- iv. DeCillis has a history of compulsive sexual behavior and his psychological testing supports the presence of sexual compulsive disorder.
- v. DeCillis had a cooperative attitude towards the proceedings.
- vi. DeCillis acknowledged the wrongful nature of his conduct in his self-report and in response to the Grievance Panel.
- vii. DeCillis, who was admitted to the practice of law in 1994, has substantial experience in the profession.
- viii. DeCillis has been involved in a number of civic and church related activities in his community.

2. The Hearing Panel has considered the factors enumerated in 27 NCAC 1B .0114(w) (2) of the Rules and Regulations of the North Carolina State Bar and determines that none of the factors is established by the evidence in this case.

3. The Hearing Panel has carefully considered all of the different forms of discipline available to it, including admonition, reprimand, censure, suspension, and disbarment, in considering the appropriate discipline to impose in this case and finds that suspension is the appropriate discipline in this case, for the following reasons:

- (a) DeCillis violated the trust of both his clients and the justice system.
- (b) The factors under Rule .0114(w) that are established by the evidence in this case are of a nature that support imposition of suspension as the appropriate discipline.
- (c) Entry of an order imposing lesser discipline than suspension would: fail to acknowledge the seriousness of the offenses committed by DeCillis, send the wrong message to attorneys and the public regarding the conduct expected of members of the North Carolina State Bar, and fail to address the gravity of the

potential harm and harm of Defendant's conduct on his clients, the profession, and the administration of justice.

- (d) The protection of the public and the legal profession requires that DeCillis not be permitted to practice law unless and until he demonstrates the following: that he understands his obligations to his clients, the public, and the legal profession; that permitting him to practice law will not be detrimental to the public or the integrity and standing of the legal profession or the administration of justice, and that he can have unsupervised contact with females with whom he comes in contact professionally, including female clients and witnesses, without posing a risk that he will engage in sexually inappropriate behavior towards those females.

Based upon the foregoing Findings of Fact, Conclusions of Law, Additional Findings Regarding Discipline, Conclusions Regarding Discipline, and with the consent of the parties, the Hearing Panel hereby enters the following:

#### ORDER OF DISCIPLINE

1. The license to practice law in the State of North Carolina of Defendant Steven B. DeCillis is hereby suspended for five years effective thirty days from the date this Order of Discipline is served upon him.
2. Defendant shall submit his license and membership card to the Secretary of the North Carolina State Bar no later than thirty days following service of this Order on Defendant. If Defendant no longer has his membership card, he must provide an affidavit to the Secretary of the North Carolina State Bar stating such.
3. The costs and administrative fees of this action are taxed to Defendant. These costs include deposition costs as allowed by statute, which are found to be reasonable and necessary expenses in this case. Defendant shall pay the costs and administrative fees within 30 days of service of the statement of costs upon him.
4. Defendant shall comply with the wind down provisions contained in 27 N.C.A.C. 1B §.0124. Defendant shall file an affidavit with the Secretary of the North Carolina State Bar within ten days of the effective date of this Order of Discipline certifying he has complied with the wind down rule.
5. Within fifteen days of the effective date of this Order, Defendant will provide the State Bar with a street address and mailing address at which clients seeking return of their files and records in Defendant's possession or control may obtain such files and records and at which the State Bar may serve any notices or other documents upon him.
6. After the completion of three years of active suspension of his license, Defendant may petition for a stay of the balance of the suspension upon filing a verified petition with the Secretary of the North Carolina State Bar at least thirty days before any proposed effective date of the stay as provided in 27 N.C.A.C. 1B § .0125. The remaining term of Defendant's

suspension may be stayed only if he establishes by clear, cogent and convincing evidence the following:

- (a) That Defendant has been continuously in group therapy treatment with the Center for Assessment and Treatment of Sexual Disorder for the entire time period from the time of suspension through the time he files a petition;
- (b) That Defendant has been continuously in treatment with a psychologist/psychiatrist who specializes in treating sexual offenders in the professions and who has been approved in advance by the North Carolina State Bar Office of Counsel and that he has complied with all current (from the date of this order) and future treatment recommendations of his treating psychologist/psychiatrist until such time as a modality of treatment is no longer necessary as determined by his treating clinician, including but not limited to:
  - i) Individual therapy at least monthly;
  - ii) Weekly SAA meetings including the 12 steps with a sponsor;
  - iii) Submission to any physiological monitoring (including polygraph and plethysmograph) to monitor compliance with treatment recommendations as recommended by the treating psychologist/psychiatrist; and
- (c) That Defendant does not currently have any mental, psychological, behavioral, cognitive, or emotional condition or disorder, behavioral or cognitive tendency, characteristic, personality trait, circumstance, or proclivity: (1) which currently makes Defendant prone to or inclined toward inappropriate sexual behavior; and (2) that Defendant does not currently pose a sexual threat to females with whom he comes in contact professionally, including female clients and/or female witnesses; and (3) that Defendant should be allowed to have unsupervised contact with females with whom Defendant comes in contact professionally including female clients and/or witnesses;
- (d) That within six months of filing a petition, Defendant has submitted to comprehensive evaluations, at Defendant's sole expense, by a psychologist/psychiatrist who specializes in treating sexual offenders in the professions and who has been approved in advance by the Office of Counsel, and one additional psychologist or psychiatrist who specializes in treating sexual offenders in the professions, and who has been approved in advance by the Office of Counsel of the North Carolina State Bar;

- (e) That both of the evaluating clinicians have certified under oath, based on their independent comprehensive evaluations of Defendant, that in their professional opinion; 1) Defendant does not currently have any mental, psychological, behavioral, cognitive, or emotional condition or disorder, behavioral or cognitive tendency, characteristic, personality trait, circumstance, or proclivity: (1) which makes Defendant currently prone to or inclined toward inappropriate sexual behavior; and (2) that Defendant does not currently pose a sexual threat to females with whom Defendant comes in contact with professionally, including female clients and/or witnesses;
- (f) That from the date this Order is entered through the date any petition is filed, Defendant has complied with all recommendations of his treating psychologist and/or psychiatrist regarding medications;
- (g) That within six months of filing the petition Defendant has submitted to physiological testing and reported the results to the Office of Counsel;
- (h) That Defendant has attached to his reinstatement petition the sworn statements referred to in paragraph 6(e) from the two evaluating clinicians along with releases or authorizations signed by Defendant instructing the evaluating clinicians to discuss their evaluations of Defendant with, and to release any corresponding records to, a representative of the Office of Counsel;
- (i) That Defendant has had no contact, direct or indirect, with L.T.H. or any member of her family;
- (j) That Defendant has kept the North Carolina State Bar Membership Department advised of his current business and home addresses and notified the Bar of any change in address within ten days of such change;
- (k) That Defendant has responded to all communications from the North Carolina State Bar within thirty days of receipt or by the deadline stated in the communication, whichever is sooner, and has participated in good faith in the State Bar's fee dispute resolution process for any petition received after the effective date of this Order;
- (l) That Defendant has not violated the Rules of Professional Conduct or the laws of the United States or any state or local government during his suspension other than minor traffic violations;
- (m) That Defendant has properly wound down his law practice and complied with the requirements of §.0124 of the North Carolina State Bar Discipline and Disability Rules; and
- (n) That Defendant has otherwise complied with the requirements of 27 N.C.A.C. 1B §.0125(b).



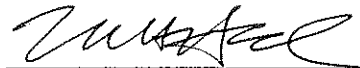
7. If Defendant successfully seeks a stay of the suspension of his law license, such stay will continue in force only as long as he complies with the following conditions:

- (a) Defendant shall keep the North Carolina State Bar Membership Department advised of his current business and home addresses;
- (b) Defendant shall respond to all communications from the North Carolina State Bar within thirty days of receipt or by the deadline stated in the communication, whichever is sooner, and participate in good faith in the State Bar's fee dispute resolution process for any petition received during the stay;
- (c) Defendant shall not violate the Rules of Professional Conduct or the laws of the United States or any state or local government other than minor traffic violations;
- (d) Defendant shall timely comply with all State Bar membership and continuing legal education requirements and shall pay all fees and costs assessed by the applicable deadline;
- (e) Defendant shall comply with all treatment, if any, prescribed by Defendant's treating psychologist/psychiatrist who specializes in treating sexual offenders in the professions who has been approved in advance by the State Bar Office of Counsel), and the other psychiatrist/psychologist who makes the certification required in paragraph in 6(e). If any treatment is recommended, Defendant shall ensure that the treating clinician provides written reports concerning Defendant's compliance with the treatment plan to the State Bar Office of Counsel each quarter. The reports shall be due each January 1, April 1, July 1 and October 1 throughout the stayed suspension. All expenses of such treatment and reports shall be borne by Defendant; and
- (f) Defendant shall execute written waivers and releases authorizing and directing his treating psychologist/psychiatrist to provide to the Office of Counsel all information necessary to permit the Office of Counsel to determine if Defendant has cooperated and complied with the recommended treatment and Defendant shall not revoke such releases during the period of stayed suspension.

8. If Defendant fails to comply with any of the conditions of the stayed suspension provided in paragraph 7 above, the stay of the suspension may be lifted as provided in §.0114(x) of the North Carolina State Bar Discipline and Disability Rules.

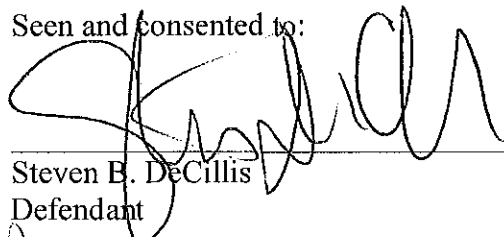
9. If Defendant does not seek a stay of the active portion of the suspension or if some part of the suspension is stayed and thereafter the stay is revoked, or if Defendant seeks reinstatement at the completion of the term of suspension, Defendant must comply with the conditions set out in paragraphs 6(a) through (n) above before seeking reinstatement of his license to practice law.

Signed by the undersigned Chair with the full knowledge and consent of the other members of the Hearing Panel, this 28<sup>th</sup> day of June, 2013.



M.H. Hood Ellis  
CHAIR, HEARING PANEL

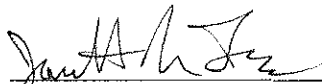
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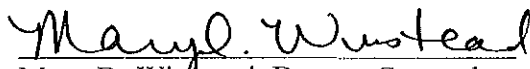
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Defendant



James D. Williams, Jr.  
Attorney for the Defendant



Jonathan W. Trapp  
Attorney for the Defendant



Mary D. Winstead, Deputy Counsel  
Attorney for Plaintiff