

STATE OF NORTH CAROLINA
WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
11 DHC 16

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

ROBERT R. SCHOCH, Attorney,

Defendant

CONSENT
ORDER OF DISCIPLINE

This matter was considered by a Hearing Panel of the Disciplinary Hearing Commission composed of M.H. Hood Ellis, Chair, and members Walter E. Brock, Jr. and Joseph Barlow Herget, pursuant to North Carolina Administrative Code, Title 27, Chapter 1, Subchapter B, § .0114(h). Plaintiff was represented by Jennifer A. Porter. Defendant, Robert R. Schoch ("Schoch"), appeared *pro se*. Both Plaintiff and Defendant stipulate and agree to the findings of fact and conclusions of law recited in this consent order and to the discipline imposed. Schoch has freely and voluntarily stipulated to the foregoing findings of fact and consents to the conclusions of law and entry of the order of discipline. Schoch freely and voluntarily waives any and all right to appeal the entry of this consent order of discipline.

Based upon the pleadings in this matter, the parties' stipulations of fact, and with the consent of the parties, the Hearing Panel hereby enters the following:

Findings of Fact

1. Plaintiff, the North Carolina State Bar ("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).

2. Defendant, Robert R. Schoch, was admitted to the North Carolina State Bar in 1971, 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, Schoch was engaged in the practice of law in the State of North Carolina and maintained a law office in High Point, Guilford County, North Carolina.

4. Defendant was properly served with process and the matter came before the Hearing Panel with due notice to all parties.

5. Cheri Leonard was represented on criminal charges by appointed counsel Charles Wannamaker ("Wannamaker").

6. Schoch approached Wannamaker and offered to arrange additional psychological testing for Ms. Leonard.

7. Wannamaker agreed to have Schoch arrange additional psychological testing for Ms. Leonard.

8. Schoch went to court with Wannamaker in Ms. Leonard's case on March 23, 2009. The intent of Wannamaker and Schoch was to request a continuance on this date to allow the further evaluation proposed by Schoch.

9. Schoch identified himself to the court as an "amicus" to the court.

10. Schoch did not enter a general appearance as Ms. Leonard's counsel in the criminal case.

11. Schoch addressed the court and argued for the motion to continue.

12. Schoch interacted with the Assistant District Attorney, R. Jordan Green ("Green"), regarding the plea agreement that had been offered to Ms. Leonard, seeking to ensure it would remain in place during the time taken for the additional psychological evaluation.

13. Schoch told Green that if Green did not allow the plea agreement to remain available to Ms. Leonard, Green would be in violation of the plea agreement and applicable ethics rules.

14. Schoch purported to withdraw a guilty plea on behalf of Ms. Leonard before the court on March 23, 2009.

15. Schoch arranged for Ms. Leonard to be evaluated by Dr. Kristine M. Herfkens.

16. Schoch led Dr. Herfkens to believe that Schoch was counsel for Ms. Leonard on her criminal charges.

17. Schoch did not disclose to Dr. Herfkens that Ms. Leonard was represented by Wannamaker.

18. Dr. Herfkens evaluated Ms. Leonard but concluded that Ms. Leonard intentionally under-performed in the evaluation, rendering the data from the evaluation invalid.

19. Dr. Herfkens identified possible areas of further exploration but declined to perform any further evaluation of Ms. Leonard.

20. Schoch harangued and harassed Dr. Herfkens regarding her decision not to further evaluate Ms. Leonard.

21. Shortly after Dr. Herfkens' evaluation of Ms. Leonard, Wannamaker contacted Dr. Herfkens, at which point Dr. Herfkens realized Wannamaker was Ms. Leonard's attorney.

22. Wannamaker communicated to Dr. Herfkens his thoughts and questions regarding Ms. Leonard.

23. Schoch criticized as improper Wannamaker's involvement and communication with Dr. Herfkens without Schoch's involvement.

24. Schoch interacted with Ms. Leonard and her family during the time that Wannamaker represented Ms. Leonard.

25. Schoch gave Ms. Leonard legal advice regarding her criminal offenses.

26. Schoch gave Ms. Leonard legal advice regarding her criminal offenses while Ms. Leonard was represented by Wannamaker.

27. Schoch gave Ms. Leonard legal advice regarding her criminal offenses that was contrary to the legal advice given to Ms. Leonard by Wannamaker.

28. Wannamaker ultimately made a motion to withdraw from his representation of Ms. Leonard.

29. At a hearing in Ms. Leonard's case on July 20, 2009, Wannamaker moved to withdraw from representation of Ms. Leonard due to the disintegration of his attorney-client relationship with Ms. Leonard.

30. The disintegration of Wannamaker's attorney-client relationship with Ms. Leonard resulted from Schoch's conduct and interference with that attorney-client relationship.

31. Schoch was present in court for the hearing in Ms. Leonard's case on July 20, 2009.

32. Schoch informed the court on July 20, 2009 that he did not want to make a general appearance as counsel for Ms. Leonard.

33. Schoch did not enter a general appearance as counsel for Ms. Leonard.

34. The court denied Wannamaker's motion to withdraw.

35. On July 20, 2009, the court ordered Schoch to turn over client file materials to Wannamaker.

36. The court ordered Schoch to turn over the client material to Wannamaker by the close of business that day, July 20, 2009.

37. Schoch did not turn over his client file materials to Wannamaker on July 20, 2009.

38. At the hearing on July 20, 2009, the court ordered Schoch to have no further involvement in the case.

39. Subsequently Schoch wrote a letter to Wannamaker criticizing Wannamaker's representation of Ms. Leonard, making disparaging comments regarding Wannamaker, and offering to remain involved in the case.

40. On July 20, 2009, the court ordered Schoch to have no contact with the victim in the case, the victim's family, Ms. Leonard, Ms. Leonard's family, and to have no contact on either side of the case.

41. Schoch asked the court if he could communicate with Debra Leatherman, who was associated with Ms. Leonard, on an independent business matter.

42. The court instructed Schoch he could communicate with Debra Leatherman only regarding the separate business matter.

43. After receiving the court's instruction set forth in the immediately preceding paragraph, Schoch subsequently communicated with Ms. Leatherman regarding Ms. Leonard's case and told Ms. Leatherman he would keep Ms. Leatherman updated about the case.

44. Schoch made disparaging comments about Wannamaker and Wannamaker's representation of Ms. Leonard in court on July 20, 2009, in court at a subsequent hearing on July 22, 2009, and in the letter to Wannamaker referenced above in paragraph 38, which Schoch publicized by providing it to the court on July 22, 2009.

45. Schoch's comments regarding Wannamaker were contrary to the known local customs of courtesy set for counsel in court by Rule 12 of the North Carolina General Rules of Practice.

Based upon the consent of the parties and the foregoing stipulated Findings of Fact, the Hearing Panel enters the following:

Conclusions of Law

1. All parties are properly before the Hearing Panel and the Panel has jurisdiction over Defendant and the subject matter of this proceeding.

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

(a) By inserting himself into Ms. Leonard's case, interacting in an improper and disruptive manner toward Green and Dr. Hefkens, and interfering in

Wannamaker's relationship with Ms. Leonard, Schoch engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d);

(b) By failing to turn over his client file to Wannamaker, offering to Wannamaker his continued participation in the case, and communicating with Ms. Leatherman about Ms. Leonard's case, Schoch failed to obey the court's order in violation of Rule 3.4(c) and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d); and

(c) By making derogatory comments about Wannamaker in court and in a letter he later provided to the court, Schoch failed to comply with known local customs of courtesy in violation of Rule 3.5(a)(4)(A).

Based upon the foregoing findings of fact and conclusions of law, consideration of the factors set out in 27 N.C. Admin. Code 1B § .0114(w)(3), consideration of all available forms of discipline, and based upon the consent of the parties, the Hearing Panel enters the following:

Order of Discipline

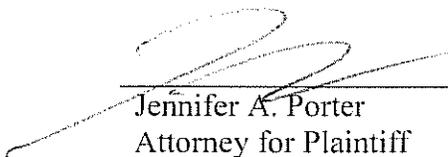
1. Defendant, Robert R. Schoch, is hereby REPRIMANDED.
2. Defendant is taxed with the administrative fees and costs of this action as assessed by the Secretary. Defendant shall pay the administrative fees and costs within thirty days of service of the statement of costs upon him.

Signed by the Chair with the consent of the other hearing panel members, this the 27th day of January 2012.



M.H. Hood Ellis, Chair
Disciplinary Hearing Panel

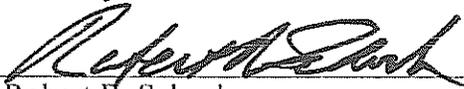
Agreed and consented to by:



Jennifer A. Porter
Attorney for Plaintiff

January 23, 2012

Date



Robert R. Schoch
Defendant

Jan. 5, 2012

Date