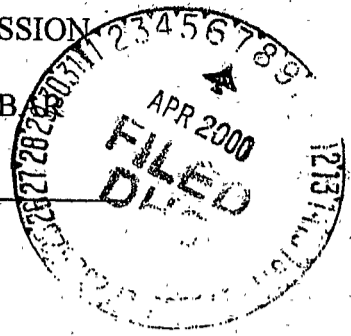


20318

WAKE COUNTY  
NORTH CAROLINA

BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
99 DHC 32



THE NORTH CAROLINA STATE BAR )  
Plaintiff )  
v. )  
TROY SLAUGHTER, ATTORNEY )  
Defendant )

CONSENT ORDER  
OF  
DISCIPLINE

This matter came before a Hearing Committee of the Disciplinary Hearing Commission composed of Fred H. Moody, Jr., Esq., Chair; T. Paul Messick, Jr., Esq.; and Anthony E. Foriest, pursuant to 27 N.C. Admin. Code Chapter 1, Subchapter B Section .0114 (H) of the Rules and Regulations of the North Carolina State Bar. The defendant, Troy Slaughter, was represented by Joseph B. Cheshire V and Alan M. Schneider. The plaintiff was represented by Carolin Bakewell. Both parties stipulate and agree to the findings of fact and conclusions of law recited in this consent order and to the discipline imposed. Based upon the consent of the parties the hearing committee hereby enters the following:

**FINDINGS OF FACT**

1. The 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 promulgated thereunder.
2. The Defendant Troy Slaughter (hereafter, Slaughter), was admitted to the North Carolina State Bar in 1993, and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the rules, regulations and Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.
3. During all of the relevant periods referred to herein, Slaughter was actively engaged in the practice of law in the State of North Carolina and maintained offices for the practice of law in the City of Wilmington, New Hanover County, North Carolina.
4. From March 1, 1996 until April 7, 1999, Slaughter was a 25% equity partner in the law firm then known as Jackson, Rivenbark and Slaughter (hereafter, the law firm). The other partners in the law firm were Bruce Jackson (hereafter, Jackson) and Christina Rivenbark

(hereafter, Rivenbark).

5. On or about December 11, 1997, James Bowen, Megan Bowen, John Bowen and Stephen Bowen (hereafter, collectively, the Bowens) were injured in a motor vehicle accident in New Hanover County. The Bowens were all minors at the time of the accident.

6. On or about Dec. 12, 1997, Rivenbark undertook to represent the Bowens on behalf of the law firm.

7. Brian Eberly was the individual whose vehicle collided with the car in which the Bowens were riding at the time of the Dec. 11, 1997 accident.

8. In July 1998, the Bowens' claims were settled with Eberly's insurance carrier.

9. R. Jay Short Jr. (hereafter, Short), was retained by Eberly's insurance carrier to effectuate the court approval of the minor settlements. In this regard, Short was to draft the necessary documents for a Special Proceeding in the New Hanover County Clerk of Court's office.

10. Because the Bowens were minors, the settlement respecting their claims had to be approved by the New Hanover County Superior Court.

11. In late July 1998, Short forwarded to Rivenbark for review a draft petition and court order approving the minor settlement in the Bowens case. The draft petition and order listed Rivenbark as the attorney for the Bowens and the person to whom the attorney fees in the case were to be paid. Short prepared the Court Order and other settlement documents under the belief that Rivenbark would appear in New Hanover County Superior Court on behalf of the Bowens.

12. In November of 1998, Jackson, Rivenbark, Slaughter and other staff members, had a meeting in the firm's upstairs conference room; the purpose of the meeting was to reduce Rivenbark's caseload by reassigning her cases to others. Slaughter was assigned the Bowen cases and the law firm's internal client list was updated to reflect this change. Slaughter began discussions with Short to determine the status of the cases and the work that was necessary to resolve the cases. Slaughter reviewed the settlement documents and made the necessary preparations to appear in New Hanover County Superior Court to obtain court approval for the minor settlement in the Bowens' case. Slaughter, having taken over responsibility for the case, struck through the various petitions and added his name as the attorney for the Bowens.

13. On or about March 31, 1999, Slaughter presented the petition and order approving the minor settlement in the Bowens' case to Hon. W. Allen Cobb, Jr. (hereafter, Judge Cobb), for review.

14. The proposed order of March 31, 1999 provided for \$9,448.05 in attorneys fees to be disbursed to Rivenbark. The order contained two mathematical errors: 1) it called for \$757 to be

disbursed to Coastal Chiropractic on behalf of Megan Bowen and 2) it failed to require a \$39.68 payment to N.C. DMA (Medicaid) on behalf of John Bowen.

15. On or about April 9, 1999, Jackson informed defendant that the law firm was dissolved. Slaughter retained the Bowen file, which had not yet been concluded.

16. Sometime shortly after April 9, 1999, Slaughter contacted Short and asked him to amend the Bowens' order to correct the mathematical mistakes referenced in paragraph 14 and to identify Slaughter as the attorney of record.

17. On or about April 26, 1999, Slaughter presented the amended order to Judge Cobb. The amended order corrected the mathematical mistakes referred to in paragraph 14 and identified Slaughter as the person to whom the \$9,448.05 in attorneys fees were to be paid.

18. On April 26, 1999, Slaughter presented the amended order to Judge Cobb for signature. In response to an inquiry from Judge Cobb, Slaughter indicated that changes in the amended order were minor mathematical corrections and that the order as amended had been reviewed and approved by Rebecca Carroll, a member of the Clerk of Court's staff.

19. In fact, the order had been amended to substitute Slaughter, instead of Rivenbark, as the payee for attorney fees. Slaughter did not advise Judge Cobb of this change and incorrectly stated that Ms. Carroll had approved the order as amended.

20. The N.C. State Bar has dismissed all other allegations against Slaughter set out in the original Complaint filed herein.

Based upon the foregoing Findings of Fact, the Committee enters the following:

#### **CONCLUSIONS OF LAW**

1. By representing to Judge Cobb that the amended order in the Bowen case had been reviewed and approved by Rebecca Carroll in its totality, and that changes in the amended order were minor mathematical corrections, Slaughter engaged in conduct involving a misrepresentation in violation of Rule 8.4(c) of the Revised Rules of Professional Conduct.

Based upon the consent of the parties, the hearing committee also enters the following:

#### **FINDINGS REGARDING DISCIPLINE**

1. The defendant's misconduct is mitigated by the following factors:

- (a) absence of a prior disciplinary record; and
- (b) good character and reputation.

2. There are no aggravating factors.

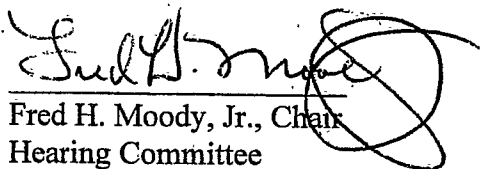
Based upon the foregoing FINDINGS OF FACT and CONCLUSIONS OF LAW and the FINDINGS REGARDING DISCIPLINE and based upon the consent of the parties, the Hearing Committee enters the following:

### ORDER OF DISCIPLINE

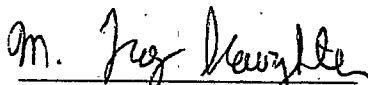
1. For the conduct described in this order, the Defendant is hereby censured by the North Carolina State Bar.
2. The Defendant is taxed with the costs as assessed by the Secretary.

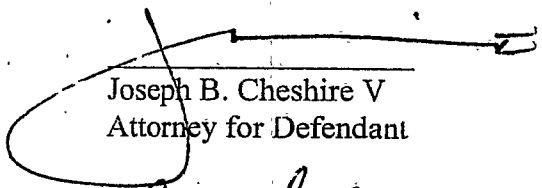
Signed by the undersigned Chair with the full knowledge and consent of the other members of the Hearing Committee.


This the 20 day of March, 2000


  
Fred H. Moody, Jr., Chair  
Hearing Committee

We Consent:

  
Troy Slaughter, Defendant

  
Joseph B. Cheshire V  
Attorney for Defendant

  
Alan M. Schneider  
Attorney for Defendant

  
Carolin Bakewell  
Attorney for Plaintiff