

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION

WAKE COUNTY

FILE NO.: 17 CVS 005557

THE NORTH CAROLINA STATE BAR,

Petitioner

v.

JOE S. MAJOR, III, Attorney,

Respondent

CONSENT ORDER OF  
PRELIMINARY INJUNCTION

THIS MATTER came on for consideration by the undersigned Judge on motion of Petitioner, the North Carolina State Bar. Petitioner was represented by Jennifer A. Porter. Respondent, Joe S. Major, III, appeared *pro se*. Based upon the consent of the parties, the Court makes the following:

FINDINGS OF FACT

1. Petitioner, the North Carolina State Bar ("State Bar"), is a state agency 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). The State Bar brings this action pursuant to N.C. Gen. Stat. § 84-28(f).

2. Respondent, Joe S. Major, III ("Major"), was licensed to practice law in North Carolina in 1970.

3. The State Bar's membership database shows the following address for Major: 2100 Hassell Place, Charlotte, NC 28209.

4. The State Bar has received information indicating Major mishandled fiduciary funds.

5. Major desires to cooperate with the North Carolina State Bar.

6. A need for prompt action exists to ensure that further entrusted or fiduciary funds are not mishandled in the future.

7. Major stipulates to the Wake County Superior Court's jurisdiction over his person, acknowledges the Court's subject matter jurisdiction pursuant to N.C. Gen. Stat. § 84-28(f), and waives any right to challenge or appeal this order on jurisdictional grounds.

BASED UPON THE FOREGOING FINDINGS, and with the consent of the parties, the Court makes the following:

#### CONCLUSIONS OF LAW

1. This Court has personal jurisdiction over Respondent and jurisdiction over the subject matter. This matter is properly before the Wake County Superior Court pursuant to N.C. Gen. Stat. § 84-28(f).
2. Prompt action, pursuant to N.C. Gen. Stat. 84-28(f), is necessary to preserve the status quo while the State Bar conducts an analysis of Major's trust accounts, fiduciary accounts to which Major has access, and any other accounts into which client or fiduciary funds have been deposited, including, if applicable, operating and personal bank accounts, and to ensure that no further client or fiduciary funds are mishandled.
3. Major should be enjoined from receiving any further funds from or on behalf of clients or other individuals in a fiduciary capacity, from withdrawing funds from and/or writing checks against any account in which client or fiduciary funds have been deposited, including personal accounts, and from directing any employee or agent to withdraw funds from and/or draw a check on any account in which client or fiduciary funds have been deposited, including personal accounts, except as expressly authorized by this order.
4. To assist the State Bar's investigation, Major should provide the State Bar with records of all accounts to which he has or had access into which client or fiduciary funds have been deposited, including all accounts, whether personal accounts or fiduciary accounts, into which misappropriated or mishandled fiduciary funds were deposited.
5. To assist the State Bar's analysis of his trust accounts, Major should provide the State Bar with the reconciliation reports required to be prepared and maintained pursuant to Rule 1.15-3(d) of the Rules of Professional Conduct.
6. Major should not be permitted to serve in any fiduciary capacity, including trustee, escrow agent, settlement agent, personal representative, executor or attorney-in-fact until further order of this Court.

#### THEREFORE, IT IS HEREBY ORDERED:

1. Joe S. Major, III is enjoined from receiving any funds from or on behalf of clients or other individuals in a fiduciary capacity; writing checks against or otherwise disbursing or withdrawing funds from any account in which client or fiduciary funds have been deposited, including operating or personal accounts into which misappropriated or mishandled fiduciary funds were deposited; and/or directing any employee or agent to draw a check on or otherwise disburse or withdraw funds from any account in which client or fiduciary funds have been deposited, including operating personal accounts into which misappropriated or mishandled fiduciary funds were deposited, until permitted by subsequent orders of the Court.

2. Major, or any other person having custody or control of records relating to any account into which client or fiduciary funds have been deposited, including misappropriated or mishandled fiduciary funds, shall immediately produce to the North Carolina State Bar at its Raleigh, North Carolina location for inspection and copying all financial records relating to any account into which client or fiduciary funds have been deposited, such accounts to include his firm's operating account(s) and his personal bank accounts if applicable, and such records to include but not limited to bank statements, canceled checks, deposit slips, client ledger cards, check stubs, deposited items, debit memos, credit card transaction information, and any other records relating to the receipt and disbursement of client and/or fiduciary funds, as requested by the State Bar.

3. Major, or any other person having custody or control over records relating to individuals for whom Major has provided legal or fiduciary services, shall produce to the North Carolina State Bar at its Raleigh, North Carolina location for inspection and copying any or all client files needed by the State Bar for its investigation. "Client files" shall include all records and documents relating to individuals or entities for whom Major has provided legal or fiduciary services, including but not limited to settlement statements, HUD-1 Settlement Statements, billing statements, accountings, fee agreements, correspondence, litigation documents, memoranda and receipts. Current client files shall be produced at the State Bar offices in Raleigh, North Carolina within 24 hours of request by the State Bar and closed client files shall be produced at the State Bar offices in Raleigh, North Carolina within 3 days of request by the State Bar.

4. If Major does not have possession of the minimum records required to be maintained regarding trust and fiduciary funds pursuant to Rule 1.15-3 of the Rules of Professional Conduct, he shall direct the bank(s) where his trust and operating bank account(s) are maintained, within 10 days of the date of this order, to copy and transmit any such missing records directly to the North Carolina State Bar at its Raleigh, North Carolina location, at Major's expense.

5. Major shall produce to the North Carolina State Bar at its Raleigh, North Carolina location the monthly and quarterly reconciliation reports for any and all trust accounts that he is required to produce and maintain pursuant to Rule 1.15-3(d) of the Rules of Professional Conduct, as requested by the State Bar. If Major has not prepared such reports as required, Major is hereby ordered to conduct the monthly and quarterly reconciliations required by Rule 1.15-3(d) of the Rules of Professional Conduct for the time period required under the Rules of Professional Conduct, or a lesser period if so specified by the State Bar, and produce the reports to the State Bar within two weeks of the date of this order or by the deadline set by the State Bar, whichever is later.

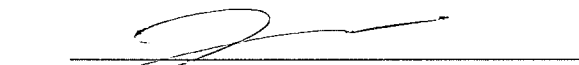
6. Major shall not serve in any fiduciary capacity, including trustee, escrow agent, settlement agent, personal representative, executor or attorney-in-fact until further order of this Court.

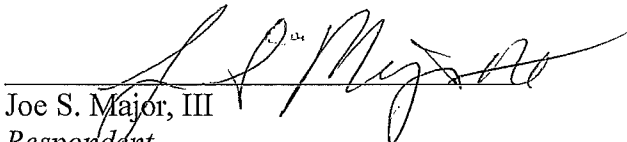
7. This Consent Order of Preliminary Injunction shall remain in effect until further order of this Court.

THIS the 30 day of May, 2017.

  
Superior Court Judge Presiding

CONSENT TO BY:

  
Jennifer A. Porter  
*Attorney for Petitioner*

  
Joe S. Major, III  
*Respondent*