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STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

WAKE COUNTY

WAKE COUNTY, C.S.C. *LM*

FILE NO.: 19 CVS

THE NORTH CAROLINA STATE BAR,

Petitioner

v.

TIMOTHY J. PAVONE, Attorney,

Respondent

CONSENT ORDER OF  
PRELIMINARY INJUNCTION

THIS MATTER came on for consideration by the undersigned Judge of the Superior Court of Wake County. Petitioner, the North Carolina State Bar ("State Bar"), was represented by Leonor Bailey Hodge. Respondent, Timothy J. Pavone appeared *pro se*. Based upon the consent of the parties, the Court makes the following:

FINDINGS OF FACT

1. Respondent, Timothy J. Pavone ("Pavone"), was licensed to practice law in North Carolina in 2017.
2. Pavone practices law in Charlotte, Mecklenburg County, North Carolina. The State Bar's membership database shows the following address for Pavone: 615 S. College Street, 9<sup>th</sup> Floor, Charlotte, NC 28202.
3. The State Bar's preliminary investigation indicates that Pavone has mishandled funds that were entrusted to him for the benefit of clients.
4. Pavone desires to cooperate with the State Bar.
5. A need for prompt action exists to ensure that additional funds entrusted to Pavone are not mishandled.

BASED UPON THE FOREGOING FINDINGS, the Court makes the following Conclusions of Law:

1. Prompt action, pursuant to N.C. Gen. Stat. § 84-28(f), is necessary to preserve the status quo while an analysis of Pavone's account(s) is conducted and to ensure that no further client funds are mishandled.
2. This Court has personal jurisdiction over Pavone 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).

3. Pavone should be enjoined from accepting any further funds from or on behalf of clients or other individuals in a fiduciary capacity, from writing checks against or withdrawing funds from any account in which client or fiduciary funds have been deposited, and from directing any employee or agent over whom Pavone exercises control to withdraw funds from and/or draw a check on any account in which client or fiduciary funds have been deposited, except as expressly authorized by this Court pursuant to further order from this Court.

4. To assist with the analysis of his account(s), Pavone should provide the State Bar with records of all accounts in which client or fiduciary funds have been deposited and with all client files requested by the State Bar as set forth below.

5. Pavone should be prohibited from serving as a trustee, attorney-in-fact, executor, personal representative or in any other fiduciary capacity.

THEREFORE, IT IS HEREBY ORDERED:

1. Timothy J. Pavone is enjoined from accepting or receiving any funds from clients or third parties in a fiduciary capacity, from withdrawing any funds from and/or drawing any checks or other instruments against any account in which client or fiduciary funds have been deposited, and from directing or permitting any employee or agent over whom Pavone exercises control to withdraw funds from and/or to draw any checks on or otherwise disburse or withdraw funds from any account in which client or fiduciary funds have been deposited, until and unless expressly permitted to do so by subsequent orders of this Court.
2. Pavone, or any other person having custody or control of records relating to any account into which client or fiduciary funds have been deposited, shall immediately produce to the State Bar at its offices in Raleigh, North Carolina, for inspection and copying all of Pavone's financial records relating to any account into which client or fiduciary funds have been deposited, including, but not limited to bank statements, canceled checks, deposit slips, identification of deposited items, credit card payment receipts, client ledger cards, check stubs, deposited items and debit memos and any other records relating to the receipt and disbursement of client and/or fiduciary funds, as requested by the State Bar.
3. Pavone, or any other person having custody or control over records relating to individuals for whom Pavone has provided legal services, shall produce to the State Bar at its offices in Raleigh, North Carolina, for inspection and copying, all records and documents including but not limited to, client files, billing statements, memoranda and receipts. Current client files shall be produced within 24 hours of demand by the State Bar and closed client files shall be produced within 3 days of demand by the State Bar.
4. If Pavone 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 immediately direct the bank(s) where his account(s) are maintained, to copy and transmit within 10 days of the date of the State Bar's demand any such missing records directly to the State Bar at its offices in Raleigh, North Carolina, at Pavone's expense.

5. Pavone is hereby enjoined from serving as an attorney-in-fact, trustee, executor, personal representative or in any other fiduciary capacity.
6. This Order of Preliminary Injunction shall remain in effect until further order of this Court.

This the 17 day of June, 2019.

  
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Superior Court Judge Presiding

WE CONSENT:

  
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Timothy J. Pavone  
Respondent

  
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Leonor Bailey Hodge  
Attorney for Petitioner  
The North Carolina State Bar