



STATE OF NORTH CAROLINA
WAKE COUNTY

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE NORTH CAROLINA STATE BAR

THE NORTH CAROLINA STATE BAR,

Plaintiff,

v.

JAIME T. HALSCOTT,

Defendant.

ANSWER

Docket # 24 DHC 13

Jaime T. Halscott's "ANSWER" is meant as a professional courtesy notice and does not waive or acquiesce to the jurisdiction of the State of North Carolina, the North Carolina Bar, or any agents, assigns, or otherwise thereof.

1. Admitted to the extent that the North Carolina State Bar is a body organized under the laws of North Carolina, denied as to the remainder of the allegations contained in this Paragraph of the Complaint.
2. Admitted to the extent that Patrick M. Megaro was admitted to the North Carolina Bar in December 2013 by comity, deny knowledge or information sufficient to form a belief as to the remainder of the allegations contained in this Paragraph of the Complaint.
3. Admitted to the extent that Jaime T. Halscott was admitted to the Florida Bar in 2013 and was an attorney licensed to practice in the State of Florida, denied as to the remainder of the allegations contained in this Paragraph of the Complaint.
4. Admitted to the extent that Patrick M. Megaro was admitted to the North Carolina Bar in December 2013 and licensed until May 27, 2021, and that Jaime T. Halscott was licensed in the State of Florida, denied as to the remainder of the allegations contained in this Paragraph of the Complaint.
5. Deny knowledge or information sufficient to form a belief as to the allegations contained in this Paragraph of the Complaint.
6. Deny knowledge or information sufficient to form a belief as to the allegations contained in this Paragraph of the Complaint.
7. Deny knowledge or information sufficient to form a belief as to the allegations contained in this Paragraph of the Complaint.

8. Deny knowledge or information sufficient to form a belief as to the allegations contained in this Paragraph of the Complaint.

9. Deny knowledge or information sufficient to form a belief as to the allegations contained in this Paragraph of the Complaint.

10. Denied as worded.

11. Denied as worded.

12. Admitted.

13. Admitted.

14. Admitted.

15. Admitted to the extent that Halscott Megaro, P.A. entered into a representation agreement with McCollum, Brown, and Geraldine Brown Ransom, denied as to the remainder of the allegations contained in this Paragraph of the Complaint.

16. Denied.

17. Admitted.

18. Denied.

19. Admitted.

20. Admitted.

21. Admitted.

22. Admitted to the extent that a petition was filed in the North Carolina Industrial Commission that was unopposed and that McCollum and Brown were awarded the maximum statutory amount of \$750,000.00 each as compensation for the wrongful convictions, denied as to the remainder of the allegations contained in this Paragraph of the Complaint.

23. Denied.

24. Admitted to the extent that Patrick M. Megaro negotiated a settlement with at least two of the defendants in the EDNC civil case to settle McCollum and Brown's claims against those defendants for \$1 Million, denied as to the remainder of the allegations contained in this Paragraph of the Complaint.

25. Admitted.

26. Deny knowledge or information sufficient to form a belief as to the allegations contained in this Paragraph of the Complaint.
27. Admitted.
28. Admitted.
29. Denied as worded.
30. Denied as worded.
31. Deny knowledge or information sufficient to form a belief as to the allegations contained in this Paragraph of the Complaint.
32. Deny knowledge or information sufficient to form a belief as to the allegations contained in this Paragraph of the Complaint.
33. Admitted to the extent that Halscott Megaro, P.A.'s services were terminated by McCollum and Brown's guardians at a later time, denied as to the remainder of the allegations contained in this Paragraph of the Complaint.
34. Admitted to the extent that an Amended Complaint was filed in 2019, denied as to the remainder of the allegations contained in this Paragraph of the Complaint.
35. Admitted.
36. Admitted to the extent that the DHC filed an Order of Discipline containing certain findings of fact, denied as to the remainder of the allegations contained in this Paragraph of the Complaint.
37. Admitted to the extent that the Order of Discipline is attached as Exhibit 1 to the Complaint, denied as to the remainder of the allegations contained in this Paragraph of the Complaint.
38. Admitted to the extent that the DHC filed an Order of Discipline containing certain conclusions of law, denied as to the remainder of the allegations contained in this Paragraph of the Complaint.
39. Admitted to the extent that the Order of Discipline suspended Patrick M. Megaro, denied as to the remainder of the allegations contained in this Paragraph of the Complaint.
40. Deny knowledge or information sufficient to form a belief as to the allegations contained in this Paragraph of the Complaint.
41. Admitted to the extent that Jaime T. Halscott filed a lawsuit in the Ninth Judicial Circuit Court of Orange County, Florida, denied as to the remainder of the allegations contained in this Paragraph of the Complaint.

42. Admitted.

43. Denied as worded.

44. Denied.

45. Denied.

46. Denied.

47. Denied as worded.

48. Admitted.

49. Denied as worded.

50. Admit that motion to reuse was filed, supported by affidavit, denied as to the remainder of the allegations contained in this Paragraph of the Complaint.

51. Denied as worded.

52. Denied as worded.

53. Denied as worded.

54. Denied as worded.

55. Denied as worded.

56. Denied as worded.

57. Denied.

58. Denied as worded.

59. Denied as worded.

60. Denied.

61. Denied as worded.

62. Denied.

63. Deny knowledge or information sufficient to form a belief as to the allegations contained in this Paragraph of the Complaint.

64. Deny knowledge or information sufficient to form a belief as to the allegations contained in this Paragraph of the Complaint.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE LACK OF PERSONAL JURISDICTION

The North Carolina Bar has no jurisdiction or authority over Jaime T. Halscott in this matter. Halscott does not now possess, and has not ever possessed, a license to practice law in the State of North Carolina. This fact is undisputed. Halscott does not seek clients nor solicit legal services in the State of North Carolina nor intend to ever do so.

The North Carolina Bar is not the proper party to bring this proceeding. While the North Carolina Bar states that it is, in paragraph 1 of the complaint, it grossly misstates the authority granted to it under the North Carolina General Statutes Chapter 84 and Chapter 1 of Title 27 of the North Carolina Administrative Code. No such statutory or regulatory powers exist to initiate an investigation into, grievance against, complaint filing, or prosecution of an attorney not licensed in the State of North Carolina.

The North Carolina Bar correctly notes that Jaime T. Halscott an admitted Florida Bar attorney and not a North Carolina licensed lawyer. No such out of state attorney regulation is expressed or implied in N.C. Gen. Stat § 84-23. Turning to Chapter 1 of Title 27, Rules and Regulations of the State Bar of North Carolina, the plain text of various subsections are as follows:

27 NCAC 01B .0103 DEFINITIONS Subject to additional definitions contained in other provisions of this subchapter, the following words and phrases, when used in this subchapter, will have, unless the context clearly indicates otherwise, the meanings given to them in this rule.

(10) Complainant or complaining witness - any person who has complained of the conduct of any member of the North Carolina State Bar to the North Carolina State Bar.

(11) Complaint - a formal pleading filed in the name of the North Carolina State Bar with the commission against a member of the North Carolina State Bar after a finding of probable cause.

(16) Court or courts of this state - a court authorized and established by the constitution or laws of the state of North Carolina.

(18) Defendant - a member of the North Carolina State Bar against whom a finding of probable cause has been made.

(31) Member - a member of the North Carolina State Bar.

(39) Respondent - a member of the North Carolina State Bar who has been accused of misconduct or whose conduct is under investigation, but as to which conduct there has not yet been a determination of whether probable cause exists.

27 NCAC 01B .0111 GRIEVANCES: FORM AND FILING (a) A grievance may be filed by any person against a member of the North Carolina State Bar. Such grievance may be written or oral, verified or unverified, and may be made initially to the counsel. The counsel may require that a grievance be reduced to writing in affidavit form and may prepare and distribute standard forms for this purpose.

Every subsequent section of the North Carolina Bar rules that govern discipline ascribe the definitional meanings above, without deviation. None of which apply here to Halscott.

The North Carolina Bar alleges that Jaime T. Halscott is subject to discipline pursuant to N.C. Gen Stat. § 84-28(b)(2), but by cherry picking that subsection it grossly misrepresents. The full text reads as follows:

§ 84-28. Discipline and disbarment.

(a) Any attorney admitted to practice law in this State is subject to the disciplinary jurisdiction of the Council under such rules and procedures as the Council shall adopt as provided in G.S. 84-23.

(b) The following acts or omissions by a member of the North Carolina State Bar or any attorney admitted for limited practice under G.S. 84-4.1, individually or in concert with any other person or persons, shall constitute misconduct and shall be grounds for discipline whether the act or omission occurred in the course of an attorney-client relationship or otherwise:

(1) Conviction of, or a tender and acceptance of a plea of guilty or no contest to, a criminal offense showing professional unfitness;

(2) The violation of the Rules of Professional Conduct adopted and promulgated by the Council in effect at the time of the act;

By ignoring the applicable subsections (a) and (b), the North Carolina Bar misrepresents the scope of authority. Again, this is exclusive to members of the North Carolina Bar. Jaime T. Halscott not fall under the definition of § 84-28(a) as Halscott is not an attorney admitted to practice under the law in this State.

Subsection (b) references any attorney admitted for limited practice under G.S. 84-4.1. This section reads as follows:

§ 84-4.1. Limited practice of out-of-state attorneys.

Any attorney domiciled in another state, and regularly admitted to practice in the courts of record of and in good standing in that state, having been retained as attorney for a party to any civil or criminal legal proceeding pending in the General Court of Justice of North Carolina, the North Carolina Utilities Commission, the North Carolina Industrial Commission, the Office of Administrative Hearings of North Carolina, or any administrative agency, may, on motion to the relevant forum, be admitted to practice in that forum for the sole purpose of appearing for a client in the proceeding.

A review of the courts and administrative bodies contained in N.C. Gen. Stat § 84-4.1 are not exhaustive, but they are also exclusively state in nature. No authority exists over federal courts. Again, the North Carolina Bar has no legal ability under any statutory authority to institute disciplinary proceedings against an attorney who is neither licensed in North Carolina, nor engages in limited practice within the courts authorized and established by the laws and Constitution of the State of North Carolina.

No forms, filings, or affirmations by a North Carolina licensed lawyer have any authority to subject a lawyer who is not licensed in the State of North Carolina to any statute or authority. Any such interpretation is erroneous. The North Carolina Interstate Law Firm registration paperwork requires the notarized signature of a North Carolina licensed lawyer for this reason.

The North Carolina State Bar's jurisdiction is further limited by its own administrative code and rules. More specifically, 27 N.C.A.C. Chapter 1D.0702(a) states as follows:

(a) The committee has jurisdiction over a disagreement arising out of a client-lawyer relationship concerning the fees and expenses charged or incurred for legal services provided by a lawyer licensed to practice law in North Carolina.

Jaime T. Halscott is not a lawyer licensed to practice law in North Carolina. This fact is not in dispute. Accordingly, the committee has no jurisdiction over a disagreement arising out of a client-lawyer relationship concerning the fees or expenses charged or incurred for legal services that may have been rendered by Halscott.

Pro hac vice admission into the federal district courts is subject to the rules and regulations of the district court and requires no action, no permission, nor even notice to the State of North Carolina, nor the North Carolina Bar. The North Carolina Bar has no statutory authority to intervene or interfere with federal pro hac vice admission. That process is separate and distinct from any state level functions.

SECOND AFFIRMATIVE DEFENSE
LACK OF SUBJECT MATTER JURISDICTION

The North Carolina State Bar has no jurisdiction or authority over matters occurring exclusively in federal courts. No sections of the North Carolina General Statutes provide for such. Conversely, no federal statutes, nor rules, nor the Local Rules of the District Court confer any authority or jurisdiction to the North Carolina State Bar. The Federal District Court has adopted rules that address discipline for actions occurring in the District Court as outlined in Local Rule 83.7, and associated subsections.

The North Carolina State Bar's jurisdiction is further limited by its own administrative code and rules. More specifically, 27 N.C.A.C. Chapter 1D, .0702(a) states as follows:

(a) The committee has jurisdiction over a disagreement arising out of a client-lawyer relationship concerning the fees and expenses charged or incurred for legal services provided by a lawyer licensed to practice law in North Carolina.

Jaime T. Halscott is not a lawyer licensed to practice law in North Carolina. This fact is not in dispute, and as such, the committee has no jurisdiction over a disagreement arising out of a client-lawyer relationship concerning the fees or expenses charged or incurred for legal services that may have been rendered by Halscott.

27 N.C.A.C 1D, .0702(b) states that the committee does not have jurisdiction over the following:

- (1) a dispute concerning fees or expenses established by a court, federal or state administrative agency, federal or state official, or private arbitrator or arbitrator panel;
- (2) a dispute over fees or expenses that are or were the subject of litigation or arbitration unless
 - (i) a court, arbitrator, or arbitration panel directs the matter to the State Bar for resolution,
 - (ii) both parties to the dispute agree to dismiss the litigation or arbitration without prejudice and pursue resolution through the State Bar's Fee Dispute Resolution program; or
 - (iii) litigation was commenced pursuant to 27 N.C. Admin. Code 1D § .0707(a);

Under analysis of both sections of 27 N.C.A.C. Chapter 1D, .702 the North Carolina Bar is denied jurisdiction and authority to proceed further against Halscott.

The North Carolina State Bar seeks discipline under Rule 1.5 for failure to notify clients of the availability of the fee dispute resolution program, but ignores the relevant notes to Rule 1.5, which state as follows:

Rule 1.5, Note 10 – (Final Sentence) Notification is not required in those instances where the State Bar does not have jurisdiction over the fee dispute as set forth in 27 N.C.A.C. 1D, .0702.

Rule 1.5, Note 12 – (Final Sentence) Therefore, a tribunal's reduction or denial of a petition or claim for a fee is not evidence that the fee request violates this Rule and is not admissible in a disciplinary proceeding brought under this Rule.

The North Carolina State Bar does not have jurisdiction as set forth in 27 N.C.A.C. Chapter 1D, .0702.

THIRD AFFIRMATIVE DEFENSE
LACHES

The North Carolina State Bar's prosecution of Jaime T. Halscott is barred by the doctrine of laches. The conduct alleged in the Complaint occurred on or about May 25, 2021. The Plaintiff did not serve a Letter of Notice upon Jaime T. Halscott until October 6, 2023 – approximately two and a half years after the alleged conduct occurred. The Plaintiff did not commence this action until July 10, 2024 – more than three years after the alleged conduct occurred. There was no reasonable excuse for the delay in Plaintiff asserting the claims. The delay has resulted in prejudice to Jaime T. Halscott.

FOURTH AFFIRMATIVE DEFENSE
THE COMPLAINT FAILS TO STATE A CLAIM
UPON WHICH RELIEF CAN BE GRANTED

The Complaint fails to properly allege a claim upon which relief may be granted. The conduct alleged in the Complaint does not make out grounds for discipline pursuant to N.C. Gen.Stat. § 84-28, Rules 1.5(f), Rule 3.1, Rule 8.4(d), or any other rules of conduct.

WHEREFORE, Jaime T. Halscott prays that the Complaint be dismissed and that the costs of this action be taxed against the Plaintiff.

This 5th day of August, 2024



Jaime T. Halscott
Pro Se

CERTIFICATE OF SERVICE

I hereby certify that on August 5, 2024, I served the foregoing via email upon the parties listed below:

Dottie Miani
dmiani@ncbar.gov

Patrick Murphy
Attorney for Plaintiff
pmurphy@ncbar.gov

Patrick Michael Megaro
patrickmegaro@gmail.com



Jaime T. Halscott
Pro Se