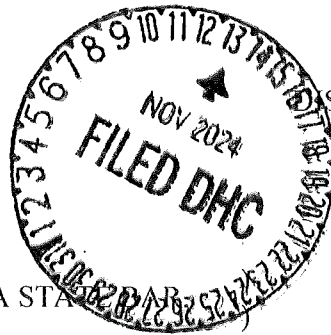


NORTH CAROLINA
WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
24 DHC 21

THE NORTH CAROLINA STATE BAR
Plaintiff)
)
v.)
)
LEE WILSON BETTIS, JR., Attorney,)
)
Defendant)
_____)

COMPLAINT

Plaintiff, complaining of Defendant, alleges and says:

1. Plaintiff, the North Carolina State Bar (“Plaintiff” or “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. Defendant, Lee Wilson Bettis, Jr. (“Defendant”), was admitted to the North Carolina State Bar in March 2004 and is an Attorney at Law 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.

Upon information and belief:

3. During all or part of the relevant periods referred to herein, Defendant was engaged in the practice of law in the State of North Carolina and maintained a law office in New Bern, Craven County, North Carolina.

4. On or about 9 June 2022, Defendant consulted with potential client S.C. about her desire to divorce her husband.

5. After consulting with Defendant, S.C. did not hire him to represent her in a divorce action.

6. Subsequently, S.C. filed a complaint against Defendant with the State Bar alleging Defendant failed to advise S.C. about her right to pursue a divorce from bed and board and had instead advised S.C. to falsely report physical abuse from her husband.

7. On or about 3 February 2023, the State Bar opened grievance file 23G0144 against Defendant to investigate S.C.’s complaint.

Defendant’s 30 November 2023 Response

8. On or about 14 November 2023, Defendant was served with a Letter of Notice in grievance file 23G0144.

9. On or about 30 November 2023, Defendant emailed the State Bar his initial response to the Letter of Notice issued in grievance file 23G0144 (“Response”).

10. In his Response, Defendant claimed he advised S.C. at the 9 June 2022 consultation of her right to pursue a divorce from bed and board. Defendant also claimed he did not advise S.C. to falsely report physical abuse by her husband.

11. Defendant included with his Response a Clio case management database note (“Clio Note”) dated 9 June 2022.

12. In his Response narrative, Defendant explained to the State Bar that to prepare his Response, he reviewed the Clio Note from his 9 June 2022 consultation with S.C., among other things.

13. The Clio Note read:

Client came in for office visit. Wants to know options for getting her husband out of the house. Says her husband is an alcoholic but not physically abusive. They still live together so no date of separation. Says that he does not hurt her. advised her that divorce from b&b is an option but that it can take a long time and the results are uncertain. Divorce BB can be expensive. She doesn't have \$\$\$.

I advised her not to leave the house unless she was in physical danger. Since husband is not physically abusive I told her that her best option was to gather as much ev as she could regarding her life being intolerable.

Advised client to call law enforcement if husband ever got physical with her and that could be an option for a DVPO. Doesn't have grounds for DVPO right now.

No chance he gets physical...just mean and yells.

Seems sad and maybe distraught. She is stuck and doesnt have \$\$ to do much. Advised her to call if things changs.

14. The date of the Clio Note included with Defendant's Response was material to the allegations in grievance file 23G0144.

15. The contents of the Clio Note included with Defendant's Response was material to the allegations in grievance file 23G0144.

16. Defendant also provided with his Response S.C.'s Clio user transaction history.

17. A Clio transaction history shows the dates of activity in a particular Clio client matter.

18. S.C.'s Clio transaction history reflects that the Clio Note was created on 29 November 2023, one day before Defendant submitted his Response in grievance file 23G0144.

19. When Defendant included the Clio Note with his Response, Defendant knew the Clio Note was not created on 9 June 2022.

20. The Clio Note was created on 29 November 2023, the day before Defendant submitted his Response to the Letter of Notice in grievance file 23G0114.

21. Defendant submitted the Clio Note with his Response to intentionally mislead the State Bar into believing Defendant created the Clio Note contemporaneously with S.C.'s 9 June 2022 consultation to reliably document what Defendant advised S.C. during said consultation.

Defendant's 30 November 2023 Email to the State Bar

22. In Defendant's 30 November 2023 email to the State Bar, to which he attached his Response, Defendant specifically directed the State Bar's attention to the Clio Note.

23. In the 30 November 2023 email, Defendant made the following statements to the State Bar:

- a. "I have attached my notes from the consultation."
- b. "I keep detailed notes in my Clio so I can document what is said to any specific client."

24. Defendant's statements of fact in paragraphs 23(a) and (b) above were false.

25. Defendant made the false statements of fact in paragraphs 23(a) and (b) above to intentionally mislead the State Bar into believing Defendant created the Clio Note contemporaneously with S.C.'s 9 June 2022 consultation to reliably document what Defendant advised S.C. during said consultation.

26. When Defendant made the statements of fact in paragraphs 23(a) and (b) above, Defendant knew the statements were false and misleading.

Defendant's 6 December 2023 Interview

27. On 6 December 2023, the State Bar interviewed Respondent about the allegations in grievance file 23G0144.

28. During the 6 December 2023 interview, Defendant stated he created the Clio Note contemporaneously with S.C.'s 9 June 2022 consultation.

29. During the 6 December 2023 interview, the State Bar asked Defendant if there was any chance Defendant created the Clio Note for the first time on 29 November 2023.

30. In response to the State Bar's question in paragraph 29 above, Defendant answered: "Zero percent chance. There is zero percent chance of that."

31. During the 6 December 2023 interview, Defendant stated that the only thing he did with the Clio Note on 29 November 2023 was correct misspellings that were present from when the Clio Note was purportedly created on 9 June 2022.

32. Defendant's statements of fact in paragraphs 28, 30, and 31 above were false.

33. Defendant made the false statements of fact in paragraphs 28, 30, and 31 above to intentionally mislead the State Bar into believing Defendant created the Clio Note contemporaneously with S.C.'s 9 June 2022 consultation to reliably document what Defendant advised S.C. during said consultation.

34. When Defendant made the statements of fact in paragraphs 28, 30, and 31 above, Defendant knew the statements were false and misleading.

Defendant's 6 December 2023 Email to State Bar

35. On 6 December 2023, after his interview, Defendant emailed the State Bar the following:

Mr. Weston, I was thoroughly taken aback by the question you asked regarding the [S.C.] Grievance Note in Clio. Apparently it appears that the note was written on November 29, 2023. After court today, I looked up November 29, which was a wednesday. I did nothing in the file on November 29, 2023. I wrote my answer to the [S.C.] complaint on Saturday November 25, 2023 and reviewed clio on that day from my home computer.

The day I sent you the response, I copied the file like I had done for the [redacted] case and sent it to you. I have no Idea why there is a discrepancy.

36. Defendant's statements of fact that he "did nothing in the file on November 29, 2023" and that he has "no Idea [sic] why there is a discrepancy" were false.

37. Defendant made the false statements of fact described in paragraph 36 above to intentionally mislead the State Bar into believing Defendant created the Clio Note contemporaneously with S.C.'s 9 June 2022 consultation to reliably document what Defendant advised S.C. during said consultation.

38. When Defendant made the statements of fact described in paragraph 36 above, Defendant knew the statements were false and misleading.

Defendant's 8 December 2023 Phone Call

39. On 8 December 2023, Defendant called the State Bar and admitted that all his prior statements about the Clio Note were untrue.

40. During the 8 December 2023 phone call with the State Bar, Defendant stated that he had been surprised by the questions about the Clio Note during the 6 December 2023 interview and that the questions made him uncertain about the origins of the Clio Note.

41. Defendant further explained to the State Bar that, because of his uncertainty about the origins of the Clio Note, he investigated the Clio Note further to ascertain the truth.

42. Defendant represented to the State Bar that, during his investigation, Defendant learned his wife created the Clio Note on or around 29 November 2023 for the purpose of helping him respond to the Letter of Notice in grievance file 23G0144.

43. Defendant told the State Bar that his wife fabricated the Clio Note without his knowledge.

44. Defendant's statements in paragraphs 42 and 43 above were false.

45. Defendant made the false statements of fact in paragraphs 42 and 43 above to intentionally mislead the State Bar into believing his wife created the Clio Note the day before Defendant submitted his Response to grievance file 23G0114.

46. When Defendant made the statements of fact in paragraphs 42 and 43 above, he knew the statements were false and misleading.

Defendant's 11 December 2023 Supplemental Response

47. On 11 December 2023, Respondent submitted a Supplemental Response to grievance file 23G0144 ("Supplemental Response").

48. In the Supplemental Response, Defendant again implied that his wife created the Clio Note.

49. Referring to his wife, Defendant stated in the Supplemental Response: "With regards to the note in the Clio file. I asked her about it and whether she wrote it. It caused a huge argument and I am not living in the marital residence now due to the argument."

50. Defendant's statements of fact in paragraph 49 above were false.

51. Defendant made the false statement of fact in paragraph 49 above to intentionally mislead the State Bar into believing his wife created the Clio Note the day before Defendant submitted his Response to grievance file 23G0114.

52. When Defendant made the statements of fact in paragraph 49 above, Defendant knew, in the context they were made, that they were false and misleading.

53. In his Supplemental Response, Defendant also stated, regarding the Clio Note:

a. "I do not know what the exact facts are surrounding that note."

b. "I did not create it."

54. Defendant's statements of fact in paragraph 53(a) and (b) above were false.

55. Defendant made the false statements of fact in paragraphs 53(a) and (b) above to intentionally mislead the State Bar into believing Defendant did not create the Clio Note and did not know the true details of its creation.

56. When Defendant made the statements of fact in paragraph 53(a) and (b) above, he knew the statements were false and misleading.

57. In his Supplemental Response, Defendant further told the State Bar that he had taken the precaution of "suspending" his wife from working as his office assistant "to ensure that this type of thing does not happen in [his] office."

58. Defendant's statement of fact in paragraph 57 above was false.

59. Defendant made the false statement of fact in paragraph 57 above to intentionally mislead the State Bar into believing his wife created the Clio Note the day before Defendant submitted his Response to grievance file 23G0114.

60. When Defendant made the statement of fact in paragraph 57 above, he knew the statement was false and misleading.

Defendant's 21 December 2023 Interview

61. The State Bar interviewed Defendant again on 21 December 2023.

62. During the 21 December 2023 interview, Respondent admitted that his prior statements attributing creation of the Clio Note to his wife were "a complete and utter lie."

63. During the 21 December 2023 interview, Defendant admitted that he created the Clio Note while responding to the grievance.

THEREFORE, Plaintiff alleges that Defendant's foregoing actions constitute grounds for discipline as follows:

1. Pursuant to N.C. Gen. Stat. § 84-28(b)(2) in that Defendant violated the Rules of Professional Conduct in effect at the time of his actions as follows:

- a) By fabricating evidence (the Clio Note), including the fabricated evidence in his 30 November 2023 Response, and failing to disclose the true date the Clio Note was created, Defendant knowingly made a false statement of material fact in connection with a disciplinary matter in violation of Rule 8.1(a); failed to disclose a fact necessary to correct a misapprehension known by Defendant to have arisen in the matter in violation of Rule 8.1(b); and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation that reflects adversely on his fitness as a lawyer in violation of Rule 8.4(c);
- b) By falsely stating in his 30 November 2023 Email to the State Bar that the Clio Note was from his 9 June 2022 consultation with S.C., and failing to disclose the true date the Clio Note was created, Defendant knowingly made a false statement of material fact in connection with a disciplinary matter in violation of Rule 8.1(a); failed to disclose a fact necessary to correct a misapprehension known by Defendant to have arisen in the matter in violation of Rule 8.1(b); and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation that reflects adversely on his fitness as a lawyer in violation of Rule 8.4(c);
- c) By falsely stating in the 6 December 2023 interview with the State Bar that he created the Clio Note contemporaneously with the 9 June 2022 consultation with S.C., and failing to disclose the true date the Clio Note was created, Defendant knowingly made a false statement of material fact in connection with a disciplinary matter in violation of Rule 8.1(a); failed to disclose a fact necessary to correct a misapprehension known by Defendant to have arisen in the matter in violation of Rule 8.1(b); and engaged in

conduct involving dishonesty, fraud, deceit, or misrepresentation that reflects adversely on his fitness as a lawyer in violation of Rule 8.4(c);

- d) By falsely stating in the 6 December 2023 interview with the State Bar that there was a “zero percent” chance the Clio Note was created on or around 29 November 2023, the day before he submitted his Response to grievance file 23G0114, and failing to disclose the true date the Clio Note was created, Defendant knowingly made a false statement of material fact in connection with a disciplinary matter in violation of Rule 8.1(a); failed to disclose a fact necessary to correct a misapprehension known by Defendant to have arisen in the matter in violation of Rule 8.1(b); and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation that reflects adversely on his fitness as a lawyer in violation of Rule 8.4(c);
- e) By falsely stating in the 6 December 2023 interview with the State Bar that the only thing Defendant did with the Clio Note on 29 November 2023 was correct misspellings present from when the Clio Note was purportedly first created, and failing to disclose that the Clio Note was first created on 29 November 2023, Defendant knowingly made a false statement of material fact in connection with a disciplinary matter in violation of Rule 8.1(a); failed to disclose a fact necessary to correct a misapprehension known by Defendant to have arisen in the matter in violation of Rule 8.1(b); and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation that reflects adversely on his fitness as a lawyer in violation of Rule 8.4(c);
- f) By falsely stating in his 6 December 2023 email to the State Bar that he did nothing in S.C.’s file on 29 November 2023, and failing to disclose that he created the Clio Note on 29 November 2023, Defendant knowingly made a false statement of material fact in connection with a disciplinary matter in violation of Rule 8.1(a); failed to disclose a fact necessary to correct a misapprehension known by Defendant to have arisen in the matter in violation of Rule 8.1(b); and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation that reflects adversely on his fitness as a lawyer in violation of Rule 8.4(c);
- g) By falsely stating during his 8 December 2023 telephone call to the State Bar that his wife created the Clio Note on or around 29 November 2023, and failing to disclose that he created the Clio Note himself, Defendant knowingly made a false statement of material fact in connection with a disciplinary matter in violation of Rule 8.1(a); failed to disclose a fact necessary to correct a misapprehension known by Defendant to have arisen in the matter in violation of Rule 8.1(b); and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation that reflects adversely on his fitness as a lawyer in violation of Rule 8.4(c);
- h) By falsely stating during his 8 December 2023 telephone call to the State Bar that his wife created the Clio Note without his knowledge, and failing to disclose that he created the Clio Note himself, Defendant knowingly made a false statement of material fact in connection with a disciplinary matter in violation of Rule 8.1(a); failed to disclose a fact necessary to correct a misapprehension known by Defendant to have arisen in the matter in violation of Rule 8.1(b); and engaged in conduct involving

dishonesty, fraud, deceit, or misrepresentation that reflects adversely on his fitness as a lawyer in violation of Rule 8.4(c);

- i) By falsely stating that he confronted his wife about creation of the Clio Note in his 11 December 2023 Supplemental Response, and failing to clarify that he, in fact, created the Clio Note, Defendant knowingly made a false statement of material fact in connection with a disciplinary matter in violation of Rule 8.1(a); failed to disclose a fact necessary to correct a misapprehension known by Defendant to have arisen in the matter in violation of Rule 8.1(b); and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation that reflects adversely on his fitness as a lawyer in violation of Rule 8.4(c);
 - j) By stating in his 11 December 2023 Supplemental Response that he did not know how the Clio Note was created, and failing to clarify that he did, in fact, know how the Clio Note was created, Defendant knowingly made a false statement of material fact in connection with a disciplinary matter in violation of Rule 8.1(a); failed to disclose facts necessary to correct a misapprehension known by Defendant to have arisen in the matter in violation of Rule 8.1(b); and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation that reflects adversely on his fitness as a lawyer in violation of Rule 8.4(c);
 - k) By stating in his 11 December 2023 Supplemental Response that he did not create the Clio Note, and failing to clarify that he, in fact, created the Clio Note, Defendant knowingly made a false statements of material fact in connection with a disciplinary matter in violation of Rule 8.1(a); failed to disclose facts necessary to correct a misapprehension known by Defendant to have arisen in the matter in violation of Rule 8.1(b); and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation that reflects adversely on his fitness as a lawyer in violation of Rule 8.4(c);
 - l) By stating in his 11 December 2023 Supplemental Response that he had taken the precaution of “suspending” his wife from working as his office assistant “to ensure that this type of thing does not happen in [his] office,” and failed to clarify that he, in fact, created the Clio Note, Defendant knowingly made a false statement of material fact in connection with a disciplinary matter in violation of Rule 8.1(a); failed to disclose facts necessary to correct a misapprehension known by Defendant to have arisen in the matter in violation of Rule 8.1(b); and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation that reflects adversely on his fitness as a lawyer in violation of Rule 8.4(c); and
2. Pursuant to N.C. Gen. Stat. § 84-28(b)(3) for knowing misrepresentation of any facts or circumstances surrounding any complaint, allegation, or charge of misconduct and for failure to answer any formal inquiry or complaint issued by or in the name of the North Carolina State Bar in any disciplinary matter.

WHEREFORE, Plaintiff prays that:

1. Disciplinary action be taken against Defendant in accordance with N.C. Gen. Stat. § 84-28 and as the evidence on hearing may warrant;
2. Defendant be taxed with the administrative fees and with actual costs permitted by law in connection with the proceeding; and
3. For such other and further relief as the Hearing Panel deems appropriate.

This the 13th day of November, 2024



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(919) 828-4620

Signed pursuant to 27 N.C. Admin. Code 1B
.0113(n) and .0105(a)(10).



Kevin Williams, Chair
Grievance Committee