



non-voting partners.” If a consumer responds to the firm’s advertising through the website or contacts Upright on its toll-free telephone line, the consumer discusses his or her matter with nonlawyers in a call center in Chicago. You were responsible for supervising these nonlawyers, but rarely – if ever – spoke with them or had any knowledge of the nature of their conversations with your clients. Moreover, entrusted funds paid by your North Carolina clients were maintained by Upright and you failed to supervise the handling of those entrusted funds.

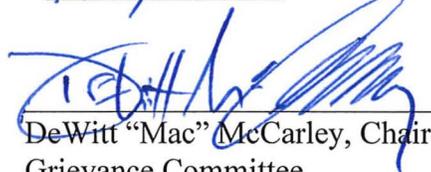
By failing to supervise nonattorney employees of Upright Law, you failed to take reasonable efforts to ensure that your nonlawyer assistants were acting in accordance with the professional obligations of the profession in violation of Rule 5.3(a). By not supervising the handling of entrusted funds paid by your North Carolina clients to Upright Law, you failed to adequately supervise your assistants – employees of Upright – and their handling of entrusted funds in violation of Rule 5.3(b) and 1.15-2(a). Additionally, you failed to ensure that client ledgers were being kept for your clients or that the Upright Law trust account holding your clients’ entrusted funds was reconciled (monthly or quarterly), in violation of Rule 1.15-3(d).

In determining that a Censure was appropriate in this matter, the Committee noted the lack of remorse or understanding of the compliance issues shown in your response to this matter. The Committee also noted that you continued to work for Upright even after receiving a copy of the Authorized Practice Committee’s Letter of Caution regarding Upright’s violations of the statutes governing the unauthorized practice of law in North Carolina. The Committee also noted that you are working or have worked for other out-of-state groups or firms with similar problematic business models. The Committee is hopeful that this Censure will lead you to take immediate remedial actions and never again engage in this type of misconduct.

You are hereby censured by the North Carolina State Bar for your violation of the Rules of Professional Conduct. The Grievance Committee trusts that you will ponder this censure, recognize the error that you have made, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession. This censure should serve as a strong reminder and inducement for you to weigh carefully in the future your responsibility to the public, your clients, your fellow attorneys and the courts, to the end that you demean yourself as a respected member of the legal profession whose conduct may be relied upon without question.

In accordance with the policy adopted July 23, 2010 by the Council of the North Carolina State Bar regarding the taxing of administrative fees and investigative costs to any attorney issued a censure by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this 14<sup>th</sup> day of Jan, 2018.

  
DeWitt “Mac” McCarley, Chair  
Grievance Committee  
The North Carolina State Bar