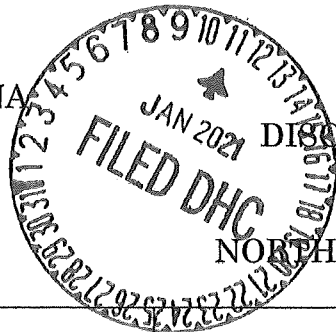


STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE
 DISCIPLINARY HEARING
 COMMISSION
 OF THE
 NORTH CAROLINA STATE BAR
 21 DHC 5

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

LONNIE P. MERRITT, Attorney,

Defendant

COMPLAINT

Plaintiff, complaining of Defendant, alleges and says:

1. Plaintiff, the North Carolina State Bar (“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 (Chapter 1 of Title 27 of the North Carolina Administrative Code).

2. Defendant, Lonnie P. Merritt, was admitted to the North Carolina State Bar in August 2008, and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the laws of the State of North Carolina, the Rules and Regulations of the North Carolina State Bar and the Rules of Professional Conduct.

3. During all or part of the relevant periods referred to herein, Merritt was engaged in the practice of law in Wilmington, New Hanover County, North Carolina.

4. C.T. hired Merritt in March 2018 for representation in her domestic case.

5. On Saturday 4 August 2018, Merritt went to C.T.’s home to have her sign a consent order regarding equitable distribution, alimony, child custody, and child support.

6. After C.T. signed the document, Merritt perceived that there was a mutual attraction, so he asked permission to kiss C.T. and she said yes. When they

broke away from “making out” C.T. stated they could not “go any further,” so they did not have sexual intercourse that day.

7. C.T.’s spouse didn’t sign the consent order until 8 August 2018, and it wasn’t filed until 28 August 2018.

8. Following the events of 4 August 2018 described above, Merritt and C.T. began a romantic relationship that included lengthy late-night phone calls.

9. Merritt did not obtain C.T.’s informed consent to the potential conflict of interest inherent in his continuing to represent her while they were also engaged in a romantic relationship.

10. In mid-September 2018, Hurricane Florence hit the Wilmington area. After the storm, Merritt stayed with C.T. at C.T.’s mother’s house for two days. Merritt then stayed with C.T. at her home for several more days, during which time they began having sex.

11. Merritt filed a complaint for absolute divorce on C.T.’s behalf on 26 September 2018 and continued to represent C.T. until her divorce was finalized in November 2018.

12. At the beginning of the relationship, Merritt was married but gave C.T. various excuses about why he hadn’t separated from his wife.

13. Merritt eventually told C.T. his wife had discovered their affair and was threatening to sue C.T. for alienation of affection.

14. This statement was false: Merritt’s wife had discovered their relationship, but made no such threat to sue C.T.

15. Merritt lived at C.T.’s house from the time he separated from his wife in February 2019 until he purchased a new home in March 2019, but eventually “decided the relationship wasn’t going anywhere.”

16. C.T. learned that her relationship with Merritt was over when she discovered that Merritt had changed his “relationship status” on Facebook to “in a relationship” (with another woman).

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

- (a) By “making out” with C.T. at her home because he “perceived a mutual attraction,” Defendant attempted to engage in sexual relations with a current client in violation of Rule 8.4(a);

(b) By continuing to represent C.T. after they began a romantic relationship, Defendant represented a client under circumstances where his ability to represent her could be materially limited by his personal interests in violation of Rule 1.7(a)(2);

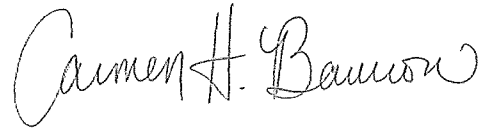
(c) By engaging in a sexual relationship with his current client, Defendant violated Rule 1.19(a); and

(d) By falsely telling C.T. that his wife had threatened to sue her for alienation of affection, Defendant engaged in conduct involving dishonesty, deceit, or misrepresentation in violation of Rule 8.4(c).

WHEREFORE, Plaintiff prays that:

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

This the 11th day of January, 2021.



Carmen Hoyme Bannon, Deputy
Counsel
State Bar No. 33998
The North Carolina State Bar
P.O. Box 25908
Raleigh, NC 27611
919-828-4620
Attorney for Plaintiff

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



Matthew W. Smith, Chair
Grievance Committee