DISCIPLINARY STAFF

L. Thomas Lunsford, II, Executive Director .................... Ext. 244
Katherine E. Jean, Counsel ............................................. Ext. 276
A. Root Edmonson, Sr. Deputy Counsel .......................... Ext. 229
Fern Gunn Simeon, Deputy Counsel ............................... Ext. 234
David R. Johnson, Deputy Counsel ................................. Ext. 230
Jennifer A. Porter, Deputy Counsel .............................. Ext. 262
Margaret Cloutier, Deputy Counsel ............................... Ext. 239
Nicole McLaughlin, Deputy Counsel ............................... Ext. 238
Carmen K. Hoyne, Deputy Counsel ............................... Ext. 283
Robert A. Crabill, Deputy Counsel ................................ Ext. 279
Thomas Lambeth, Deputy Counsel ............................... Ext. 226

Donald H. Jones, Director of Investigations .................. Ext. 222
Harry B. Warren, Investigator ..................................... Ext. 235
David Frederick, Investigator .................................. Ext. 225
Edward White, Investigator ..................................... Ext. 263
Reginald Shaw, Investigator .................................... Ext. 266
Walter Harlow, Investigator ...................................... Ext. 282
Steve Annis, Investigator ....................................... Ext. 284
Tim Batchelor, Investigator ...................................... Ext. 274
Glenn Sexton, Investigator ...................................... Ext. 292
Roger Allen, Investigator ........................................ Ext. 265
Bruno DeMolli, Auditor ........................................ Ext. 224

Sharon K. Denton, Sr. Paralegal ............................... Ext. 279
Sonya Sells, Paralegal / Administrative ...................... Ext. 277
Becky Carroll, Paralegal ......................................... Ext. 234
Dawn Whaley, Administrative Assistant ...................... Ext. 278
Lori Reams, Grievance Secretary ................................ Ext. 232

CLIENT ASSISTANCE PROGRAM STAFF

Luella Crane, Director & Fee Dispute Mediator .................... Ext. 251
Debra Holland, Fee Dispute Mediator .............................. Ext. 228
Sandra Saxton, Public Liaison .................................. Ext. 264
Melanie Kincaid, Public Liaison ................................ Ext. 233
Krista Bathurst, Public Liaison ................................ Ext. 260
Diane Melching, Administrative Asst. .......................... Ext. 287
OFFICE OF COUNSEL

The Office of Counsel is the department of the North Carolina State Bar which receives and handles complaints concerning attorney misconduct and the unauthorized practice of law. Within the Office of Counsel are the grievance staff and the Client Assistance Program (CAP) staff. The grievance staff receives, investigates and, where necessary, litigates claims of misconduct and disability against North Carolina attorneys. It also assists the Authorized Practice Committee to investigate and resolve complaints concerning the unauthorized practice of law by non-lawyers.

The CAP staff helps members of the public resolve problems with attorneys other than matters involving potentially serious violations of the Revised Rules of Professional Conduct. The CAP staff also provides information about the grievance process, the courts and justice system and helps resolve disputes between lawyers and their clients regarding fees.

The grievance staff includes ten attorneys, three paralegals, two administrative assistants, one auditor and ten investigators. The Client Assistance Program staff includes its director, a fee dispute mediator, an administrative assistant and three public liaisons. The Office of Counsel is located on the third floor of the State Bar Building, 208 Fayetteville Street, Raleigh, N.C. 27611.

The Office of Counsel is open from 9 a.m. until 5 p.m. on weekdays and may be reached at 919-828-4620. Each staff person’s telephone extension appears on page 2 of this report.

2006 ANNUAL REPORT
OFFICE OF COUNSEL
THE NORTH CAROLINA STATE BAR

Client Assistance Program

During 2006, the CAP staff responded to 17,956 calls from the general public, which was down by more than three thousand from the 21,166 calls the staff handled in 2005. The staff also contacted 2,554 attorneys to resolve problems that had arisen between the attorneys and their clients. Meanwhile, the staff answered 868 electronic messages and 1,941 letters from inmates and the general public. A graph summarizing call data for the last several years appears at page 17.

In 2006, 727 petitions for resolution of disputed fees were filed with the State Bar, which was down from the 764 petitions filed in 2005. The staff handled 588 of the petitions filed in 2006, while the remaining 139 petitions were referred to the various district bars. A graph summarizing the number of fee dispute cases handled by the State Bar since 1995 appears at page 18.
Authorized Practice Committee

The Authorized Practice Committee opened 113 files in 2006, contrasted with the 142 files opened in 2005. With the assistance of staff, the Committee completed 103 files in 2006.

Among the matters handled by staff at the direction of the Authorized Practice Committee were the entry of injunctions by the Wake County Superior Court against three parties. Those matters were:

- **North Carolina State Bar v. Leapfrog Enterprises, et al (We the People).** On July 14, 2006, the Bar obtained a consent order of permanent injunction prohibiting a business known as We the People Forms and Documents Centers, and its franchisees, from advertising that it could prepare legal documents for others and from acting as anything other than a scrivener service in providing form documents.

- **North Carolina State Bar v. The Closing Place.** On October 4, 2006, the court entered a consent permanent injunction against a business entity that was providing services in connection with residential real estate closings named the Closing Place. The defendants agreed not to provide legal documents, title abstracts, and title opinions directly to the parties in residential real estate transactions.

- **State of North Carolina and the North Carolina State Bar v. American Family Legal Plans.** In conjunction with the Attorney General’s office, the State Bar sued a business known as American Family Legal Plans for an injunction to prohibit unfair and deceptive trade practices, including the unauthorized practice of law, in the marketing of a purported prepaid legal service plan that targeted seniors with a sales pitch to convince them to purchase a revocable living trust. After a contested hearing, the court entered a preliminary injunction on October 16, 2006.

In addition, at the end of the year there was another pending action before the Wake County Superior Court involving a web based document preparation service known as Law Online.

Grievance Committee Actions

During calendar 2006, a total of 1,398 grievances were filed with the North Carolina State Bar and the district bar offices, compared with the 1,392 grievances filed in 2005. A chart summarizing the number of grievances filed each year since 1986 appears at page 19.
All grievances received by the North Carolina State Bar must be considered and acted upon by one or more members of the Grievance Committee of the North Carolina State Bar, which serves as the grand jury of the attorney disciplinary system in our state. The Committee considered a total of 1,494 grievances during 2006. Of those grievances, 1,101 or about 72%, were dismissed. In addition to the grievances that were dismissed outright in 2006, 33 grievances were dismissed with letters of caution and another 68 grievances were dismissed with letters of warning.

In other activity during calendar 2006, the Grievance Committee issued 37 admonitions, 37 reprimands and 16 censures to North Carolina attorneys. A total of 125 cases were referred for trial before the Disciplinary Hearing Commission (DHC). Consequently, for the year, a total of 215 grievances resulted in imposition of discipline by the Grievance Committee or referral to the DHC. That figure represents approximately 15% of the grievances considered by the Committee in 2006. An itemized report detailing the disposition of the grievances considered by the Committee in 2006 appears at page 16.

Completed Disciplinary Hearing Commission Actions

1. Disciplinary, Disability Cases

The Disciplinary Hearing Commission is the trial arm of the North Carolina State Bar. The 20-member Commission, which sits in panels of three, hears disciplinary matters involving alleged violations of the Revised Rules of Professional Conduct, cases in which it is alleged that an attorney is disabled, petitions from disbarred attorneys seeking reinstatement to the practice of law and show cause petitions alleging that an attorney has violated a prior DHC order.

During 2006, the staff attorneys completed 46 disciplinary, disability and show cause cases before the Disciplinary Hearing Commission. Three cases involved two defendant-attorneys. The staff completed 51 such cases in 2005. Of the 46 cases completed in 2006, 44 involved disciplinary charges and two involved disability claims. One case was heard as a disability matter but no disability was found and this case is pending as a disciplinary matter. Disbarment was ordered in nine of the disciplinary cases. In five of the disbarment cases heard by the Commission, the attorney embezzled or misappropriated client funds. Two of the disbarment cases involved wire fraud, one of the disbarments cases involved an attorney engaged in the practice of law while suspended who also commingled funds, and one of the disbarment cases involved a conviction in federal court of failure to file and pay taxes.

In other work during 2006, the Commission reprimanded two attorneys and censured one attorney for less serious violations of the Rules of Professional Conduct. Two cases were voluntarily dismissed by staff when the defendant-attorneys accepted the discipline originally imposed by the Grievance Committee. A third case was dismissed when the attorney surrendered his law license to the Council. A fourth case involving two defendant-attorneys was dismissed by the Commission and is on appeal. In the
remaining 28 cases, the attorney’s law license was suspended and the suspension was stayed in part or whole upon compliance by the attorney with various conditions.

A chart summarizing the numbers of DHC cases filed each year since 1985 appears at page 20.

2. Reinstatement Cases

The Disciplinary Hearing Commission considered one petition filed by a disbarred attorney in 2006. The Commission denied the petition after a hearing.

The Commission also heard the reinstatement petition filed by a suspended attorney in 2006. In that matter, the DHC reinstated the attorney.

Only one reinstatement petition was filed by a disbarred attorney with the Disciplinary Hearing Commission in 2006. Only one such petition was filed in 2005, two such petitions were filed in 2004. A chart summarizing the outcome in reinstatement cases in recent years appears at page 21.

Actions Before the Council of the N.C. State Bar

1. Tenders of Surrender of License

In 2006, ten North Carolina attorneys surrendered their law licenses to the Council. Two attorneys were disbarred by the Council after they were convicted of serious felonies. In the remaining eight cases, the attorney admitted misappropriating client funds (two of these cases will be heard at the January 2007 Council meeting.)

Seven North Carolina attorneys surrendered their law licenses and were disbarred by the Council during 2005.

A chart summarizing the number of surrenders and disbarments for each year since 1985 appears at page 22.

2. Reinstatement Proceedings

The Council of the State Bar did not hear any reinstatement proceedings in 2006. The last time the Council considered a reinstatement case was in 2000.

Actions Before the Secretary

The Secretary receives reinstatement petitions from attorneys whose licenses are suspended for disciplinary violations and enters reinstatement orders in uncontested cases. Contested cases are referred to the DHC for trial.
Five North Carolina attorneys filed reinstatement petitions with the Secretary in 2006. Three petitions were granted without opposition and without a hearing. One was heard before the DHC and the petition was granted. One case is pending before the DHC.

**Actions Before the State Trial Courts**

1. **Appointment of Trustees of Law Practices of Missing, Deceased, Disabled & Disbarred Attorneys**

   In 2006, the Office of Counsel prepared seven petitions to the courts to appoint trustees to wind down the practices of nine attorneys. Of that number, two of the attorneys were missing or had abandoned their practices and seven attorneys had died or became disabled. The State Bar filed 28 trustee petitions in 2005.

2. **Disciplinary Proceedings in the State Trial Courts**

   In 2006, the State Bar’s staff attorneys were not called upon to handle any disciplinary actions in the state trial courts. The office did initiate one disability case in Gaston County Superior Court. In 2005, the staff handled no disciplinary actions and no disability actions in the state courts.

3. **Injunction Proceedings**

   During calendar 2006, the Office of Counsel sought injunctions barring 10 different North Carolina attorneys from handling client funds. The Office of Counsel filed injunction proceedings against 13 attorneys in 2005.

4. **Miscellaneous**

   As usual, the staff attorneys appeared in a variety of litigation matters in the state trial courts in 2006.

   During 2006, the staff represented the State Bar in trial level and appellate proceedings involving Willie Gilbert. Gilbert, whose law license was suspended by the DHC in 2000, filed a lawsuit in state court seeking to enjoin the State Bar from proceeding with a second DHC case on a separate issue of misconduct. Gilbert alleged that the Bar had violated his constitutional rights by filing the second disciplinary action. The trial court entered a permanent injunction prohibiting the Bar from pursuing its disciplinary action and reserved judgment on monetary damages and attorneys’ fees. The Court of Appeals dismissed the Bar’s appeal as interlocutory. The case was recently remanded to the trial court for further proceedings. The State Bar will petition for discretionary review.

   Alan Pugh, who initiated a lawsuit against the State Bar in 2005, took a voluntary dismissal of that lawsuit in 2006. Pugh, a licensed North Carolina attorney, had asserted claims in Randolph County Superior Court against Ed Ward, who is employed by the
In 2006, the 4th Circuit Court of Appeals affirmed the trial court's dismissal of a lawsuit filed by former lawyer Michael McGee against the Disciplinary Hearing Commission, the State Bar, its officers and various employees. McGee has petitioned for rehearing en banc. McGee's lawsuit sought damages under 42 U.S.C. 1983 for discipline imposed upon McGee by the DHC in two separate proceedings. In his federal lawsuit, McGee claimed that the disciplinary proceedings were brought in retaliation for McGee's actions in suing the State Bar in the year 2000 and in publishing self-help divorce books. McGee sought injunctive relief, damages, return of his law license, destruction of his disciplinary records and an apology.

SUMMARIES OF DISCIPLINARY, DISABILITY & REINSTATEMENT ACTIONS

BEFORE THE COUNCIL

Tenders of Surrender of License

<table>
<thead>
<tr>
<th>Attorney Name</th>
<th>File No.</th>
<th>Date of Council Disbarment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sherrie R. Hodges</td>
<td>06 BCS 1</td>
<td>April 21, 2006</td>
</tr>
<tr>
<td>Donald A. Parker</td>
<td>06 BCS 2</td>
<td>July 21, 2006</td>
</tr>
<tr>
<td>Joseph W. Morton</td>
<td>06 BCS 3</td>
<td>July 21, 2006</td>
</tr>
<tr>
<td>Dwayne A. Bennett</td>
<td>06 BCS 4</td>
<td>July 21, 2006</td>
</tr>
<tr>
<td>Charles Medlin</td>
<td>06 BCS 5</td>
<td>July 21, 2006</td>
</tr>
<tr>
<td>Samuel T. Currin</td>
<td>06 BCS 6</td>
<td>October 20, 2006</td>
</tr>
<tr>
<td>James T. Conrad</td>
<td>06 BCS 7</td>
<td>October 20, 2006</td>
</tr>
<tr>
<td>Katherine McDiarmid</td>
<td>06 BCS 8</td>
<td>October 20, 2006</td>
</tr>
<tr>
<td>John Lee</td>
<td>06 BCS 9</td>
<td>Pending January 2007</td>
</tr>
<tr>
<td>D. Scott Turner</td>
<td>06 BCS 10</td>
<td>Pending January 2007</td>
</tr>
</tbody>
</table>

BEFORE THE DISCIPLINARY HEARING COMMISSION

Reinstatement Cases Completed in 2006

<table>
<thead>
<tr>
<th>Attorney Name</th>
<th>File No.</th>
<th>Disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alice L. McNeer</td>
<td>06 BSR 1</td>
<td>Reinstated</td>
</tr>
<tr>
<td>Willie D. Gilbert, II</td>
<td>06 BSR 2</td>
<td>Reinstated</td>
</tr>
<tr>
<td>Jacob E. Setzer</td>
<td>06 BSR 4</td>
<td>Reinstated</td>
</tr>
<tr>
<td>Robert Winfrey</td>
<td>06 BCR 1</td>
<td>Denied</td>
</tr>
</tbody>
</table>
Completed Show Cause Cases

<table>
<thead>
<tr>
<th>Attorney Name</th>
<th>File No.</th>
<th>Disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Theodore F. Cummings</td>
<td>04 DHC 18</td>
<td>Stayed suspension extended 2 yrs.</td>
</tr>
<tr>
<td>Mark A. Key</td>
<td>02 DHC 22</td>
<td>Stay lifted; 90 days active suspension (on appeal)</td>
</tr>
</tbody>
</table>

BEFORE THE DISCIPLINARY HEARING COMMISSION

Completed Discipline & Disability Cases

<table>
<thead>
<tr>
<th>File No.</th>
<th>Case Caption</th>
<th>Type of Misconduct</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>04 DHC 47</td>
<td>JAMES A. BEALES</td>
<td>Failure to respond to SB &amp; Fee Dispute, neglect, failure communicate</td>
<td>5 yr suspension</td>
</tr>
<tr>
<td>05 DHC 5</td>
<td>MARK F. REYNOLDS</td>
<td>Neglect, misleading federal judges, failing appear for federal SC hearing</td>
<td>5 yr suspension</td>
</tr>
<tr>
<td>05 DHC 7</td>
<td>MCArTHUR MITCHELL</td>
<td>Pled guilty to wire fraud in fed court</td>
<td>Disbarred</td>
</tr>
<tr>
<td>05 DHC 19</td>
<td>JOHN MCNEIL</td>
<td>Conviction possession cocaine</td>
<td>3 yr suspension, may stay last 21 months</td>
</tr>
<tr>
<td>05 DHC 21</td>
<td>FRED MOUTOS</td>
<td>Failure to file tax returns, technical T/A violations</td>
<td>5 yr suspension, may apply after 1 yr</td>
</tr>
<tr>
<td>05 DHC 25</td>
<td>ASSATA K. BUFFALOE</td>
<td>Voluntarily dismissed</td>
<td></td>
</tr>
<tr>
<td>05 DHC 26</td>
<td>ALLEN ROGERS</td>
<td>Neglect, false fee application to court, drug possession</td>
<td>3 yr suspension, may seek 2 yr stay</td>
</tr>
<tr>
<td>05 DHC 27</td>
<td>KENNETH DARTY</td>
<td>Lied to court; took property as fee</td>
<td>2 yr suspension, stayed 5 yrs</td>
</tr>
<tr>
<td>05 DHC 28</td>
<td>RANDAL MARSH</td>
<td>T/A violations, filed false accounting w/ court</td>
<td>3 yr suspension stayed 3 yrs</td>
</tr>
<tr>
<td>05 DHC 37</td>
<td>SCOTT BREWER</td>
<td>Failure to disclose concessions given to witness in criminal case</td>
<td>Dismissed by chair with prejudice</td>
</tr>
<tr>
<td>05 DHC 37</td>
<td>KENNETH HONEYCUTT</td>
<td>Failure to disclose concessions given to witness in criminal case</td>
<td>Dismissed by chair with prejudice</td>
</tr>
<tr>
<td>05 DHC 41</td>
<td>NATE PENDLEY</td>
<td>Failing to respond to SB, Fee Dispute, fail return files</td>
<td>2 yr suspension stayed 2 yrs</td>
</tr>
<tr>
<td>05 DHC 42</td>
<td>FREDERICK PIERCE</td>
<td>Neglect; failure participate in Fee Dispute Resolution program</td>
<td>2 yr suspension stayed 3 yrs</td>
</tr>
<tr>
<td>05 DHC 44</td>
<td>WM AGAPION</td>
<td>Held out as lawyer after</td>
<td>Reprimand</td>
</tr>
<tr>
<td>Case</td>
<td>Name</td>
<td>Description</td>
<td>Outcome</td>
</tr>
<tr>
<td>------</td>
<td>--------------------</td>
<td>-------------------------------------------------------</td>
<td>--------------------------------------</td>
</tr>
<tr>
<td>05 DHC 46</td>
<td>MILTON MOORE</td>
<td>Failure to file &amp; pay taxes</td>
<td>Disbarred</td>
</tr>
<tr>
<td>05 DHC 46</td>
<td>REGINA MOORE</td>
<td>Failure to file &amp; pay taxes</td>
<td>Suspended 3 yrs</td>
</tr>
<tr>
<td>05 DHC 47</td>
<td>DAVID L. HARRIS</td>
<td>Embezzlement</td>
<td>Disbarred</td>
</tr>
<tr>
<td>05 DHC 49</td>
<td>ROBERT FRIEND</td>
<td>Transferred to disability inactive</td>
<td>Disability Inactive Status</td>
</tr>
<tr>
<td>05 DHC 50</td>
<td>ROBERT FLOYD</td>
<td>Failure to file tax returns</td>
<td>2 yr suspension stayed 2 yrs</td>
</tr>
<tr>
<td>05 DHC 51</td>
<td>MARSHALL DOTSON</td>
<td>Neglect</td>
<td>1 yr suspension stayed 2 yrs</td>
</tr>
<tr>
<td>05 DHC 52</td>
<td>DAVID CRAFT</td>
<td>DWI, DWLR, contempt</td>
<td>1 yr suspension, stayed 3 yrs</td>
</tr>
<tr>
<td>05 DHC 53</td>
<td>ROBERT A. MILLER</td>
<td>Embezzlement</td>
<td>Disbarred</td>
</tr>
<tr>
<td>05 DHC 54</td>
<td>RANDY CARTRETTE</td>
<td>Drug possession (no conviction)</td>
<td>1 yr suspension stayed 3 yrs</td>
</tr>
<tr>
<td>05 DHC 55</td>
<td>DAVID ROGERS</td>
<td>Practiced after suspension</td>
<td>5 yr suspension</td>
</tr>
<tr>
<td>06 DHC 1</td>
<td>RICHARD BADGETT</td>
<td>Conflict of interest</td>
<td>Censure</td>
</tr>
<tr>
<td>06 DHC 2</td>
<td>BOUNTHAI VONGXAY</td>
<td>False HUD and misuse of client funds</td>
<td>3 yr suspension, eligible for stay after 1 yr</td>
</tr>
<tr>
<td>06 DHC 3</td>
<td>LYNETTE HICKS</td>
<td>Failure to maintain trust account leading to employee theft</td>
<td>3 yr suspension stayed 3 yrs</td>
</tr>
<tr>
<td>06 DHC 4</td>
<td>BENJAMIN BROWN</td>
<td>Trust account violations</td>
<td>2 yr suspension stayed 2 yrs</td>
</tr>
<tr>
<td>06 DHC 5</td>
<td>GEORGE HAGOOD</td>
<td>Voluntarily dismissed</td>
<td>Surrendered</td>
</tr>
<tr>
<td>06 DHC 7</td>
<td>ROBERT HOWES</td>
<td>Neglect in real estate transactions and failure maintain trust account</td>
<td>2 yr suspension stayed 5 yrs</td>
</tr>
<tr>
<td>06 DHC 8</td>
<td>ED ZOTIAN</td>
<td>Practicing after suspension</td>
<td>5 yr suspension (after 04 DHC 1)</td>
</tr>
<tr>
<td>06 DHC 9</td>
<td>WAYNE FOUSHEE</td>
<td>Embezzlement</td>
<td>Disbarred</td>
</tr>
<tr>
<td>06 DHC 10</td>
<td>MARK REYNOLDS</td>
<td>Failure participate in Fee Dispute Resolution and respond to LON</td>
<td>5 yr suspension</td>
</tr>
<tr>
<td>06 DHC 12</td>
<td>FRANK PINKSTON</td>
<td>Practiced while suspended; failure respond to Bar</td>
<td>2 yr suspension, eligible for stay after 6 months</td>
</tr>
<tr>
<td>06 DHC 13</td>
<td>PAUL SCHELL</td>
<td>Misappropriated client funds; excessive fees</td>
<td>Disbarred</td>
</tr>
<tr>
<td>06 DHC 14</td>
<td>RON COOLEY</td>
<td>Failure participate in Fee Dispute Resolution; charging nonrefundable fee; false statements to Grievance Committee</td>
<td>Reprimand</td>
</tr>
<tr>
<td>06 DHC 15</td>
<td>MARK RANDOLPH</td>
<td>Failed to protect client funds</td>
<td>2 yr suspension stayed 3 yrs</td>
</tr>
<tr>
<td>06 DHC 16</td>
<td>CHARLES EAKES</td>
<td>Practiced after suspension; commingled funds; failed to respond to Bar</td>
<td>Disbarred</td>
</tr>
<tr>
<td>06 DHC 17</td>
<td>TERRY ZICK</td>
<td>Excessive fee; neglect</td>
<td>Continued 5 yr suspension of 03 DHC 19</td>
</tr>
<tr>
<td>06 DHC 18</td>
<td>TOM LOFLIN</td>
<td>Failure file/pay income taxes</td>
<td>3 yr suspension stayed 3</td>
</tr>
</tbody>
</table>
06 DHC 18  ANN LOFLIN  Failure file/pay income taxes  yrs 30 days active
06 DHC 19  DOUGLAS SUTTON  Transferred to disability  2 yr suspension, stayed 2 yrs
inactive status  Disability Inactive Status
06 DHC 22  JAMES ETHRIDGE  Embezzled fiduciary funds  Disbarred
06 DHC 23  ARCH SCHOCK, V  Possession/use of crack cocaine  3 yr suspension
06 DHC 24  RICHARD BROADNAX  Failed to file/pay income taxes;  5 yrs added to current
failure to reconcile; failure to suspension possible 2 yr
respond to Bar  say
06 DHC 25  BREN'T WOOD  Convicted of mail fraud and  Disbarred
wire fraud
06 DHC 26  ALAN SMITH  Practiced after suspension;  5 yr suspension
neglect
06 DHC 27  DWAYNE BENNETT  Convicted of mortgage fraud in  Disbarred by surrender –
the federal court  06 BCS 4
06 DHC 28  JACOB SETZER  Convicted of misdemeanor  2 yr suspension possible
larceny  18 month stay

Reinstatement Cases Pending as of 12/31/06

<table>
<thead>
<tr>
<th>File Number</th>
<th>Case Caption</th>
<th>Hearing Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>06 BSR 3</td>
<td>Marva McKinnon</td>
<td>3/2/07</td>
</tr>
<tr>
<td>(combined w/ 06 DHC 32)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Disciplinary & Disability Cases Pending as of 12/31/06

<table>
<thead>
<tr>
<th>Attorney Name</th>
<th>File No.</th>
<th>Trial Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>William Butner</td>
<td>01 DHC 2</td>
<td>TBA</td>
</tr>
<tr>
<td>Ralph E. McLaurin</td>
<td>05 DHC 39</td>
<td>TBA</td>
</tr>
<tr>
<td>Christopher Livingston</td>
<td>06 DHC 11</td>
<td>TBA</td>
</tr>
<tr>
<td>E. Elizabeth Lefler</td>
<td>06 DHC 20</td>
<td>TBA (Interim Disability Inactive)</td>
</tr>
<tr>
<td>Rick F. Shumate</td>
<td>05 DHC 56</td>
<td>TBA (Interim Suspension)</td>
</tr>
<tr>
<td>Charles D. Blackwell, II</td>
<td>06 DHC 6</td>
<td>TBA (Interim Suspension)</td>
</tr>
<tr>
<td>Jonathan M. Brooks</td>
<td>06 DHC 29</td>
<td>TBA</td>
</tr>
<tr>
<td>Clyde G. Triggs</td>
<td>06 DHC 30</td>
<td>TBA</td>
</tr>
</tbody>
</table>
Michael P. Hugo 06 DHC 33 TBA
Elizabeth Hickmon 05 DHC 15 2/22-23/07
Teresa L. Smallwood 05 DHC 45 1/11-12/07
Garey M. Ballance 05 DHC 48 3/8-9/07
Lawrence U. Davidson, II 06 DHC 21 1/25-26/07
Janet P. Reed 06 DHC 31 2/16/07
Marva McKinnon 06 DHC 32 3/2/07 (combined with 06BSR3)
John G. McCormick 06 DHC 34 3/30/07
Michael B. Nifong 06 DHC 35 5/11/07

Show Cause Cases Pending as of 12/31/06

<table>
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<tr>
<th>Attorney Name</th>
<th>File No.</th>
<th>Trial Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

None

BEFORE THE STATE TRIAL COURTS

Appointment of Trustees Completed in 2006

<table>
<thead>
<tr>
<th>Name of Missing, Disabled, Deceased Attorney</th>
<th>Reason Trustee Sought</th>
</tr>
</thead>
<tbody>
<tr>
<td>David Duke</td>
<td>Deceased</td>
</tr>
<tr>
<td>John Martin</td>
<td>Disabled</td>
</tr>
<tr>
<td>Donald Parker</td>
<td>Disabled</td>
</tr>
<tr>
<td>William Palmer</td>
<td>Deceased</td>
</tr>
<tr>
<td>Douglas Sutton</td>
<td>Disabled</td>
</tr>
<tr>
<td>Robert Miller</td>
<td>Abandonment</td>
</tr>
<tr>
<td>John McCormick</td>
<td>Abandonment</td>
</tr>
<tr>
<td>Jay Stroud</td>
<td>Disabled</td>
</tr>
<tr>
<td>Roger Edwards</td>
<td>Deceased</td>
</tr>
</tbody>
</table>
BEFORE THE STATE TRIAL COURTS

Injunction Proceedings in 2006

Joseph Morton
Katherine McDiarmid
Robert Miller
John McCormick
Joseph Conrad
William Myers
Scott Turner
John Lee
Michelle Mallard
Donald A. Parker

BEFORE THE GRIEVANCE COMMITTEE

Totals for 2006

Total Grievances Filed – 1398
Total Cases Considered by Committee – 1494

Dismissed – 1,101
Dismissed with letters of caution – 33
Dismissed with letters of warning – 68
Referred to LAP, LMAP or both – 22
Cases in which reconsideration was denied – 7
Admonitions – 37
Reprimands – 37
Censures – 16
Cases involving referred to DHC – 125
Cases continued – 25
Cases dismissed & retained – 16
Cases abated – 7
Grievance Totals for January 2006

There were 328 items considered this quarter.

During the quarter, pursuant to .0105(19) and (20), the following cases were concluded by the 3 subcommittees, or on vote of the Chair or the Chair and Vice Chair:

238 Dismissed
   4 Dismissed and Retained
   3 Abated
   3 Letters of Caution
  10 Letters of Warning
      1 Case in which reconsideration was requested was reconsidered and continued for further investigation.
   3 Referred to LAP, LMAP or both
   7 Continued for further investigation
   4 Admonitions
   7 Reprimands
   5 Censures
  43 Cases referred to the Disciplinary Hearing Commission

Grievance Totals for April 2006

There were 413 cases considered this quarter.

During the quarter, pursuant to .0105(19) and (20), the following cases were concluded by the 3 subcommittees, or on vote of the Chair or the Chair and Vice Chair:

281 Dismissed
  10 Dismissed and Retained
   3 Abated
  12 Letters of Caution
  23 Letters of Warning
      3 Previously issued Reprimands were denied reconsideration
      1 Previously issued Censure was denied reconsideration
   5 Lawyers referred to LAP, LMAP or both
   7 Continued for further investigation
  14 Admonitions
   7 Reprimands
   3 Censures
  44 Cases referred to the Disciplinary Hearing Commission
Grievance Totals for July 2006

There were 343 cases considered this quarter.

During the quarter, pursuant to .0105(19) and (20), the following cases were concluded by the 3 subcommittees, or on vote of the Chair or the Chair and Vice Chair:

258 Dismissed
1 Dismiss and Retain
1 Abated due to the Lawyer’s disability
14 Letters of Caution
19 Letters of Warning
8 Referred to LAP, LMAP or both
6 Continued for further investigation
5 Admonitions
12 Reprimands
5 Censures
14 Cases referred to the Disciplinary Hearing Commission

Grievance Totals for October 2006

There were 410 cases considered this quarter.

During the quarter, pursuant to .0105(19) and (20), the following cases were concluded by the 3 subcommittees, or on vote of the Chair or the Chair and Vice Chair:

324 Dismissed
1 Dismiss and Retain
4 Letters of Caution
16 Letters of Warning
6 Referred to LAP, LMAP or both
3 Previously issued Reprimands were denied reconsideration
11 Reprimands
14 Admonitions
4 Continued for further investigation
3 Censures
24 Cases referred to the Disciplinary Hearing Commission
DHC Cases Filed Per Year

1985: 21
1986: 14
1987: 13
1988: 23
1989: 42
1990: 23
1991: 24
1992: 22
1993: 35
1994: 25
1995: 32
1996: 21
1997: 17
1998: 29
1999: 33
2000: 32
2001: 29
2002: 29
2003: 22
2004: 22
2005: 52
2006: 56
(by the Council & DH)
Surrenders and Discharges
Disability Cases Heard by DHC