



The North Carolina State Bar
Office of Counsel

2009
Annual
Report

OFFICE OF COUNSEL STAFF

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Margaret T. Cloutier, Sr. Deputy Counsel	Ext. 239
A. Root Edmonson, Deputy Counsel	Ext. 229
Fern Gunn Simeon, Deputy Counsel	Ext. 258
David R. Johnson, Deputy Counsel	Ext. 230
Jennifer A. Porter, Deputy Counsel	Ext. 262
Nichole P. McLaughlin, Deputy Counsel	Ext. 238
Carmen Hoyme Bannon, Deputy Counsel	Ext. 283
Brian P.D. Oten, Deputy Counsel	Ext. 226
Leonor Bailey Hodge, Deputy Counsel	Ext. 299
William B. Farrell, Deputy Counsel	Ext. 293

INVESTIGATORS

Edward White, Director of Investigations	Ext. 263
Reginald Shaw, Investigator	Ext. 266
Walter Harlow, Investigator	Ext. 282
Tim Batchelor, Investigator	Ext. 274
Glenn Sexton, Investigator	Ext. 292
Roger Allen, Investigator	Ext. 265
Steve Annis, Investigator	Ext. 284
Eddie Capel, Investigator	Ext. 294
Joe Commisso, Investigator	Ext. 200
Randy Ross, Investigator	Ext. 201
David Frederick, Investigator, Client Security Fund	Ext. 225
Bruno DeMolli, Auditor	Ext. 224

PARALEGALS AND ADMINISTRATIVE ASSISTANTS

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Sonya Sells, Paralegal	Ext. 277
Becky Carroll, Paralegal	Ext. 234
Wondella Payne, Paralegal	Ext. 296
Maria Brown, Paralegal	Ext. 235
Heather Page, Paralegal	Ext. 280
Lori Reams, Administrative Assistant	Ext. 232
Dawn Whaley, Administrative Assistant	Ext. 278
Joshua Hoffman, Administrative Assistant	Ext. 295

ATTORNEY/CLIENT ASSISTANCE PROGRAM STAFF

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Krista Bathurst, Fee Dispute Mediator	Ext. 228
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Melanie Kincaid, Public Liaison	Ext. 233
Judy Treadwell, Public Liaison	Ext. 260
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OFFICE OF COUNSEL

The Office of Counsel is the legal department of the North Carolina State Bar. The office receives and handles complaints concerning lawyer misconduct and the unauthorized practice of law. The office consists of disciplinary staff, the authorized practice staff, the investigations department and the Attorney/Client Assistance Program (ACAP) staff. The disciplinary staff receives, investigates and, where necessary, litigates claims of professional misconduct and disability against North Carolina lawyers. The office assists the Authorized Practice Committee to investigate and resolve complaints concerning the unauthorized practice of law by non-lawyers. It also represents the State Bar in the federal and state trial courts and in federal and state appellate courts. The office provides legal counsel to the Client Security Fund Board of Directors, pursues subrogation actions for recovery of funds paid by the CSF and disburses funds from the trust accounts of deceased, disabled and disbarred lawyers. It also provides legal opinions on issues of interest to all departments and committees of the State Bar.

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

The Office of Counsel includes eleven lawyers, one administrator, five paralegals, three administrative assistants and eleven investigators and one random auditor. The ACAP staff includes its director, who is also a fee dispute resolution facilitator, a second fee dispute resolution facilitator, three public liaisons and an administrative assistant.

The Office of Counsel is located in the State Bar Building, 208 Fayetteville Street, Raleigh, N.C. 27601. It 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 pages two and three of this report.

2009 ANNUAL REPORT OFFICE OF COUNSEL THE NORTH CAROLINA STATE BAR

Attorney Client Assistance Program

The Attorney/Client Assistance Program ("ACAP") is comprised of six staff members: three public liaisons, two fee dispute resolution facilitators and one administrative assistant. During 2008, the staff responded to a total of 14,237 calls from members of the general public, a decrease over the 19,452 received in 2008. As a result of those calls, 3,286 lawyers were contacted in an attempt to resolve a concern expressed by a client. The ACAP staff also responded to 3,390 letters from inmates and the general public regarding representation provided by a lawyer. Staff also responded to 698 email messages from the general public requesting information.

This past year there were 735 fee dispute resolution files opened with the State Bar. One hundred fifty three of these requests were sent to one of the four judicial districts that have fee dispute committees, 52 were filed locally and monitored by the State Bar, and the remaining 530 files were investigated and addressed, when appropriate, by ACAP fee dispute resolution facilitators.

Authorized Practice Committee

The Authorized Practice Committee opened 98 files in 2009, compared to the 115 files opened in 2008. The committee resolved 121 files during 2009.

In July 2009, the Office of Counsel obtained a consent judgment enjoining Law's Specialty Group, a Florida business that prepares deeds for real property transactions nationwide, from preparing deeds for North Carolina transactions.

In August 2009, the office filed a civil action against a Charlotte real estate broker, Dianne Carter, who is attempting to represent a homeowner in a dispute with a homeowner's association over dues. Carter has prepared and filed pleadings on behalf of the homeowner and appeared in court. She has also recorded frivolous documents at the Register of Deeds. Service of the complaint was accomplished with the aid of the court at a December 2, 2009 hearing.

In October 2009, the office filed a civil action against another Charlotte real estate broker, Eric Darden. Darden prepared and filed pleadings before the courts of Union and Mecklenburg Counties related to foreclosures. The office is still attempting to obtain service of the complaint on Darden.

In cooperation with the Consumer Protection Division of the Attorney General's Office, the office met with the US Attorney to present the results of an investigation into the North Carolina activities of a Florida based business that offered to collect child support payments for a contingency fee.

The office worked with the Consumer Protection Division of the Attorney General's Office seeking to prevent a number of debt adjusting and loan modification firms from offering the services of lawyers who are not licensed to practice law in North Carolina. Not only are the services of these lawyers the unauthorized practice of law, debt adjusting is also illegal in North Carolina. One firm, Morgan Drexen, signed a voluntary agreement to end its activities in the state.

Grievance Committee Actions

During calendar year 2009, a total of 1,489 grievance files were opened by the State Bar and the district bar offices, compared with the 1,543 files opened in 2008.

Also in 2009, the office reviewed 24 direct mail solicitation letters that involved minor violations of the advertising ethics rules.

All grievances received by the State Bar must be considered and acted upon by one or more members of the Grievance Committee. The committee considered a total of 1,394 grievances during 2009. Of those, 1,122 were dismissed. Five files were dismissed and retained because the respondent lawyers had been disbarred and 16 files were abated because the respondent lawyers had been transferred to disability inactive status. These numbers represent about 82 percent of the grievances considered by the committee. In addition to the grievances that were dismissed outright in 2009, 10 grievances were dismissed with letters of caution and 79 were dismissed with letters of warning.

In 2009, the Grievance Committee issued admonitions in 29 files, reprimands in 36 files and censures in 20 files. Seventy-seven files were referred for trial before the Disciplinary Hearing Commission (DHC). For the year, a total of 162 grievances resulted in either imposition of discipline by the Grievance Committee or referral to the DHC. That figure represents approximately 12 percent of the grievances considered by the committee in 2009. The Chair of the Grievance Committee also disbarred one lawyer by reciprocal discipline and transferred four lawyers to disability inactive status. The committee referred seven lawyers to the Lawyer's Assistance Program. Eleven files were continued for further investigation.

Disciplinary Hearing Commission Cases

1. Disciplinary and Disability Cases

The DHC is the independent tribunal which hears lawyer disciplinary cases. The 20-member commission hears cases involving alleged violations of the Rules of Professional Conduct, cases in which it is alleged that a lawyer is disabled, petitions from disbarred and suspended lawyers seeking reinstatement to the practice of law and show cause petitions alleging that a lawyer has violated a prior DHC order. Each case is heard by a panel of three consisting of two lawyers and one layperson.

During 2009, the Office of Counsel completed a total of 33 disciplinary, reinstatement and show cause cases before the DHC. Of those, 15 were resolved by trial and 18 by consent. One case was dismissed. In 2008, the office completed 41 such cases. Of those, 11 were resolved by consent, 29 were tried and one was dismissed with prejudice.

In 2009, the DHC entered six orders of disbarment. In three cases the lawyers facilitated numerous fraudulent real estate transactions by making false representations on HUD-1 Settlement Statements. In two cases, the lawyers misappropriated funds from a client or law firm. In one case, the lawyer was convicted of conspiring to commit an offense against the

United States and concealing assets in a bankruptcy case. In 2009, the DHC imposed two active suspensions, nine suspensions in which the lawyer could seek a stay after serving some period of active suspension, and eight suspensions entirely stayed upon compliance with various conditions. One lawyer's stayed suspension was activated. The DHC censured two lawyers, reprimanded two lawyers and admonished one lawyer for less serious Rule violations. The DHC transferred three lawyers to disability inactive status.

2. Reinstatement Cases

In 2009, the DHC reinstated one lawyer from disability inactive status.

Actions Before the State Bar Council

1. Tenders of Surrender of License

In 2009, six lawyers surrendered their law licenses to the State Bar Council and were disbarred. Three misappropriated entrusted funds, two facilitated numerous fraudulent real estate transactions by making false representations on HUD-1 Settlement Statements, and one pled guilty in federal court to misprision of a felony in connection with fraudulent real estate transactions. Two lawyers surrendered their law licenses and were disbarred by the council during 2008.

2. Reinstatement Proceedings

The State Bar Council heard no reinstatement cases in 2009. The Council last considered a reinstatement case in 2000.

Actions Before the Secretary

The Secretary receives reinstatement petitions from lawyers whose licenses are suspended for disciplinary violations and enters reinstatement orders in uncontested cases. Contested cases are referred to the DHC for trial.

Five lawyers filed reinstatement petitions with the Secretary in 2009. Three petitions were granted without opposition and without a hearing. Two contested cases are pending before the DHC.

Actions Before the State Trial Courts

1. Judicial Disbarments

In 2009, five lawyers surrendered their law licenses and were disbarred by the Wake County Superior Court. Four participated in fraudulent real estate transactions and one misappropriated entrusted funds. In 2008, eight lawyers surrendered their licenses to the Superior Court and were disbarred.

2. Judicial Suspensions

The Office of Counsel prosecuted a show cause hearing in Wake County Superior Court against **Bambi Walters** of Williamsburg, Virginia, who failed to appear for a show cause hearing in the N.C. Business Court. The court suspended Walters from practicing in North Carolina trial and appellate courts for 18 months.

3. Injunction Proceedings

During 2009, the Office of Counsel obtained injunctions prohibiting 12 lawyers from handling entrusted funds. The office obtained injunctions against 14 lawyers in 2008 and five lawyers in 2007.

4. Appointment of Trustees for Law Practices of Missing, Deceased, Disabled & Disbarred Attorneys

In 2009, the Office of Counsel petitioned the courts to appoint trustees to wind down the practices of 11 lawyers. Of that number, two lawyers were disbarred, five lawyers were disabled, one lawyer had abandoned his practice and three lawyers had died. The State Bar filed seven trustee petitions in 2008.

5. Disciplinary and Disability Cases in the State Trial Courts

See Judicial Suspensions, above.

6. Miscellaneous

As usual, in 2009 the State Bar was a party to numerous actions in the State courts. The Office of Counsel represented the State Bar in many of these actions.

At the end of 2009, the office had seven pending cases in district and superior courts seeking reimbursement from disbarred lawyers for Client Security Fund payments.

The office appeared in Wake County Superior Court to obtain permission to disburse funds from the trust accounts of five disbarred, deceased or disabled lawyers.

The State Bar intervened in **Shuford & Hunter, P.A. f/k/a Shuford, Hunter and Brown, P.A. v. Thomas and Jane Brown (Cabarrus County Superior Court)**. Brown, who practiced in Charlotte but lived in Concord, was disbarred in March 2008 after he admitted misappropriating at least \$970,000.00 from his firm's trust account. Brown's former law partners filed a lawsuit to seize all assets of Brown and his wife. Those assets have been liquidated. The proceeds will be disbursed to Brown's wronged clients under the court's supervision. The Client Security Fund has already paid some claims and expects to pay more. The State Bar intervened to position the CSF to receive reimbursement for CSF payments. At the State Bar's request, the Wake County Superior Court transferred jurisdiction over frozen funds in Brown's trust account to the Cabarrus County Superior Court so that the court can supervise the distribution of all funds previously in Brown's possession. In December 2009, the court heard Brown's law partners' motion for permission to proceed with a disbursement plan in which an arbitrator paid by Lawyer Mutual would make recommendations to the court about which claims warrant payment. The hearing was continued after interested parties, including mortgage lenders and title insurers, objected to the proposed plan.

The Attorney General represented the State Bar in **Catherine M. El-Khoury, Laura E. Oberbauer and W. Anthony Purcell v. NCSB et al (Wake Co)**. Plaintiffs, three assistant public defenders who objected in the Administrative Committee to the \$50 surcharge mandated by N.C.G.S. § 84-34, brought this action in October 2007 against the State Bar, Tom Lunsford and the Administrative Committee. Plaintiffs sought a declaratory judgment that N.C.G.S. § 84-34 is unconstitutional and sought a permanent injunction prohibiting collection of the surcharge, a refund of surcharges already collected with interest, attorney fees and costs. On August 10, the Wake County Superior Court entered an order finding that the surcharge is not an unconstitutional tax and eliminating what the court said might be an unconstitutional restriction on free speech by requiring the State Bar to allow lawyers to designate on their annual dues form if they wish their entire surcharge to go toward publication of the nonpartisan voters' guide rather than toward campaign funds which might be used to propound political views with which the lawyer disagrees. None of the parties appealed this order.

The Attorney General represents the State Bar in **Elizabeth Wolfenden v. State Bar et al (E.D.N.C.)**. Wolfenden is a defendant in a DHC case. Originally, the State Bar pled that Wolfenden was disabled and sought a psychiatric evaluation or, in the alternative, sought imposition of discipline for professional misconduct. After a psychiatrist opined that Wolfenden is not disabled, the State Bar dismissed its disability claim and is currently proceeding with its disciplinary case. Wolfenden brought this civil action in Wake County Superior Court against the State Bar and several Orange County lawyers and judges. She alleges that the individual defendants conspired to make false reports to the State Bar of her erratic behavior and professional misconduct and alleges that the State Bar violated her rights by filing a pleading alleging her mental disability. Wolfenden seeks an injunction preventing the State Bar from proceeding with its disciplinary action in the DHC. She also seeks damages. She asserts that if a disciplinary action is to occur, it should occur in Wake County Superior Court. The case has been removed to the federal district court for the eastern district of North Carolina. The State Bar's motion to dismiss has not been scheduled for hearing.

Actions Before the State Appellate Courts

The office represented the State Bar in several appellate cases in 2009.

The State Bar filed a brief as *amicus curiae* in **Johnson v. Schulz**, an appeal from Johnston County. The sellers in a residential real estate transaction sued the buyers, contending that the buyers should bear the risk of loss suffered when the buyers' closing lawyer, now disbarred Donald Parker, embezzled the buyers' loan proceeds. The superior court entered summary judgment in favor of the buyers and the sellers appealed. The Court of Appeals reversed and remanded with a dissent. The buyers appealed to the Supreme Court. The State Bar filed a new *amicus* brief. In September, 2009, the Office of Counsel participated in oral argument at the Supreme Court. No decision has issued.

In August, 2008, the DHC suspended Asheville lawyer **Paul Erickson** for five years. Erickson propounded fraudulent documents to the court purportedly for the benefit of his debtor "clients" but actually at the behest of gifters now incarcerated in California. Erickson appealed. The court will decide the case without oral argument.

Rachel Lea Hunter of Cary was reprimanded by the DHC in March 2009 for continuing to refer to herself as "Madame Justice" on her website. She rejected the Grievance Committee's admonition. Hunter appealed the DHC's order. Oral argument will occur January 27.

In March, 2008, the DHC suspended Highlands lawyer **Creighton Sossomon** for one year. Sossomon appealed both the underlying disciplinary order and an order dismissing his appeal for failure to file the record timely. On June 2, 2009, the Court of Appeals issued an opinion affirming all but one of the rule violations and remanding for additional findings of fact on that rule violation and additional findings of fact with respect to discipline. After remand, the DHC reconsidered the order of discipline and again ordered a one-year suspension. Sossomon appealed again. The court has not yet scheduled oral argument.

After the Supreme Court dismissed Wilson lawyer **Willie Gilbert's** lawsuit against the Bar seeking to enjoin the prosecution of the disciplinary case, the DHC resumed hearings on the case. The DHC denied Gilbert's motions to dismiss on the grounds of *res judicata* or collateral estoppel. Gilbert filed a notice of appeal and a petition for writ of *supersedeas*, seeking a stay of the DHC action pending his appeal. The Court of Appeals granted a temporary stay. The Court of Appeals denied Gilbert's petition for writ of *supersedeas*, which had the effect of dissolving the temporary stay and permitting the State Bar to proceed with the DHC action. The DHC hearing has been rescheduled for March 18-19.

In 2004, the DHC suspended **Michael McGee** for five years with the provision that he could seek a stay of the final two years on enumerated conditions. McGee petitioned for a stay. The DHC found that the conditions had not been met and denied the petition. On May 19, the Court of Appeals affirmed the DHC's order in a unanimous *per curiam* unpublished opinion. McGee filed a notice of appeal to the Supreme Court claiming a constitutional issue. The Supreme Court granted the State Bar's motion to dismiss the purported appeal.

The State Bar defended the appeal of **Robert Talford**. The DHC suspended Talford for 1 year, at least 60 days of which is active. Talford had rejected the Grievance Committee's admonition. The Court of Appeals dismissed the appeal when Talford failed to file a brief.

Actions Before the Federal Courts

The Attorney General represents the State Bar in **Elizabeth Wolfenden v. State Bar et al.** Wolfenden is a defendant in a DHC case. Originally, the State Bar pled that Wolfenden was disabled and sought a psychiatric evaluation or, in the alternative, sought imposition of discipline for professional misconduct. After a psychiatrist opined that Wolfenden is not disabled, the State Bar dismissed its disability claim and is currently proceeding with its disciplinary case. Wolfenden brought this civil action in Wake County Superior Court against the State Bar and several Orange County lawyers and judges. She alleges that the individual defendants conspired to make false reports to the State Bar of her erratic behavior and professional misconduct and alleged that the State Bar violated her rights by pleading that she was disabled to practice law. Wolfenden seeks an injunction preventing the State Bar from proceeding with its disciplinary action in the DHC. She also seeks damages. She asserts that if a disciplinary action is to occur, it should occur in Wake County Superior Court. The case has been removed to the federal district court for the eastern district of North Carolina. The State Bar's motion to dismiss has not been scheduled for hearing.

The Office of Counsel represented the State Bar and Root Edmonson in **Willie Gilbert v. North Carolina State Bar and Root Edmonson (E.D.N.C.)**. After the Supreme Court dismissed his state court action to enjoin the State Bar from prosecuting his disciplinary case, Gilbert filed suit in federal court against the State Bar and Root Edmonson alleging the same claim and again seeking an injunction. Following a hearing on the abstention doctrine, the court dismissed with prejudice the claims against the State Bar and against Root in his official capacity and denied injunctive relief. The court stayed the claims against Root in his individual capacity until the DHC case is concluded. Gilbert appealed to the Fourth Circuit. The Attorney General represents the State Bar and Root on appeal of that order.

The office responded to Greensboro lawyer **Rick Shumate's** motion in the Middle District U.S. Bankruptcy Court for a determination that the automatic stay prevented the State Bar from proceeding with its disciplinary action in the DHC. Shumate filed the motion two days before the DHC hearing was scheduled to begin. After the DHC entered an order disbaring him, Shumate withdrew the bankruptcy motion.

SUMMARIES OF
DISCIPLINARY, DISABILITY & REINSTATEMENT ACTIONS

COUNCIL DISBARMENTS

<u>Attorney Name</u>	<u>File No.</u>	<u>Date of Disbarment</u>
David J. Ferris, Jr.	09 BCS 1	1/23/2009
Benita Walker Gibbs	09 BCS 2	4/24/2009
Victoria A. Sprouse	09 BCS 3	4/24/2009
David Curtis Smith	09 BCS 4	4/24/2009
Matthew A. Marino	09 BCS 5	7/24/2009
Roddey M. Brown III	09 BCS 6	10/23/2009

JUDICIAL DISBARMENTS

<u>Attorney Name</u>	<u>File No.</u>	<u>Date of Disbarment</u>
Troy A. Smith	09CV002910	2/16/2009
Demetrius. G. Rainer	09CV004279	3/5/2009
Joseph W. Dean	09CV008864	5/4/2009
Christine C. Gates	09CV014526	8/3/2009
Michael A. Williams	09CVS10079	9/1/2009

**BEFORE THE GRIEVANCE COMMITTEE
RECIPROCAL DISCIPLINE**

<u>Attorney Name</u>	<u>File No.</u>	<u>Date of Disbarment</u>
Joseph L. Smalls, Jr.	02G0843	7/23/2009

**BEFORE THE GRIEVANCE COMMITTEE
TRANSFERS TO DISABILITY INACTIVE STATUS**

<u>Attorney Name</u>	<u>File No.</u>	<u>Date of Transfer</u>
Christopher Todd Rhodes	08G0311, 08G0527	1/8/2009
Orrin R. Robbins	08G0895, 08G0896 08G0897, 08G0898 08G0939	3/18/2009
Brett Hubbard	08G0513	9/23/2009
Judith R. Bullock	09G0994	10/8/2009

BEFORE THE DISCIPLINARY HEARING COMMISSION

Completed Discipline & Disability Cases

<u>Attorney</u>	<u>File No.</u>	<u>Outcome</u>
William E. Butner	01 DHC 2	Disbarred
Rick F. Shumate	05 DHC 56	Disbarred
Brent Wood	06 DHC 15	Disbarment Order reinstated
Susanna G. Garza	07 DHC 27	Disbarred
Randy A. Carpenter	08 DHC 17	Disbarred
Matthew A. Marino	08 DHC 19 (interim suspension file)	Surrendered to Council – see above
J. Scott Taggart	09 DHC 17	Disbarred
Hilton S. Mitchell	09 DHC 20	Disbarred
Creighton Sossomon	07 DHC 9	Suspended 1 year, on second appeal
Kennyann B. Stanford	08 DHC 13	Suspended 5 years
Tolly Albert Kennon III	09 DHC 22	Suspended 3 years
Frederick R. Pierce	05 DHC 42	Lifted stay, Suspended 18 months
Fredrick R. Pierce	08 DHC 3	Suspended 4 years, possible 30 month stay
Robert Brown, Jr.	08 DHC 8	Suspended 5 years, possible 2 yr. stay
R. Thomas Hayes	09 DHC 16	Suspended 5 years, effective 9/9/05, remainder stayed
Bonnie Lee O’Neal	04 DHC 33	Suspended 1 year, stayed 3 years

Completed Discipline & Disability Cases Continued

<u>Attorney</u>	<u>File No.</u>	<u>Outcome</u>
Sherry M. Morris	08 DHC 6	Suspended 2 years, stayed 2 years
Scott D. Zimmerman	08 DHC 20	Suspended 3 years, stayed 3 years
Terry B. Richardson	09 DHC 2	Suspended 2 years, stayed 2 years
Barry C. Snyder	09 DHC 4	Suspended 2 years, stayed 2 years
Mark L. Bibbs	09 DHC 5	Suspended 1 year, stayed 3 years
Karen Zaman	09 DHC 11	Suspended 2 years, stayed 3 years
Jennifer Leech	09 DHC 14	Suspended 3 years, stayed 3 years
Reginald D. Alston	09 DHC 7	Censure
Amanda R. Dixon	09 DHC 15	Censure
Max D. Ballinger	08 DHC 18	Reprimand
Rachel Lea Hunter	08 DHC 21	Reprimand
Michael J. Anderson	09 DHC 12	Admonition
William L. Durham	07 DHC 25	Disability Inactive
Paul C. Pooley	08 DHC 2	Disability Inactive
Grey Holland McCormick	08 DHC 22	Disability Inactive
David McGuire	09 DHC 10	Dismissed
Greg Butler	09 DHC 8	Systemic violation of Rules by DA's office; no individual discipline

Completed Reinstatement Cases

<u>Attorney</u>	<u>File No.</u>	<u>Outcome</u>
Georgina M. Mollick	09 BSR 1	Reinstated by Secretary
Valarie L. Perkins	09 BSR 2	Reinstated by Secretary
Shonna R. Alexander	09 BSR 3	Reinstated by Secretary
Scott E. Jarvis	09 DR 2	Reinstated by DHC

Pending Disciplinary & Disability Cases

<u>Attorney Name</u>	<u>File No.</u>	<u>Trial Date</u>
Willie Gilbert	03 DHC 16	3/18-19/2010
Bradley Lamb	07 DHC 28	not scheduled (interim suspension)
Thomas L. Nesbit	08 DHC 12	not scheduled (interim suspension)
Christopher Dean Johnson	09 DHC 1	not scheduled
Ivan N. Walters	09 DHC 3	not scheduled (interim suspension)
Mark Badgett	09 DHC 6	2/19/2010
Elizabeth Wolfenden	09 DHC 9	4/22-23/2010
Janet Reed	09 DHC 13	not scheduled
Nikita Mackey	09 DHC 18	not scheduled
D. Bernard Alston	09 DHC 19	1/8/2010
Robert Trobich	09 DHC 21	1/8/2010
John Austin	09 DHC 23	2/5/2010
LaShon Harley	09 DHC 25	3/26/2010
William Orander	09 DHC 26	2/25-26/2010
R.L. "Bit" Pressley	09 DHC 27	3/12/2010
John Holmes	09 DHC 28	3/5/2010
Brett Tomits	09 DHC 29	3/19/2010
Johnny Gaskins	09 DHC 30	not scheduled
David Folmar	09 DHC 31	not scheduled
Mildred Akachukwu	09 DHC 32	not scheduled
William Brown	09 DHC 33	not scheduled
Alton Lennon	10 DHC 1	not scheduled
Samantha Alsup	10 DHC 2	not scheduled
Diedre Whitted	10 DHC 3	not scheduled
Randolph Romeo	10 DHC 4	not scheduled
Elizabeth E. Lefler	10 DHC 5	not scheduled

Pending Disciplinary & Disability Cases Continued

<u>Attorney Name</u>	<u>File No.</u>	<u>Trial Date</u>
Stuart Brock	10 DHC 6	not scheduled
Sharyl Y. Mason-Watson	10 DHC 7	not scheduled
Annette Exum	10 DHC 8	not scheduled

Pending Reinstatement Cases

<u>Attorney Name</u>	<u>File No.</u>	<u>Hearing Date</u>
Michael McGee	04 DHC 21	January 29, 2010
David Harless	05 DHC 4 / 09 RD 1	not scheduled

Pending Show Cause Hearings

<u>Attorney Name</u>	<u>File No.</u>	<u>Trial Date</u>
There are no show cause hearings pending.		

BEFORE THE STATE TRIAL COURTS

Trustees Appointed in 2009

<u>Name of Attorney</u>	<u>Reason Trustee Sought</u>
Roger S. Cardinal	Disbarred
Robert E. Cooper	Disabled
Robert D. Floyd	Disabled
Doris Gamblin	Disabled
Louise E. Harris	Deceased
Louis W. Nanney, Jr.	Disabled
Gary Ragland	Deceased
Christopher Todd Rhodes	Disabled
Kevin J. Strickland	Disbarred
Paul G. Wamsley	Abandonment
Jack L. Wilson, Jr.	Deceased

TROs and Preliminary Injunctions Obtained in 2009

<u>Name of Attorney</u>	<u>Date of Injunction</u>
J. Scott Taggart, Greenville	2/25/2009
L. Robert Coxe, Jacksonville	3/25/2009
Kenneth L. Poortvliet, Greensboro	5/6/2009
Cabell J. Regan, Pittsboro	5/14/2009
Michael A. Williams, Warrenton	5/21/2009
Mildred A. Akachukwu, Durham	5/22/2009

TROs and Preliminary Injunctions Obtained in 2009 Continued

<u>Name of Attorney</u>	<u>Date of Injunction</u>
Roddey M. Brown, Wilmington	5/27/2009
Marcia Burton, Charlotte	7/14/2009
Randolph C. Romeo, Hendersonville	8/5/2009
Alton Y. Lennon, Wilmington	8/19/2009
Treve B. Lumsden, Jr., Emerald Isle	11/23/2009
Tonya L. Ford, Raleigh	12/7/2009

BEFORE THE GRIEVANCE COMMITTEE

Totals for 2009

Total Grievance Files Opened – 1,489

Total Cases Considered by Committee – 1,394

Dismissals – 1,122

Cases dismissed & retained – 5

Cases abated - 16

Dismissals with Letters of Caution – 10

Dismissals with Letters of Warning – 79

Cases issued Admonitions – 29

Cases issued Reprimands – 36

Cases issued Censures – 20

Cases referred to DHC – 77

Grievance Totals for January 2009*

- 268 Cases were Dismissed
- 12 Cases were Dismissed and Retained
- 4 Cases were Abated
- 4 Lawyers received Letters of Caution
- 15 Lawyers received Letters of Warning
- 5 Lawyers received Admonitions
- 7 Lawyers received Reprimands
- 3 Lawyers received Censures
- 1 Lawyer received a Censure and a Referral the NC Chief Justice's Commission on Professionalism
- 10 Lawyers were sent to the Disciplinary Hearing Commission
- 3 Lawyers' cases were deferred to the April 2009 Grievance Committee Meeting or Continued for Further Investigation

** January 2009 totals include files dismissed in the 4th quarter of 2008 that are not included in the 2009 numbers listed in this report.*

Grievance Totals for April 2009

- 287 Cases were Dismissed
- 0 Cases were Dismissed and Retained
- 2 Cases were Abated
- 3 Lawyers received Letters of Caution
- 29 Lawyers received Letters of Warning
- 7 Lawyers received Admonitions
- 7 Lawyers received Reprimands
- 2 Lawyers received Censures
- 17 Lawyers were sent to the Disciplinary Hearing Commission
- 1 Lawyer was referred to the Lawyers' Assistance Program
- 2 Lawyers' cases were deferred to the July 2009 Grievance Committee Meeting or Continued for Further Investigation
- 1 Lawyer had 1 case with several issues: 2 issues were dismissed, 2 referred to the DHC and the attorney received a reprimand on the remaining 2 issues.

Grievance Totals for July 2009

- 316 Cases were Dismissed
- 3 Cases were Dismissed and Retained
- 0 Cases were Abated
- 5 Cases were Continued until the October 2009 Meeting or for Further Investigation
- 2 Cases previously issued a Censure were Denied Reconsideration
- 3 Lawyers received Letters of Caution
- 21 Lawyers received Letters of Warning
- 7 Lawyers received Admonitions
- 7 Lawyers received Reprimands
- 2 Lawyers received Censures
- 7 Lawyers were sent to the Disciplinary Hearing Commission
- 2 Lawyers were referred to the Lawyers' Assistance Program

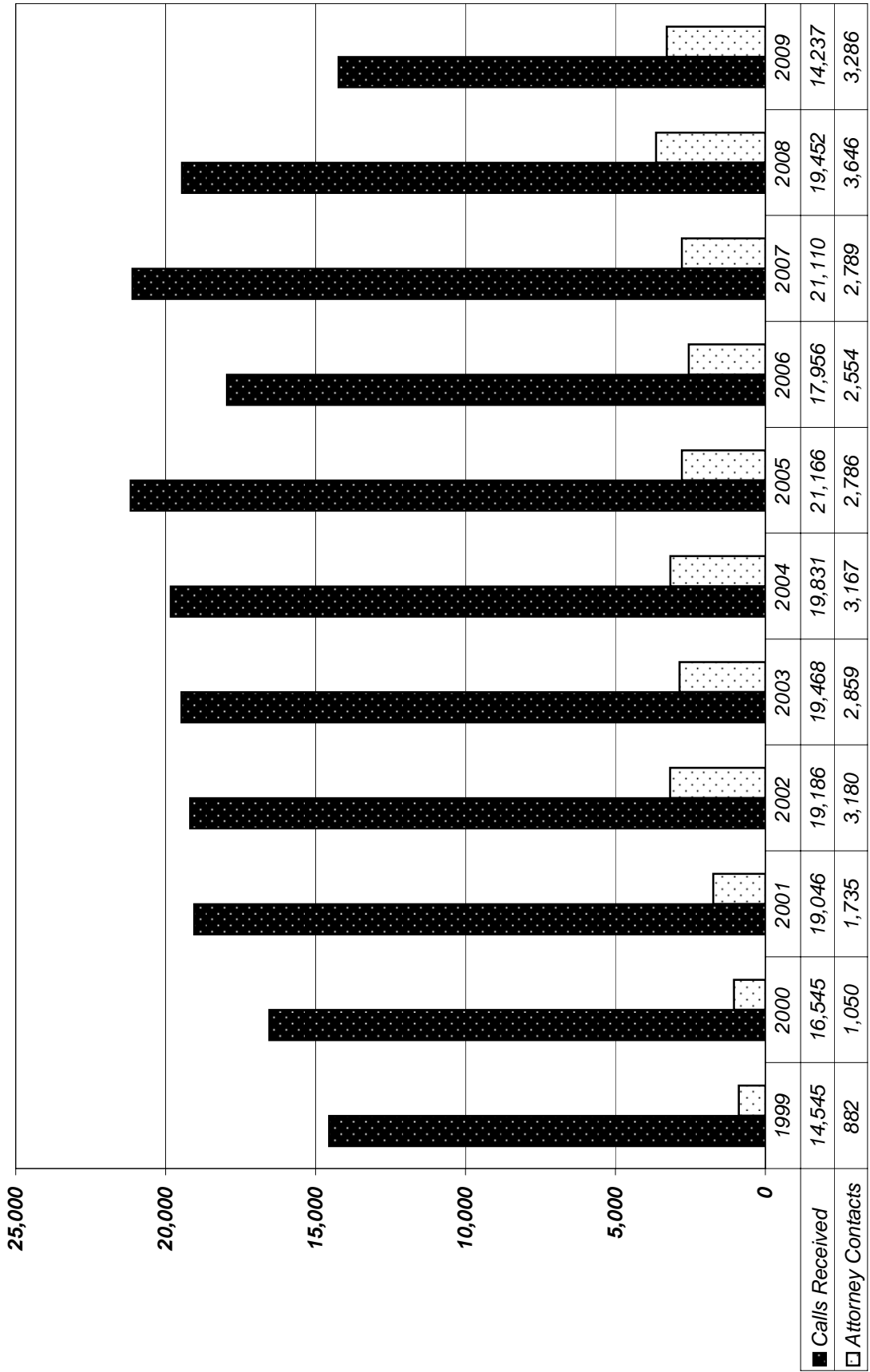
Grievance Totals for October 2009

- 294 Cases were Dismissed
- 2 Cases were Dismissed and Retained
- 1 Case was Abated
- 6 Cases were Continued until the January 2010 Meeting or for Further Investigation
- 1 Case previously issued an Admonition was Denied Reconsideration
- 1 Lawyer received a Letter of Caution
- 11 Lawyers received Letters of Warning
- 1 Lawyer received a Letter of Warning and a referral to the Chief Justice's Commission on Professionalism
- 8 Lawyers received Admonitions
- 9 Lawyers received Reprimands
- 2 Lawyers received Censures
- 14 Lawyers were sent to the Disciplinary Hearing Commission
- 4 Lawyers were referred to the Lawyers' Assistance Program

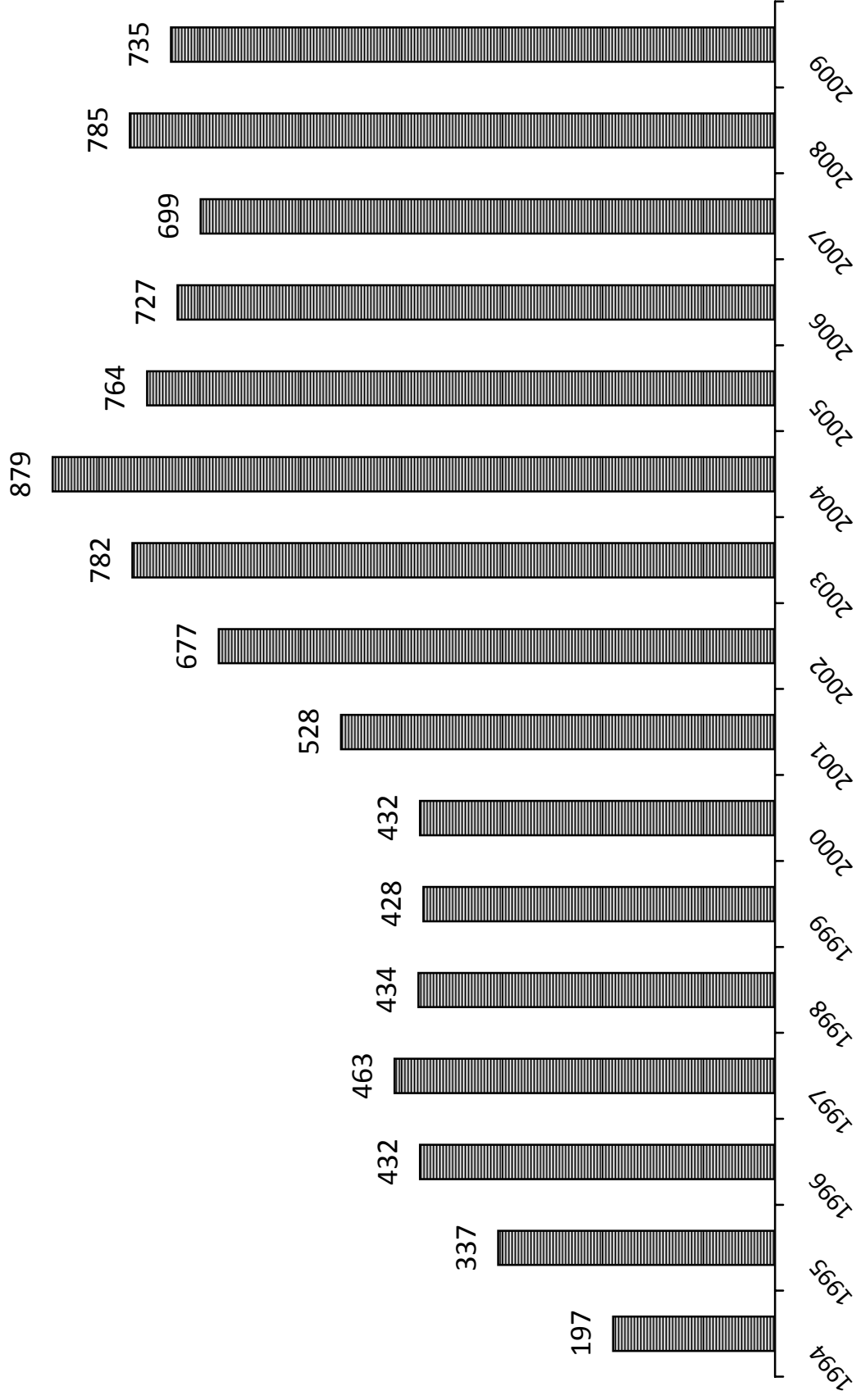
ATTORNEY CLIENT ASSISTANCE PROGRAM

Calls Received and Attorney Contacts

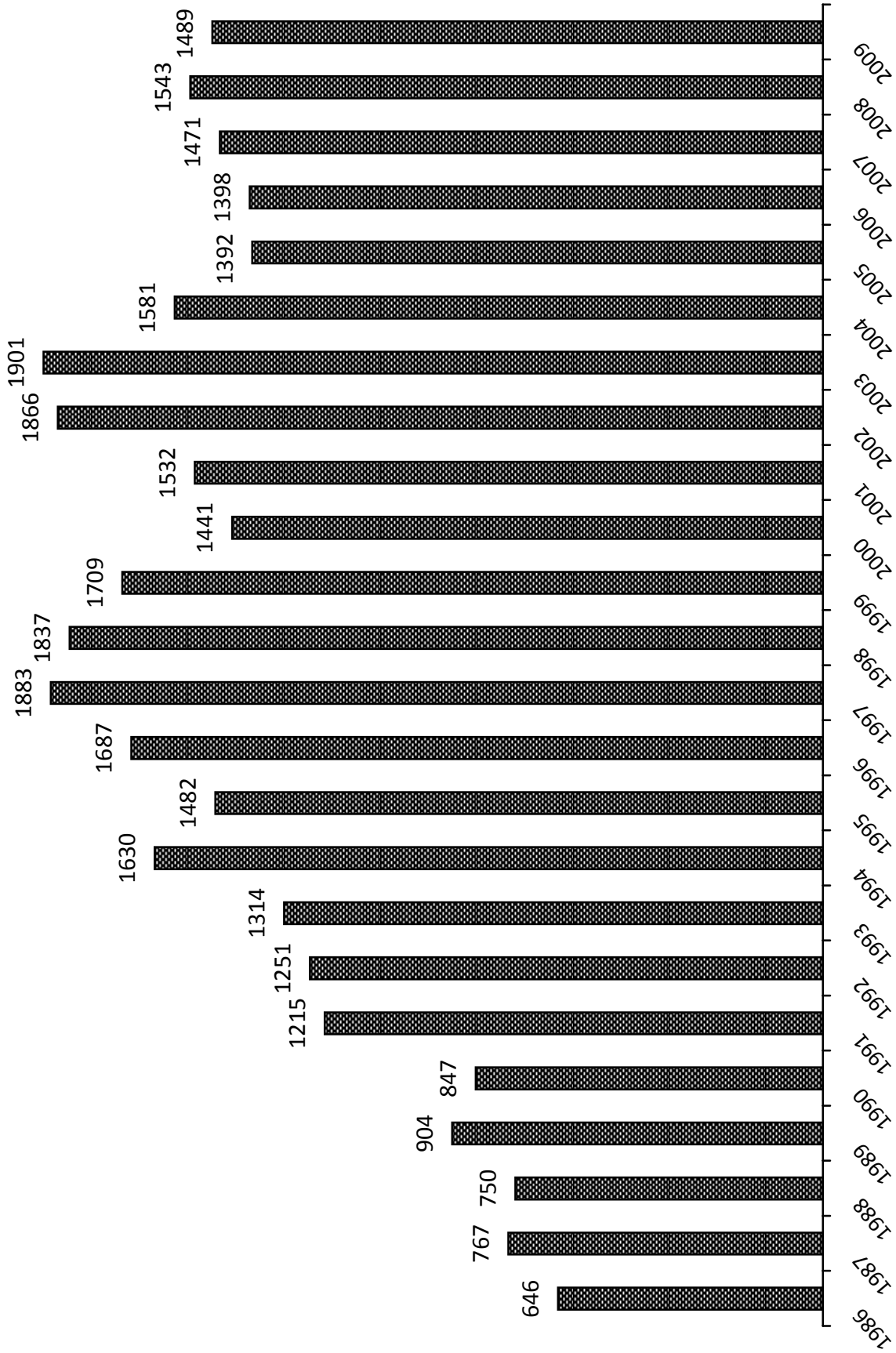
(January - December)



Fee Dispute Resolution Petitions Filed



Grievances Filed Annually



Surrenders and Disbarments (DHC, Council and Courts)

