



**The North Carolina State Bar**  
**Office of Counsel**

**2022**  
**Annual**  
**Report**

## ***Office of Counsel Staff***

### **LAWYERS**

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Jessica M. Arnold, Deputy Counsel	Ext. 213
Carmen H. Bannon, Deputy Counsel	Ext. 283
Thomas L. Crosby, Deputy Counsel	Ext. 242
Kelley A. DeAngelus, Deputy Counsel	Ext. 233
Elizabeth S. Foley, Deputy Counsel	Ext. 254
B. Tessa Hale, Deputy Counsel	Ext. 224
Leonor B. Hodge, Trust Account Compliance Counsel & Deputy Counsel	Ext. 299
David R. Johnson, Deputy Counsel	Ext. 230
J. Cameron Lee, Deputy Counsel	Ext. 293
Barry M. McNeill, Deputy Counsel	Ext. 298
Ryan C. Meisnere, Deputy Counsel	Ext. 118
Terrie L. Nelson, Deputy Counsel	Ext. 235
G. Patrick Murphy, Deputy Counsel	Ext. 206
Alex G. Nicely, Deputy Counsel	Ext. 281
Savannah B. Perry, Deputy Counsel	Ext. 219
Jennifer A. Porter, Deputy Counsel	Ext. 262
Robert W. Weston, Deputy Counsel	Ext. 204

### **ADMINISTRATIVE STAFF**

Heather Ruth, Director of Operations	Ext. 227
Lori Brooks, Administrative Assistant	Ext. 232
Becky Carroll, Paralegal	Ext. 234
Tyler Gibbens, Paralegal	Ext. 289
Jeffrey Lundgren, Paralegal	Ext. 120
Michelle Mormando, Paralegal	Ext. 258
Elizabeth Myers, Paralegal	Ext. 251
Wondella Payne, Paralegal	Ext. 296
Joan Renken, Administrative Assistant	Ext. 295
Jennifer Slattery, Paralegal	Ext. 205
Brittany Wilson, Paralegal	Ext. 280

### **INVESTIGATORS**

Joe Commisso, Director of Investigations	Ext. 200
Anne Parkin, Field Auditor	Ext. 259
Marty Coolidge, Investigator	Ext. 294
Lori Garner, Investigator -TAC	Ext. 229
Rick Grayson, Investigator	Ext. 274
Doug Miller, Investigator	Ext. 263
Carolyn Page, Investigator	Ext. 341
Fred Patton, Investigator	Ext. 266
Robert Powell, Investigator – CSF	Ext. 201
Paul Sugrue, Investigator	Ext. 284
Wayne Truax, Investigator	Ext. 292

### **INVESTIGATIONS ADMINISTRATIVE STAFF**

Frances Felts, Investigative Clerk	Ext. 203
Julie Ferrer, Investigative Clerk	Ext. 249
Dawn Patton, Administrative Assistant	Ext. 278
Chris Woods, Investigative Assistant	Ext. 222

### **ATTORNEY/CLIENT ASSISTANCE PROGRAM STAFF**

Lee A. Ramos, Director	Ext. 277
Kerri Bianchi, Fee Dispute Facilitator	Ext. 228
Diane Melching, Administrative Assistant	Ext. 287
Todd Bascom, Public Liaison	Ext. 297
Ben Hanley, Public Liaison	Ext. 243
Sylvia Santana, Intake Coordinator	Ext. 260
Susan Ranes, Administrative Assistant	Ext. 264

## **OFFICE OF COUNSEL**

The Office of Counsel (“OOC”) is the legal department of the North Carolina State Bar. The OOC consists of disciplinary staff, authorized practice staff, the Investigations Department, the Attorney/Client Assistance Program (ACAP) staff, and the Trust Accounting Compliance Program. The OOC reports to the Grievance Committee upon all grievance files opened by the State Bar involving allegations of professional misconduct and disability of North Carolina lawyers. It investigates and tries claims of professional misconduct and disability. The OOC assists the Authorized Practice Committee by investigating and reporting upon complaints concerning the unauthorized practice of law, including representing the State Bar in lawsuits to obtain injunctions prohibiting the unauthorized practice of law. It provides legal counsel to the Client Security Fund Board of Directors and pursues subrogation actions for recovery of funds paid by the CSF. It coordinates the appointment of trustees to wind down the practices of deceased, disabled, disbarred and missing lawyers and obtains court orders to disburse funds in their trust accounts. The OOC represents the State Bar in litigation in federal and state trial and appellate courts and provides legal opinions on issues of interest to all departments, committees, and boards 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 Rules of Professional Conduct. The ACAP staff also provides information about the grievance process, the courts and the justice system. The ACAP includes two fee dispute facilitators who members of the public and lawyers reach voluntary resolution of disputes over legal fees.

The OOC includes eighteen lawyers, one of whom serves as trust account compliance counsel, one director of operations, ten investigators, one field auditor, eight paralegals, five administrative assistants, one investigative assistant, two investigative clerks, the ACAP director, who is also a fee dispute resolution facilitator, a second fee dispute resolution facilitator, an intake coordinator and two public liaisons.

The Office of Counsel is located in the State Bar Building, 217 E. Edenton St., 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 above.

# **2022 ANNUAL REPORT OFFICE OF COUNSEL THE NORTH CAROLINA STATE BAR**

## **Attorney Client Assistance Program**

The Attorney Client Assistance Program (“ACAP”) is comprised of seven staff members: the director, who is also a fee dispute resolution facilitator, a second fee dispute resolution facilitator, an intake coordinator, two public liaisons and two administrative assistants. During 2022, the staff responded to 7,466 calls from clients and other members of the public. The ACAP staff also responded to 2,037 letters from inmates and 5,634 email messages from clients and lawyers. The ACAP staff contacted 288 lawyers in attempts to resolve clients’ concerns. The Intake Coordinator logged 16,772 entries in 2022.

The State Bar opened 485 fee dispute resolution files during 2022. All 485 fee dispute resolution files were assigned to the two in-house facilitators.

## **Authorized Practice Committee**

The Authorized Practice Committee opened 52 investigation files in 2022 compared to 63 in 2021, 57 in 2020, and 63 in 2019. The committee resolved 54 files in 2022 compared to 61 files in 2021, 48 files in 2020, and 73 files in 2019.

The committee also registers prepaid legal service plans. Plans must file initial registration statement forms and amended registrations and submit annual renewals. The committee does not approve plans but does review registrations to confirm that proposed plans and amendments fall within the definition of a prepaid legal service plan. During 2021, nine proposed plans were submitted for registration; eight were registered. The OOC is reviewing the remaining submission. Two hundred eighteen amendments were submitted for existing plans, all of which were registered.

In April 2021, the Executive Committee authorized the Office of Counsel to file a lawsuit against Brett Allen Fox seeking injunctive relief. Fox, a law school graduate who has not been admitted to practice in North Carolina, was holding himself out to prospective employers as a licensed attorney. In February 2022, the Court entered a permanent injunction.

In April 2021, the Executive Committee authorized the Office of Counsel to file a lawsuit against Valerie Arroyo seeking injunctive relief. Arroyo was attempting to represent others in state tort claims before the Industrial Commission. In December 2022, the Court entered a permanent injunction.

The OOC continues to work closely with the Consumer Protection Division of the North Carolina Attorney General’s Office to prevent the unauthorized practice of law in North Carolina, particularly involving persons and entities that offer legal services in the areas of debt adjusting, loan modification, and preparation of living trusts for senior citizens.

## **Trust Accounting Compliance Program**

Forty-two lawyers currently participate in the Trust Accounting Compliance Program. In 2022, twenty-six lawyers successfully completed the program. In 2021, ten lawyers successfully completed the program. In 2020, thirteen lawyers successfully completed the program. In 2019, seven lawyers successfully completed the program. In 2018, thirteen lawyers successfully completed the program.

## **Grievance Committee Actions**

During 2022, the Grievance Committee opened 1,404 grievance files, compared with 986 files opened in 2021.

In 2022, the OOC did not receive any inquiries about lawyer advertising.

All grievance files are considered and acted upon by one or more members of the Grievance Committee. The committee considered a total of 746 grievance files in 2022. Of those, 568 were dismissed. Two files were dismissed and retained because the respondent lawyers had been disbarred. Two files were abated because the respondent lawyers had been transferred to disability inactive status. These files represent approximately 76 percent of the grievance files considered by the committee. In addition to the grievance files that were dismissed outright in 2022, 13 files were dismissed with letters of caution and 43 were dismissed with letters of warning.

In 2022, the Grievance Committee issued admonitions in 22 files, reprimands in 20 files and censures in three files. Fifty-two files involving 34 lawyers were referred for trial before the Disciplinary Hearing Commission (DHC). A total of 97 grievance files resulted in either imposition of discipline by the Grievance Committee or referral to the DHC. That figure represents approximately thirteen percent of the grievances considered by the committee in 2022. The committee issued reciprocal discipline in three files, referred one lawyer to the Lawyer Assistance Program, and referred 17 lawyers to the Trust Accounting Compliance Program.

## **Cases Before the Disciplinary Hearing Commission**

The DHC is the independent tribunal which hears lawyer discipline and disability 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 of their law licenses, and petitions to require a lawyer to show cause why he or she should not be found to have violated an existing order of the DHC. Each case is heard by a panel of three consisting of two lawyers and one public member.

During 2022, the OOC completed a total of 25 disciplinary cases before the DHC representing 36 files referred by the Grievance Committee. Of those, seven were resolved by hearing or default judgment and 18 were resolved by consent. The OOC completed two grievance noncompliance cases before the DHC. In 2021, the office completed 28 such cases, of which 11 were resolved by trial and 28 were resolved by consent.

## 1. Discipline and Disability Cases

In 2022, the DHC entered three orders of disbarment. One lawyer was convicted of eight felony counts of serious injury by vehicle. He was operating his vehicle while under the influence of an impairing substance in violation of N.C. Gen. Stat. § 20-138.1. One lawyer pled guilty in the U.S. District Court for the Western District of North Carolina to one felony count of wire fraud in violation of 18 U.S.C. § 1343. He was sentenced to 24 months in prison followed by supervised release and was ordered to pay restitution of \$545,738.90. One lawyer collected legal fees and engaged in the unauthorized practice of law while his law license was administratively suspended, neglected and did not communicate with two clients, did not refund unearned fees, made a false representation in his petition for reinstatement, did not participate in good faith in the mandatory fee dispute resolution process, and did not respond to the Grievance Committee. In a separate case, he neglected and did not communicate with a client, vandalized cars owned by his former spouse and her father by discharging a firearm into them, negotiated a check upon which he forged his former spouse's endorsement, and slept during a substantial portion of a client's federal criminal trial.

In 2022, the DHC imposed two active suspensions, four suspensions in which the lawyer could seek a stay after serving some period of active suspension, and eleven suspensions entirely stayed upon the lawyer's compliance with enumerated conditions. The DHC censured one lawyer, reprimanded two lawyers, and admonished one lawyer. One lawyer was transferred to disability inactive status. The DHC entered an interim suspension of the law license of one lawyer who was convicted of a criminal offense showing professional unfitness.

## 2. Petitions for Stay and for Reinstatement

In 2022, the DHC considered two petitions for stay or reinstatement. The petition for stay of a suspension was denied and the petition for reinstatement was dismissed.

# **Actions Before the State Bar Council**

## 1. Tenders of Surrender of License

In 2022, four lawyers surrendered their law licenses to the State Bar Council and were disbarred. One lawyer diverted \$16,433.26 of legal fees that should have been paid over to her law firm. One lawyer misappropriated \$54,024.67 in legal fees from the settlement of a personal injury case that should have been delivered to his former law firm. One lawyer pled guilty to the federal felony offenses of conspiracy to commit mail, wire and financial institution fraud in violation of 18 U.S.C. § 1349 and making and subscribing to a false return in violation of 26 U.S.C. § 7206(1). One lawyer pled guilty to the federal felony offense of attempted coercion or enticement of a minor in violation of 18 U.S.C. § 2422(b).

## 2. Reinstatement Proceedings

In 2022, the Council did not consider any reinstatement petitions from disbarred lawyers.

## **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 petitions for reinstatement are referred to the DHC for trial.

Two lawyers filed reinstatement petitions which were addressed by the Secretary in 2022. Both were reinstated by consent.

## **Actions Before the State Trial Courts**

### **1. Judicial Disbarments**

In 2022, one lawyer was disbarred by the Wake County Superior Court. The lawyer used the personal information of victims to falsely register online accounts in their names, impersonated victims in sexually explicit communications with others, obtained and transmitted sexually explicit images of victims to others without their consent, and used fraudulent online accounts to repeatedly text victims, with the intent to harass them and cause them substantial emotional distress. He pled guilty to the federal felony offenses of aggravated identity theft and stalking.

One lawyer was disbarred by the Montgomery County Superior Court. The court found that she routinely asserted frivolous claims, repeatedly lied to the court, engaged in abusive tactics, disparaged judges, displayed incompetence, and forged a verification that she filed with the court, among other things.

### **2. Injunction Proceedings**

During 2022, the OOC obtained injunctions prohibiting ten lawyers from handling entrusted funds, compared with seven such injunctions in 2021.

### **3. Appointment of Trustees for Law Practices of Missing, Deceased, Disabled and Disbarred Lawyers**

In 2022, the OOC petitioned the courts to appoint trustees to wind down the law practices of 23 lawyers. Six lawyers suffered from disabling conditions or other conditions that made them unavailable to clients and seventeen lawyers were deceased. The OOC filed 20 trustee petitions in 2021.

### **4. Other Discipline and Disability Cases in the State Trial Courts**

The OCC prosecuted an order to show cause why a lawyer should not be disciplined in the Moore County District Court. The court concluded that the lawyer made false extrajudicial statements on Facebook about an assistant district attorney; that those statements were sufficiently prejudicial to warrant declaration of a mistrial in a criminal matter; that the lawyer interrupted an unrelated district court trial to serve that assistant district attorney with a subpoena to appear and testify in the same criminal matter about which the lawyer made the Facebook posts; and that the lawyer's purpose in taking these actions was to try to force recusal of the Moore County DA's Office from her client's case. The court suspended her license for two years.

## 5. Miscellaneous

As usual, in 2022 the State Bar was a party to numerous actions in the State courts and administrative tribunals. The OOC represented the State Bar in many of these actions. In ten cases, the State Bar was represented by the Attorney General.

At the end of 2022, there were no lawsuits pending in superior court seeking reimbursement from a lawyer for payments made by the CSF to the lawyer's clients.

During 2022, on behalf of the Disbursements Committee, the OOC obtained court orders to disburse or escheat funds totaling \$10,010.12. Of that amount, \$500.00 resulted from follow-up trust account investigation. One thousand four hundred and forty-seven dollars and thirteen cents was disbursed to the Client Security Fund. Eight thousand sixty-two dollars and ninety-nine cents was escheated from the trust accounts of suspended or disbarred lawyers to the North Carolina Department of the State Treasurer.

In 2022, the State Bar was also a party to the following cases in state trial courts and administrative tribunals:

**North Carolina State Bar v. Julia Olson-Boseman (Wake County Superior Court).** The State Bar obtained an order on July 18 holding attorney Julia Olson-Boseman, of Wilmington, in civil contempt for failing to comply with the provisions of a preliminary injunction requiring her to produce information to the State Bar. The court entered a consent order lifting an order for Olson-Boseman's arrest in light of her facial compliance with the provisions of the preliminary injunction. The OOC is reviewing the materials she provided to determine whether she in fact complied.

**Valerie Arroyo v. Daniel Zamora et al (NC Industrial Commission).** This and the following two entries are purported tort claims filed by Arroyo against the State Bar and other entities and officials. These three files, and six additional claims Arroyo filed against other individuals and agencies, were all dismissed and were consolidated into a single appeal to the Full Commission. In this claim, Arroyo alleges that the State Bar failed to "stop, act or prosecute" Daniel Zamora. The Full Commission granted the State Bar's motion to dismiss. Arroyo filed notice of appeal but did not perfect the appeal. The Attorney General represents the State Bar.

**Valerie Arroyo v. North Carolina State Bar (NC Industrial Commission).** In this claim, Arroyo alleges that the State Bar violated her rights by refusing to discipline licensee Zamora. The Full Commission granted the State Bar's motion to dismiss. Arroyo filed notice of appeal but did not perfect the appeal. The Attorney General represents the State Bar.

**Valerie Arroyo v. North Carolina State Bar (NC Industrial Commission).** In this claim, Arroyo alleges that the State Bar violated her rights by refusing to discipline licensee Diamond. The Full Commission granted the State Bar's motion to dismiss. Arroyo filed notice of appeal but did not perfect the appeal. The Attorney General represents the State Bar.

**Valerie Arroyo v. Josh Stein, et al (Mecklenburg County Superior Court).** Arroyo has previously filed claims in state and federal courts against the State Bar which have been dismissed. In August 2020, Arroyo filed this action in Mecklenburg County against the Attorney General of North Carolina, the State of North Carolina, and a host of other state agencies and officials, including the State Bar, two State Bar councilors, and three members of the OOC. Arroyo makes vague allegations about a grievance. The Attorney General represents the State Bar.



**Kelvin Exum v. North Carolina State Bar (NC Office of Administrative Hearings).** Exum filed a grievance, which was dismissed. He demanded an explanation for the dismissal. The OOC complied with that demand, sending Exum a written response. Exum alleges in this action that the written response was unsolicited, that it contained false and unfounded information about him, and that it served no purpose other than to embarrass and harass him. The OAH dismissed Exum's claim. He petitioned the Wake County Superior Court for judicial review. On June 15, the court dismissed Exum's appeal for failure to prosecute. Exum did not appeal by the July 15 deadline. The Attorney General represented the State Bar.

**Kareem Abdullah Kirk v. North Carolina State Bar Grievance Committee (NC Office of Administrative Hearings).** This is the second claim Kirk, aka Kareem Abdullah Kirk-Bey, has filed against the State Bar at OAH. In this claim, Kirk again alleges that the Grievance Committee did not properly address a grievance. OAH dismissed the claim, concluding that it does not have subject matter jurisdiction. The Wake County Superior Court denied Kirk's petition for judicial review. Kirk filed notice of appeal to the North Carolina Court of Appeals. Kirk's deadline to perfect the appeal has passed. The Attorney General represented the State Bar.

**Richard Polidi v. Colon Willoughby et al (Wake County Superior Court).** Polidi surrendered his law license and was disbarred by the Wake County Superior Court in 2014. He filed this action in July 2017 against Colon Willoughby in his official and individual capacities, against Katherine Jean in her official and individual capacities, and against many others. It is unclear whether Polidi sued Colon Willoughby in his official capacity as the former elected district attorney of Wake County or in his official capacity as a State Bar councilor. Willoughby is now a State Bar officer but was not an officer when this lawsuit was filed. Polidi makes vague, generalized allegations of wrongful conduct in connection with his decision to surrender his law license and consent to be disbarred. He has never served Willoughby or Jean. If he does, the Office of Counsel will represent them.

**Richard Polidi v. Carmen Bannon (Wake County Superior Court).** Polidi surrendered his law license and was disbarred by the Wake County Superior Court in 2014. In July 2017, he filed this action against Carmen Bannon, State Bar deputy counsel, in her official and individual capacities. Polidi makes vague, generalized allegations relating to his decision to surrender his law license and consent to be disbarred. He has never served Bannon. If he does, the Office of Counsel will represent her.

**Christopher Livingston v. N.C. State Bar, et al (Wake County Superior Court).** Livingston is a licensee. In July 2016, the DHC suspended him for five years. The DHC order was affirmed on appeal. In January 2018, Livingston sued the State Bar and the district bar in federal court alleging that the district bar improperly used mandatory district bar dues. Livingston added John Silverstein (Chair of the Grievance Committee that found probable cause) and Leonor Hodge (who prosecuted Livingston) as defendants, alleging that they selectively prosecuted him. In February 2019, the federal court granted the State Bar defendants' motion to dismiss for lack of subject matter jurisdiction. In March, Livingston filed this action, a nearly identical complaint, in Wake County Superior Court. Livingston never served any defendant. On June 3, he obtained alias and pluries summonses but never served them. The State Bar first learned of the Wake County lawsuit on September 9, when the trial court administrator directed the parties to prepare a case management order. The State Bar notified the trial court administrator that, because no defendant has been served, the case should be discontinued. The State Bar has heard nothing further from the trial court administrator and the case has not been scheduled for hearing. If the State Bar defendants are ever served, the Office of Counsel will represent them.

**HGGLBT International Express Trust v. Clerk of Superior Court, “NC State Bar and members” (NC Industrial Commission).** This is a purported tort claim. HGGLBT writes at length about common law and alleges generally that members of the State Bar took actions to which HGGLBT objects in connection with a foreclosure. HGGLBT alleges no acts or omissions by the State Bar and identifies no viable theories of recovery. The deputy commissioner dismissed the claim. Claimant’s appeal to the Full Commission was scheduled for hearing July 19, 2022. Because claimant did not file a brief or respond to communications from the Full Commission, the Full Commission elected to decide the case on the written record. We await its decision. The Attorney General represents the State Bar.

**Amy Allen v. North Carolina State Bar (NC Office of Administrative Hearings).** Allen filed a grievance arising from her domestic case. Before the grievance was resolved, Allen filed a petition for contested case hearing with OAH alleging that the State Bar substantially prejudiced her rights, acted erroneously, failed to use proper procedure, acted arbitrarily or capriciously, and failed to act as required by law or rule. The deputy commissioner dismissed the claim, concluding that Allen lacks standing and that OAH lacks subject matter jurisdiction. On June 28, Allen filed a petition for judicial review in the Forsyth County Superior Court. The State Bar’s motion to dismiss her petition is pending. The Attorney General represents the State Bar.

**Henry Byrd v. NC State Bar and State of North Carolina (NC Industrial Commission).** In March 2021, Henry Byrd mailed to the State Bar a form claim for damages under the Tort Claims Act. He did not properly file and serve the document and therefore did not actually commence a tort claim. He alleged that the defendants were under “an affirmative legal nondelegable duty to provide the plaintiff with an affirmative standard of care circumscribed by North Carolina Rules of Professional Conduct...” and recited that his allegations were continued on attached pages, but they were not. He indicated that he was proceeding under the doctrines of equitable estoppel and promissory estoppel. The Attorney General undertook to represent the State Bar if Byrd successfully commenced a tort claim action. In June 2021, Byrd mailed to the State Bar a notice that he was withdrawing the purported tort claim and will instead file a §1983 action against the State Bar in the US District Court EDNC on a theory of “supervisory liability.” If he does file a federal lawsuit, the OOC will represent the State Bar.

**Capitol Broadcasting Company, Inc. v. Disciplinary Hearing Commission (Wake County Superior Court).** WRAL-TV filed this lawsuit against the Disciplinary Hearing Commission on January 12, 2015, seeking a preliminary injunction compelling the DHC to allow WRAL to live-stream the trial of North Carolina State Bar v. Mumma, 15 DHC 20 and 15 DHC 24, and seeking an award of its expenses in bringing the action. The Mumma trial occurred in January 2016 and was live-streamed. The court stayed this action to allow the State Bar Council to adopt an administrative rule addressing media access to DHC hearings. The Council adopted such a rule, which was approved by the Supreme Court and went into effect in 2016. WRAL did not challenge the constitutionality of the rule. This case was been pending but was entirely dormant since 2016 when the court ordered a status conference. On April 25, the court denied WRAL’s motion for preliminary injunction and granted the State Bar’s motion to dismiss. WRAL did not give notice of appeal by the July 8 deadline. The Attorney General represented the State Bar.

**Jennifer Ghera, et al v. the State of North Carolina, et al. (Wake County Superior Court).** A homeowner and her fiancé filed this lawsuit in December 2021 against the State of North Carolina, Union County, and numerous state and county representatives, including the State Bar and a State Bar deputy counsel. Plaintiffs alleged that the North Carolina Uniform Power of Attorney Act allows a non-lawyer attorney-in-fact to act as an advocate representing the principal in a court proceeding and alleged that the Union County Superior Court’s refusal to permit him to do so violates plaintiffs’ constitutional rights to

free speech, due process, property interest, and to enjoy the fruits of their labor. Plaintiffs sought declaratory and injunctive relief. They did not seek monetary relief but did seek an award of attorney fees. Plaintiffs took a voluntary dismissal of their claims against Union County. On April 25, the court granted the remaining defendants' motion to dismiss. Plaintiffs did not appeal. The Attorney General represented all defendants.

**Ernest Yarborough v. Satana Deberry and the North Carolina State Bar (Durham County Superior Court).** Yarborough filed this lawsuit in December 2021 against the Durham County District Attorney and the State Bar. The State Bar was never served but learned of the lawsuit on March 22 when the court ordered a status conference. Yarborough was licensed to practice law in South Carolina but was disbarred. He was never licensed to practice law in North Carolina. Yarborough sought a declaratory judgment that, as a representative of Caring Hands and Supplementary Enrichment Education Enrichment [sic], LLC, which he describes as a "Joint Commission accredited behavioral healthcare human services agency or health care provider," he is permitted by N.C. Gen. Stat. § 35A-1105 to file incompetency petitions to adjudicate the competence of people served by Caring Hands. Yarborough alleged that the Durham County Superior Court entered two orders concluding that doing so constitutes the unauthorized practice of law. On April 26, the court dismissed the complaint with prejudice. Yarborough did not appeal. The OOC represented the State Bar.

### **Actions Before the State Appellate Courts**

The OOC represented the State Bar in seven appeals in 2022.

#### **NC State Bar v. Robert N. Weckworth, Jr. – 16 DHC 22**

In October 2017, the DHC censured Weckworth of Greensboro. The DHC concluded that Weckworth communicated with a represented adverse party and had improper *ex parte* communications with a judge. In June 2019, the Court of Appeals issued an unpublished opinion affirming the order of discipline with respect to the rule violations but remanding to the DHC for additional findings with respect to the level of discipline and reconsideration of the discipline, if necessary, based on the additional findings. On remand, the DHC issued a reprimand. Weckworth appealed again. Weckworth withdrew his appeal on December 30.

#### **NC State Bar v. Kenneth Irek – 92 DHC 17**

Irek, of North Hills, California, was disbarred by the DHC in 1993 for misappropriating entrusted funds. In January, Irek filed a Rule 60 motion seeking to vacate the 1993 disbarment order on grounds that the State Bar allegedly did not exercise due diligence twenty-nine years ago before serving him by publication and allegedly did not maintain complete records of the proceeding. The DHC denied his motion. Irek filed a Rule 59 motion seeking relief from the order denying his petition. After briefing from the State Bar, he withdrew the Rule 59 motion and gave notice of appeal. The Court of Appeals will decide the case without oral argument.

#### **In re Phillip Entzminger - 17 CRS 1930 (Pitt County)**

The Pitt County Superior Court ordered Entzminger, an assistant district attorney, to show cause why he should not be held in criminal contempt and why he should not be disciplined. The show cause order alleged that Entzminger filed a document showing disregard for the dignity of the court, demonstrated undignified and discourteous conduct that was degrading to the court and that bred disrespect for the court and the legal profession, and made false statements to the court. The court appointed the Office of Counsel to prosecute. The court acquitted Entzminger of contempt but concluded that he violated the Rules of

Professional Conduct. The court suspended Entzminger for two years with the possibility of a stay after serving six months of the suspension. Entzminger appealed. The Court of Appeals affirmed in part, reversed in part, and remanded for a new hearing on the appropriate discipline. The Supreme Court denied Entzminger's petition for discretionary review. On remand, the court again suspended Entzminger for two years but allowed him to be immediately eligible for a stay upon compliance with enumerated conditions, including payment of costs. Entzminger appealed. The Court of Appeals affirmed in an unpublished opinion. On December 13, the Supreme Court denied Entzminger's petition for discretionary review.

#### **NC State Bar v. Patrick Megaro – 18 DHC 41**

Megaro, of Orlando, Florida, represented two clients with IQs in the 50s, both of whom were sentenced to death and imprisoned for decades after being wrongfully convicted of the rape and murder of a child. They have now been exonerated. The hearing panel found that Megaro entered into a contract with the clients when he knew they did not have the capacity to understand it, charged an "irrevocable" fee, charged an excessive fee, made misrepresentations to his clients and to tribunals, and made arguments against his clients' interests in an effort to protect his own fee. The DHC suspended Megaro's license for five years. Megaro will be eligible to petition for a stay of the balance of the suspension after serving three years active suspension upon demonstrating compliance with enumerated conditions, including the requirement that he reimburse \$250,000.00 to the clients. Megaro appealed. On November 1, 2022, the Court affirmed. Megaro's petition for discretionary review is pending.

#### **NC State Bar v. Lonnie P. Merritt – 21 DHC 5**

The DHC concluded that Merritt, of Wilmington, had a sexual relationship with a domestic law client and suspended his license for one year. He appealed. On September 22, the Court of Appeals affirmed the order of discipline in a published decision. Merritt's petition for discretionary review is pending.

#### **Brooke M. Crump, Montgomery County file no. 22 CVS 220**

Crump, of Lake Tillery, was disbarred by the Montgomery County Superior Court on December 9. She gave notice of appeal.

**In re Jaffer (NC Court of Appeals).** Jaffer filed a lawsuit alleging that an estate was stolen from her. The lawsuit was dismissed. She filed multiple grievances against lawyers involved in the estate proceedings. All of the grievances were dismissed. She filed a lawsuit in Orange County Superior Court against the Clerk of Court, the Durham Police Department, and the Durham Civilian Review Board. She alleged that many legal professionals and entities, including deputy counsel Liza Foley and the State Bar, conspired to have her case thrown out and committed hate crimes and acts of treason and terrorism. The lawsuit was dismissed. She petitioned the North Carolina Court of Appeals for a writ of mandamus compelling the superior court to rule on pleadings she filed before the case was dismissed. She listed Foley as an unaffiliated attorney of record. The Court of Appeals denied all of Jaffer's petitions for extraordinary writs and motions for clarification. She did not seek review by the North Carolina Supreme Court.

### **Actions Before the Federal Courts**

**Christopher Livingston v. NC State Bar, Susannah Cox and Katherine Jean (U.S. District Court EDNC).** On June 21, 2021, Christopher Livingston filed this lawsuit in the US District Court EDNC against the State Bar, counsel Katherine Jean, and former deputy counsel Susannah Cox. He purports to assert claims under 42 U.S.C. §§ 1983 and 1989 for alleged violations of his speech, petition, due process,

and equal protection rights under the United States Constitution; his freedom of speech, open courts, law of the land, and equal protection rights under the North Carolina Constitution; and alleged “malicious administrative prosecution.” He alleges that the State Bar did not discipline lawyers who he alleged committed violations of the RPCs against him, has a practice and official policy of arbitrarily disciplining some lawyers and not disciplining other lawyers, selectively prosecutes solo practitioners, is overfunded and its staff is underworked; that Jean and Cox violated the RPCs by requiring him to respond to letters of notice; and that Cox should have dismissed a grievance filed against him. The State Bar awaits a ruling on its motion to dismiss the amended complaint. The Office of Counsel represents the defendants.

**Valerie Arroyo and Derek Olivaria v. Southwood Realty et al (US District Court EDNC).** Arroyo alleged that she and her co-plaintiff were wrongfully evicted and that the government defendants, including the State Bar, Josh Stein, the N.C. Department of Justice, judges, and courts, failed to assure that the lawyers and judges involved in the eviction action followed the law and the rules of ethics. The court dismissed the complaint on its own motion following frivolity review. Arroyo appealed to the Fourth Circuit. On May 4, the Fourth Circuit dismissed her appeal. The Office of Counsel represented the State Bar.

## **SUMMARIES OF DISCIPLINARY, DISABILITY & REINSTATEMENT ACTIONS**

### **COUNCIL DISBARMENTS**

<b>Lawyer</b>	<b>File No.</b>	<b>Date of Disbarment</b>
Joshua Michael Reed	22BCS1	January 28, 2022
Tiffany Dawn Russell	22BCS2	January 28, 2022
Peter C. Anderson	22BCS3	July 22, 2022
Meghan E. Ashworth	22BCS4	October 21, 2022

### **JUDICIAL DISBARMENTS**

<b>Lawyer</b>	<b>File No.</b>	<b>Date of Disbarment</b>
Brian Love	22M1378	March 14, 2022
Brooke M. Crump	22CVS220	December 9, 2022

### **JUDICIAL DISCIPLINE & DISABILITY**

<b>Lawyer</b>	<b>File No.</b>	<b>Outcome</b>
Brooke M. Crump	22 CR 52150	2-year suspension

**TRANSFERS TO DISABILITY INACTIVE STATUS**

<b>Lawyer</b>	<b>File No.</b>	<b>Date of Transfer</b>
Sarah E. Salton	22BDS1	October 7
Donald E. Britt	19G0374	November 10
G. Wendell Spivey	19G0996	December 14

**BEFORE THE DISCIPLINARY HEARING COMMISSION**

**Completed Discipline & Disability Cases**

<b>Lawyer</b>	<b>File No.</b>	<b>Outcome</b>
H. Trade Elkins	18DHC50	Disbarred (consent)
Nikita V. Mackey	19DHC23	Disbarred (hearing)
R. Cherry Stokes	21DHC28	Disbarred (consent)
Timothy Gunther	22DHC11	2-year suspension (consent)
Lloyd Kelso	21DHC21	1-year suspension (consent)
Jim Melo	21DHC7	5-year suspension; possible stay after 18 months (hearing)
Kelly R. Routh	21DHC24	5-year suspension; possible stay after 1 year (hearing)
Mark E. Raynor	21DHC25	4-year suspension; possible stay after 2 years (consent)
Willie R. Brooks, Jr.	22DHC5	4-year suspension; possible stay (consent)
Perry Mastromichalis	21DHC26	2-year suspension; possible stay after 2 years (consent)
Meg Sohmer Wood	21DHC18	3-year suspension; stayed 3 years (consent)
George Rouco	20DHC23	3-year suspension; stayed 3 years (consent)
Ayeshinaye I.H. Smith	22DHC19	3-year suspension; stayed 3 years (consent)
Victoria Lynn Block	21DHC1	2-year suspension; stayed 2 years (consent)
Thomas O. Harper, III	21DHC11	2-year suspension; stayed 3 years (consent)
Christopher D. Lane	21DHC15	2-year suspension; stayed 2 years (consent)
Mark D. Lackey	21DHC16	2-year suspension; stayed 2 years (consent)

James Landivar	22DHC4	2-year suspension; stayed 2 years (consent)
Thomas C. Flippen	22DHC15	2-year suspension; stayed 2 years (consent)
Camille E. Hill	21DHC13	1-year suspension; stayed 2 years (consent)
Ryan A. Spencer	21DHC29	Censure (hearing)
Robert N. Weckworth, Jr.	16DHC22	Reprimand (hearing)
Keisha M. Lovelace	22DHC9	Reprimand (consent)
Nicholle T. Phair	21DHC8	Admonition (hearing)
Patricia W. Harvey	21DHC22	Disability Inactive (consent)

### **Completed Grievance Noncompliance Actions**

<b>Lawyer</b>	<b>File No.</b>	<b>Outcome</b>
Brooke M. Crump	22DHC24N	Suspended
Elizabeth J. Caviness	22DHC27N	Suspended

### **Completed Show Cause Hearings**

<b>Lawyer</b>	<b>File No.</b>	<b>Outcome</b>
Meredith P. Ezzell	18DHC42SC	Suspension Activated

### **Completed Reinstatement Cases**

<b>Lawyer</b>	<b>File No.</b>	<b>Outcome</b>
Daniel Rufty	20DHC17R	Stay Denied (hearing)
Ertle K. Chavis	22BCR1	Dismissed
Keith C. Booker	22BSR1	Reinstated (consent)
Steven Johnson Allen	22BSR2	Reinstated (consent)

### **Pending Discipline & Disability Cases**

<b>Lawyer</b>	<b>File No.</b>	<b>Hearing Date</b>
Robert Melville	13DHC9	Stayed (Disability)
Michael J. Anderson	15DHC47/15DHC47D	Stayed
Wendelyn R. Harris	18DHC14/18DHC14D	Stayed (Disability)
Michael H. Griffin	18DHC20	Stayed (Disability)
Robert Lewis	18DHC36	Not Scheduled
Frank Chut, Jr.	21DHC6	Stayed
Gregory A. Bullard	21DHC14	Not Scheduled
Penny K. Bell	21DHC17	February 8
Cindy C. Huntsberry	21DHC20	Stayed (Disability)

Paris Peppers	22DHC2	Stayed
Brian R. Harwell	22DHC3	Interim Suspension
Allan R. Grimsley	22DHC6	Stayed
Richard T. Dail	22DHC7	Not Scheduled
Kenneth A. Free, Jr.	22DHC8	February 27-March 1
J. Brent Garner	22DHC10	February 9-10
Charles R. Gurley	22DHC12	Not Scheduled
Michelle C. Smith	22 DHC13	Not Scheduled
Thomas C. Goolsby	22DHC14	Stayed
Jonathan Charleston	22DHC16	Stayed
Monica Savidge	22DHC17	April 27-28
Valerie Queen	22DHC18	Not Scheduled
Suzanne Nelson	22DHC20	Not Scheduled
Marin Musinguzi	22DHC21	Not Scheduled
Andre Hogan	22DHC22	Not Scheduled
Mark T. Cummings	22DHC25	Not Scheduled
Kenneth Robert Davis	22DHC26	Not Scheduled
Kathie Willard	23DHC2	Not Scheduled
Robert Hedrick	23DHC3	Not Scheduled
Harry C. Marsh	23DHC4	Not Scheduled

#### **Pending Grievance Noncompliance Actions**

There were no pending grievance noncompliance actions at the end of 2022.

#### **Pending Reinstatement Cases**

<b>Lawyer</b>	<b>File No.</b>	<b>Hearing Date</b>
Theodore G. Hale	20BCR1	Not Scheduled
Jeffrey Smith	15 DHC 27R2, 18 DHC 6R2	Not Scheduled
David Shawn Clark	22BCR2	February 15-16
Christopher C. Peace	22RD1	February 8
Demetrius G. Rainer	22BCR3	Not Scheduled

#### **Pending Motions to Show Cause**

There were no pending motions to show cause at the end of 2022.



## **BEFORE THE STATE TRIAL COURTS**

### **Trustees Appointed in 2022**

<b>Lawyer</b>	<b>Reason Trustee Sought</b>
William R. Tichener	Deceased
Angela R. Narron	Deceased
Mark Christopher Upright	Disabling Condition
Susanne M. Robicsek	Deceased
Edward V. Williams	Abandonment
Gerry Crouch Coggin	Deceased
Susan L. Evans	Deceased
M. Patrice Walker	Deceased
Haman Wells Holland	Deceased
Willie R. Perry	Deceased
Victor M. Lefkowitz	Deceased
Richard M. Pipkin	Disabling Condition
John K. Burns	Disability Inactive Status
Lisa N. Rogers	Deceased
Anthony James Cuticchia	Deceased
William J. Morgan	Deceased
Joseph W. Seegers	Deceased
Lennie L. Hughes	Deceased
William W. Gerrans	Deceased
Lynne Hicks	Disabling Condition
Spurgeon Fields	Deceased
Donald E. Britt, Jr.	Disabling Condition
John G. Wolfe	Deceased

### **TROs and Preliminary Injunctions Obtained in 2022**

<b>Lawyer</b>	<b>Date of Injunction</b>
Stanford K. Clontz	February 22
Julia Olson-Boseman	March 14
Harry C. Marsh	March 25
Karen C. Wright	April 25
Paris S. Peppers	May 24
Tara L. Nichols	June 3
Malea D. Drew	June 20
Donald E. Britt, Jr.	August 3
Charles M. Kunz	September 27
Jonathan W. Washburn	December 12

## **BEFORE THE GRIEVANCE COMMITTEE**

### **Totals for 2022**

Total Grievance Files Opened – 1,404

Total Files Considered by Committee – 746

Dismissals – 568

Files Dismissed & Retained – 2

Files Abated – 2

Files referred to the Lawyer Assistance Program – 1

Files referred to the Trust Accounting Compliance Program – 17

Files Dismissed with Letters of Caution – 13

Files Dismissed with Letters of Warning – 43

Files issued Admonitions – 22

Files issued Reprimands – 20

Files issued Censures – 3

Files issued Reciprocal Discipline – 3

Files referred to DHC – 97

### **GRIEVANCE COMMITTEE MEETING: JANUARY 20, 2022**

201 files were dismissed

0 files were dismissed and retained

4 files were abated

4 files were continued

1 lawyer was referred to the Lawyer Assistance Program

3 lawyers were referred to the Trust Accounting Compliance Program

0 lawyers received reciprocal discipline

4 lawyers received letters of caution

10 lawyers received letters of warning

9 lawyers received admonitions

4 lawyers received reprimands

2 lawyers received censures

12 lawyers were referred to the Disciplinary Hearing Commission

### **GRIEVANCE COMMITTEE MEETING: APRIL 21, 2022**

115 files were dismissed

0 files were dismissed and retained

0 files were abated

4 files were continued

1 lawyer was referred to the Lawyer Assistance Program

3 lawyers were referred to the Trust Accounting Compliance Program

0 lawyers received reciprocal discipline

0 lawyers received letters of caution

12 lawyers received letters of warning

4 lawyers received admonitions

4 lawyers received reprimands

1 lawyer received a censure

9 lawyers were referred to the Disciplinary Hearing Commission

**GRIEVANCE COMMITTEE MEETING: JULY 21, 2022**

- 155 files were dismissed
- 2 files were dismissed and retained
- 0 files were abated
- 1 file was continued
- 0 lawyers were referred to the Lawyer Assistance Program
- 7 lawyers were referred to the Trust Accounting Compliance Program
- 3 lawyers received reciprocal discipline
- 9 lawyers received letters of caution
- 13 lawyers received letters of warning
- 4 lawyers received admonitions
- 6 lawyers received reprimands
- 1 lawyer received a censure
- 9 lawyers were referred to the Disciplinary Hearing Commission

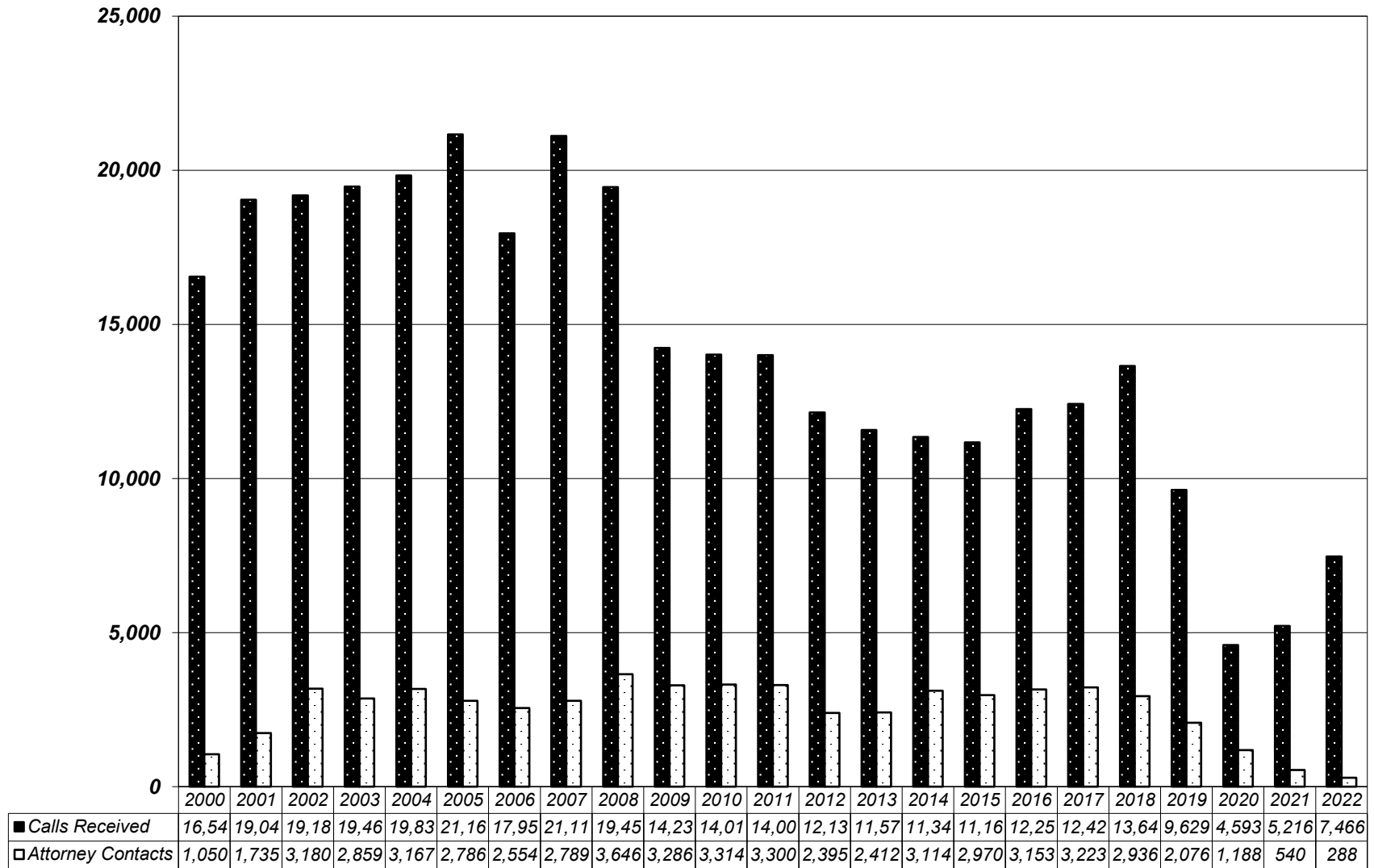
**GRIEVANCE COMMITTEE MEETING: OCTOBER 20, 2022**

- 257 files were dismissed
- 0 files were dismissed and retained
- 0 files were abated
- 2 files were continued
- 0 lawyers were referred to the Lawyer Assistance Program
- 4 lawyers were referred to the Trust Accounting Compliance Program
- 0 lawyers received reciprocal discipline
- 0 lawyers received letters of caution
- 5 lawyers received letters of warning
- 7 lawyers received admonitions
- 5 lawyers received reprimands
- 1 lawyer received a censure
- 8 lawyers were referred to the Disciplinary Hearing Commission

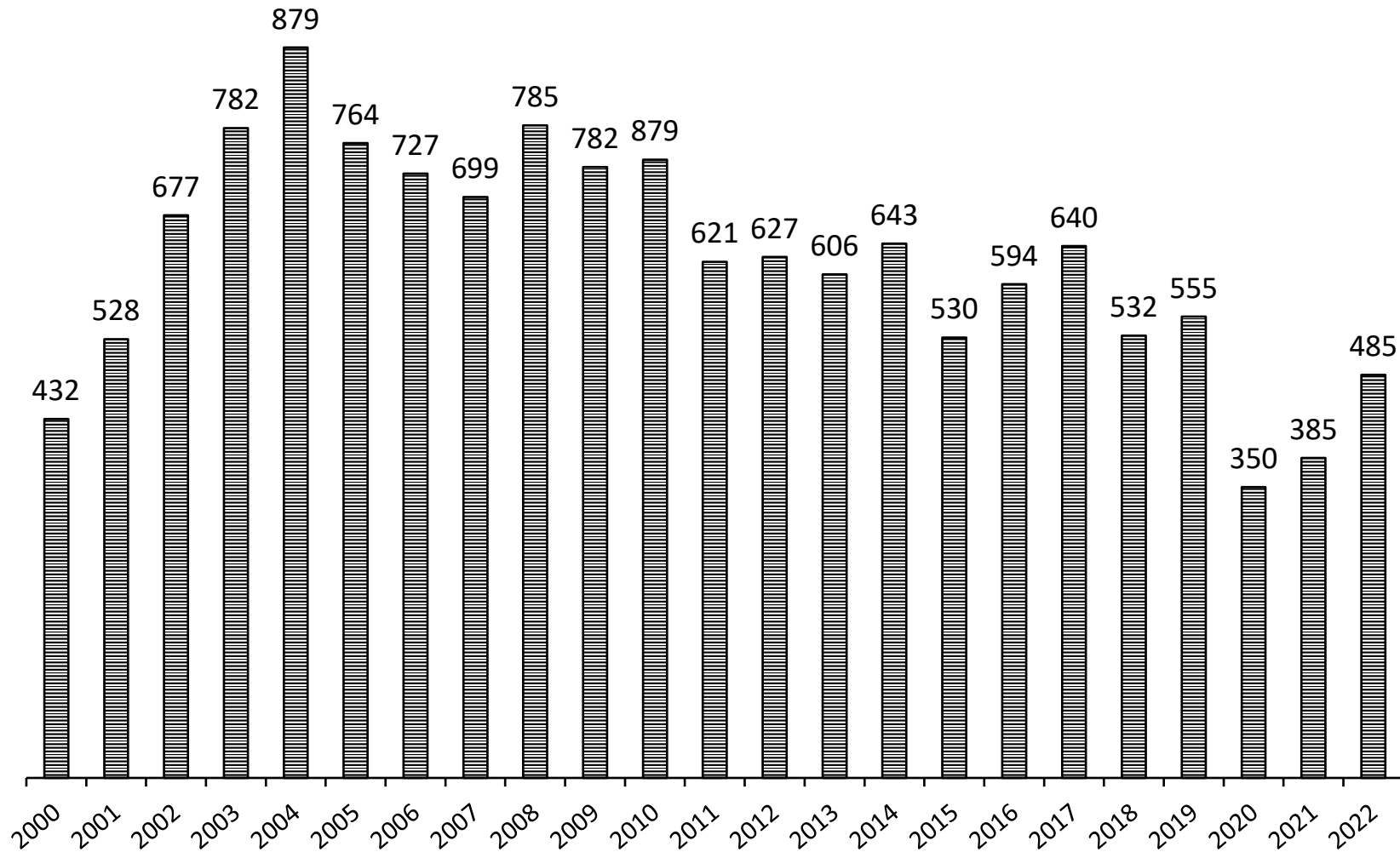
# ATTORNEY CLIENT ASSISTANCE PROGRAM

## Calls Received and Attorney Contacts

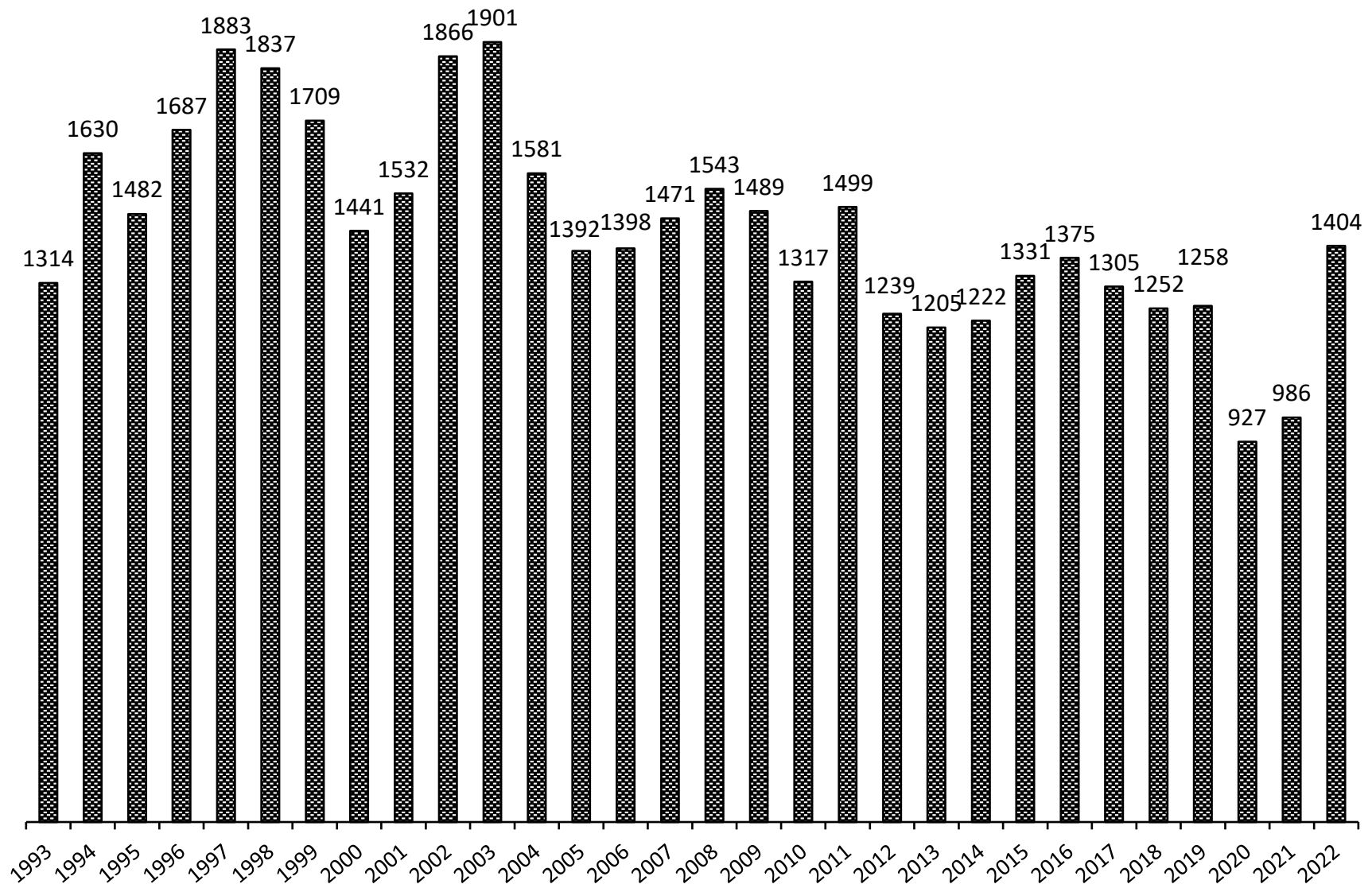
(January - December)



# Fee Dispute Resolution Petitions Filed



# Grievances Filed Annually



## Surrenders and Disbarments (DHC, Council and Courts)

