

**REPORT OF THE OFFICE OF COUNSEL
TO THE N.C. STATE BAR COUNCIL
OCTOBER 27, 2023**

ATTORNEY CLIENT ASSISTANCE PROGRAM

During the third quarter of 2023, ACAP staff responded to 2,185 phone calls from members of the public, placed 383 calls to lawyers, responded to 1,305 emails from members of the public and lawyers, and responded to 522 letters from inmates. Staff completed 20 Spanish translations. Intake logged 5,023 entries. During this same quarter in 2022, ACAP staff responded to 2,034 phone calls from members of the public and placed 78 calls to lawyers. Staff also responded to 1,046 emails from members of the public and attorneys and responded to 579 letters from inmates. In addition, there were 11 Spanish translations and Intake logged 4,170 entries.

The State Bar opened 142 requests for fee dispute resolution during the third quarter, all of which were assigned to State Bar facilitators. By comparison, during this same quarter in 2022, 124 fee dispute petitions were filed.

GRIEVANCES

In 2018, 1,247 grievance files were opened. In 2019, 1,254 grievance files were opened. In 2020, 927 grievance files were opened. In 2021, 986 grievance files were opened. In 2022, 1,404 grievance files were opened. As of October 20, 1,270 grievance files have been opened in 2023.

As of October 20, 2,681 grievances were pending. One hundred ninety-nine grievances were stayed. Twenty-two pending files were in judicial district grievance committees or had been returned by district grievance committees within the past 30 days. The OOC had made its recommendation in 515 of the pending cases and the cases were ready for the Grievance Committee's decision. Of the remaining 1,945 files in which no recommendation has yet been made, 498 were more than six months old. In the third quarter of 2023, 218 files were dismissed by the Grievance chair or by the Grievance chair and a vice chair.

There was one inquiry about lawyer advertising in the third quarter of 2023.

DISCIPLINE AND DISABILITY CASES

Completed Cases Before the Disciplinary Hearing Commission

The OOC completed four discipline and disability cases involving four lawyers in the DHC this quarter.

Suzanne Nelson – 22 DHC 20

Nelson, of Raleigh, neglected her clients, collected excessive fees, failed to protect her clients' interests upon termination of the representation, made misrepresentations, did not fully respond to notices of mandatory fee dispute resolution, and did not timely respond to the Grievance Committee. The DHC suspended Nelson's law license for five years. Nelson will be eligible to

apply for a stay of the balance of the suspension after six months upon compliance with enumerated conditions.

Kathie Willard - 23 DHC 2

Willard, of Raleigh, while a party to a lawsuit, fabricated email to support her denial of self-dealing in underlying litigation. She surrendered her license to the DHC and was disbarred.

Lonnie W. Carraway – 23 DHC 7

Carraway, of Snow Hill, drove a vehicle while under the influence of an impairing substance on two separate occasions between June 2019 and June 2020. On October 23, 2020, Carraway pled guilty to two counts of driving while impaired. Carraway had previously been convicted of driving while impaired in February 2012. The DHC suspended his law license for one year. The suspension is stayed for one year upon his compliance with enumerated conditions.

Matthew S. Schrum – 23 DHC 9

It was alleged that Schrum, of Elkin, engaged in constructive fraud, obtained an illegal/excessive fee, engaged in conduct involving dishonesty and/or misrepresentation in transactions with a financial institution, and converted funds in violation of a court order. The DHC granted his motion to dismiss.

Completed Grievance Noncompliance Actions before the DHC

No grievance noncompliance actions were completed this quarter.

Completed Disciplinary Review Panels

A disciplinary review panel met at the July meeting to consider one petition.

Completed Surrenders to the Council

Rebecca A. Nelson – 22 BCS 6

Nelson, of Raleigh, pled guilty to and was convicted of one count of second-degree murder and two counts of assault with a deadly weapon with intent to kill inflicting serious injury. She surrendered her law license and was disbarred by the Council at the July 2023 quarterly meeting.

Completed Discipline and Disability Proceedings in the Courts

In re: Phillip Entzminger - 17 CRS 1930

Entzminger, of Greenville, engaged in undignified and discourteous conduct that was degrading to the court in violation of Rules 4.4(a), 8.2(a), and 8.4(d), and made misrepresentations to the court in violation of Rules 3.1(a) and 8.4(c). The Pitt County Superior Court suspended Entzminger’s law license for two years, and afforded Entzminger the opportunity to petition for stay of that suspension upon his compliance with enumerated conditions. After an August 8, 2023, hearing, the court concluded that Entzminger had substantially complied with the conditions and entered an order staying the balance of the suspension.

N.C. State Bar v. Jack Day – Wake County Superior Court

Jack W. Daly, of St. Thomas, Puerto Rico, pled guilty to one count of conspiracy to violate the laws of the United States in violation of 18 U.S.C. 371, to wit: (a) conspiracy to commit mail fraud in violation of 18 U.S.C. 1341 and 2(a); and (b) conspiracy to make false statements to an agency of the federal government (the Federal Elections Commission) in violation of 18 U.S.C. 1001(a)(2) and 2(a). He surrendered his law license and was disbarred by the Wake County Superior Court.

Orders of Reciprocal Discipline

No orders of reciprocal discipline were entered this quarter.

Transfers to Disability Inactive Status

No lawyers were transferred to disability inactive status this quarter.

Interim Suspensions

No orders of interim suspension were entered this quarter.

Completed Petitions for Reinstatement/Stay - Uncontested

No uncontested petitions for reinstatement were completed this quarter.

Completed Petitions for Reinstatement/Stay - Contested

Gregory Bartko – 23 BCR 1

In 2011, Bartko submitted an affidavit of surrender and was disbarred by the Wake County Superior Court following his conviction in federal court of one count of conspiracy, four counts of mail fraud, and one count of sale of unregistered securities. On May 12, 2023, Bartko filed a petition in the DHC seeking reinstatement. The DHC dismissed the petition pursuant to 27 N.C. Admin. Code 1B .0129(a)(9) and denied his Rule 59 and 60 motions. Bartko gave notice of appeal to the Court of Appeals.

Completed Motions to Show Cause

No motions to show cause were completed this quarter.

TROs and Preliminary Injunctions

The Wake County Superior Court entered orders of preliminary injunction prohibiting **Brooke M. Crump** of Mount Gilead and **Richard D. Allen** of Pittsboro from handling entrusted funds.

PENDING DISCIPLINE AND DISABILITY CASES

Robert Melville, Jr. – 13 DHC 9

The chair of the DHC entered an order of interim suspension of the law license of Lake Waccamaw lawyer Robert Melville. Melville pled guilty in federal court to the felonies of conspiracy to commit bank fraud and wire fraud. The disciplinary action will be stayed until Melville is returned to active status.

Michael J. Anderson – 15 DHC 47 & 15 DHC 47D

It is alleged that Anderson, of Wilson, provided fabricated and misleading documents to the State Bar and/or did not correct a misapprehension he caused by such documents; did not keep proper trust account reconciliation records; did not respond to the Grievance Committee; made statements with no substantial purpose other than to embarrass a third person; engaged in undignified or discourteous conduct degrading to a tribunal; and engaged in conduct prejudicial to the administration of justice. The hearing panel found probable cause to believe Anderson is disabled, stayed the disciplinary proceeding pending resolution of the disability issue, and repeatedly ordered Anderson to undergo evaluation. Anderson defied several DHC orders requiring him to undergo evaluation. The DHC stayed the disability case until Anderson complies with those orders. In May 2016, the Wake County Superior Court entered a preliminary injunction prohibiting Anderson from practicing law until the discipline and disability cases are concluded.

Wendelyn R. Harris – 18 DHC 14 & 18 DHC 14D

It is alleged that Harris, of Virginia and formerly of Raleigh, submitted a purported order to the Department of Motor Vehicles on which she forged a judge's signature and blamed her nonlawyer assistant for these actions. Harris's assistant was convicted of forgery at a trial in which it is alleged that Harris testified falsely. Harris was automatically transferred to disability inactive status when she raised the issue of disability. After a hearing, Harris was continued on disability inactive status. The disciplinary action will be stayed until Harris is returned to active status.

Michael H. Griffin – 18 DHC 20

It is alleged that Griffin, formerly of Shelby and now of Florida, misappropriated entrusted funds. He is enjoined from handling entrusted funds. The discipline case is stayed because the panel ordered a disability proceeding pursuant to 27 N.C. Admin. Code 1B § .0122(c)(2). Griffin was transferred to disability inactive status by consent. The disciplinary action will be stayed until Griffin is returned to active status.

Frank Chut, Jr. – 21 DHC 6

It is alleged that Chut, an Assistant United States Attorney in Greensboro, misled a witness testifying before a grand jury by informing the witness that she was not the target or subject of the investigation when Chut knew that the witness had some level of involvement in the criminal activity, and later presented evidence against the witness to a grand jury resulting in a criminal indictment of the witness. The DHC case is stayed.

Penny K. Bell – 21 DHC 17

It is alleged that Bell, of Clinton, made false representations to the Grievance Committee and gave false testimony during remand of a *Batson* claim regarding what she described as the assistant district attorney’s history and practice in exercise of peremptory challenges. On July 10, 2023, the State Bar filed a second amended complaint adding a second claim for relief. The second claim for relief alleges that Bell provided false and misleading information to the court when she failed to inform the court in an *ex parte* motion for emergency custody that her client was subject to an active arrest warrant for felony interference with child custody regarding the same child at issue in the *ex parte* emergency custody motion. Hearing has not been scheduled.

Paris Peppers – 22 DHC 2

It is alleged that Peppers, of Henderson, while representing two of her cousins, made false promises to defraud them out of property inherited from their grandmother, did not comply with discovery requests and orders in a civil case her cousins brought against her, and made false representations to the Grievance Committee. Peppers was automatically transferred to disability inactive status upon filing a notice of disability in the DHC proceeding on 15 March 2023. The disciplinary proceeding is stayed pending a determination of whether Peppers is disabled. She is enjoined from handling entrusted funds. Hearing on disability will be scheduled after Peppers undergoes a scheduled medical evaluation.

Brian R. Harwell – 22 DHC 3

Harwell, of Mooresville, pled guilty in Iredell County Superior Court to felony possession of methamphetamine, misdemeanor harboring a fugitive, and misdemeanor resisting a public officer. It is alleged that Harwell also made one or more false statements to police officers regarding a client’s whereabouts when the officers came to Harwell’s home to serve a warrant for the client’s arrest. The Chair of the DHC entered an order of interim suspension of Harwell’s law license.

Allan R. Grimsley—22 DHC 6

It is alleged that Grimsley, of Nags Head, improperly deposited entrusted funds into his operating account, misappropriated client funds, did not conduct required trust account reconciliations and reviews, and did not timely file and pay federal individual income taxes for several years and employment taxes for one quarter. He is enjoined from handling entrusted funds. Hearing was continued and has not been rescheduled.

Richard T. Dail – 22 DHC 7

It is alleged that Dail, of Thomasville, misappropriated, did not properly maintain, and improperly disbursed entrusted funds; made a false statement to a client regarding entrusted funds; and did not promptly complete disbursements, deposit entrusted funds into his trust account, conduct required trust account reconciliations and reviews, and maintain required trust account records. He is enjoined from handling entrusted funds. Upon Dail’s assertion that he is disabled, he was immediately transferred to disability inactive status and the discipline action was stayed. After Dail underwent a medical evaluation, the DHC entered a consent order concluding that Dail is disabled and will remain in disability inactive status. The disciplinary action will be stayed until Dail is returned to active status.

Thomas C. Goolsby—22 DHC 14

It is alleged that Goolsby, of Wilmington, made false and misleading statements during an investigation by the Notary Enforcement Division of the Secretary of State's Office. Hearing is scheduled for March 12-13, 2024.

Jonathan Charleston – 22 DHC 16

It is alleged that Charleston, of Fayetteville, engaged in improper *ex parte* communications with a superior court judge and did not disclose material information to the court during those communications. The DHC case is stayed.

Martin Musinguzi – 22 DHC 21

It is alleged that Musinguzi, of New York, embezzled entrusted funds and did not respond to the Grievance Committee. He is enjoined from handling entrusted funds. Hearing has not been scheduled.

Mark T. Cummings – 22 DHC 25

It is alleged that Cummings, of Greensboro, misrepresented his residency in an election, instructed a courtroom clerk to issue a note containing false information, failed to issue required Forms 1099 and made related false statements, and misrepresented the existence of evidence to the presiding judge during a trial. Hearing is scheduled for November 14-17.

Harry C. Marsh – 23 DHC 4

It is alleged that Marsh, of Matthews, engaged in misconduct in many different real property matters, including the following: recorded a document that falsely appeared to create an encumbrance on title, knowing his client would use that document to extract payment from the owner to release the purported encumbrance; misappropriated entrusted funds provided by an investor for one purpose and used the funds for another purpose for the benefit of the buyer/borrower and without the investor's knowledge or consent; intentionally failed to record a deed of trust and then closed a subsequent sale of the same property without paying off the prior debt that should have been secured by the unrecorded deed of trust; prepared multiple HUD-1 Settlement Statements providing different information to different recipients to induce the Bankruptcy Court to approve a debtor's sale of property by misrepresenting the nature of the transaction; did not disburse funds for the closing as directed by the Bankruptcy Court; made misrepresentations to the Grievance Committee; did not timely respond to the Grievance Committee; disbursed funds from the trust account in excess of funds that were in the account for those clients; collected attorney fees and costs by improper means that failed to identify the client whose fees and costs were being collected; did not maintain individual client ledgers for each deposit of funds into the trust account; and engaged in a conflict of interest. He is enjoined from handling entrusted funds. Hearing has not been scheduled.

Neil Scarborough – 23 DHC 5

It is alleged that Scarborough, of Nags Head, neglected multiple clients; charged a clearly excessive fee; made statements to embarrass a third party; engaged in conduct prejudicial to the administration of justice; did not protect a client upon termination of the attorney-client relationship; engaged in the practice of law while his license was administratively suspended; violated multiple trust account record-keeping rules; and did not timely respond to the Grievance Committee. Hearing has not been scheduled.

Anita B. Hunt – 23 DHC 8

It is alleged that Hunt, of Durham, did not properly maintain and disburse entrusted funds and misappropriated entrusted funds. She is enjoined from handling entrusted funds. Hearing is scheduled for February 22-23.

Travis Simpson – 23 DHC 10

It is alleged that Simpson, of Winston Salem, neglected and did not communicate with his client, did not respond to the Grievance Committee, and abandoned confidential client materials at his former law office when he was evicted. Entry of default was entered but default judgment has not yet been entered. Hearing has not been scheduled.

Nicolle T. Phair – 23 DHC 11

It is alleged that Phair, of Sanford, engaged in a fraud upon the court during her representation of a criminal defendant, in which she had a stranger pretend to be her client when her client's case was called for trial. It is also alleged that Phair engaged in contempt of court, did not act with diligence, and prejudiced the administration of justice when she failed to return to an afternoon session of court as directly ordered by the court, resulting in unnecessary continuances for clients who remained in jail. Hearing will be scheduled for three days in June or July of 2024.

Earl H. Strickland – 23 DHC 12

It is alleged that Strickland, of Lumberton, did not conduct required trust account reviews and reconciliations, improperly disbursed entrusted funds, did not promptly disburse entrusted funds, did not complete disbursements intended by old outstanding checks, did not escheat abandoned funds, and did not send required annual accountings to clients. Hearing has not been scheduled.

Ronnie P. King – 23 DHC 13

It is alleged that King, of Roxboro, did not timely file and pay his firm's employee withholding taxes for several years. Hearing has not been scheduled.

Meredith Ezzell - 23 DHC 14

It is alleged that Ezzell, of Wilmington, neglected multiple clients, did not timely file and pay federal and state income taxes, did not timely pay employment taxes, and did not respond to the Grievance Committee. Ezzell is currently serving a suspension entered in 18DHC42. Hearing has not been scheduled.

Kevin L. Wingate – 23 DHC 15

Wingate, of Raleigh, was convicted by a jury of one count of first degree statutory sex offense, a class B1 felony, and four counts of indecent liberties with a child, a class F felony. The State Bar's petition for interim suspension is pending. The complaint has not been filed.

Derek Fletcher – 23 DHC 16

It is alleged that Fletcher, of Charlotte, neglected and failed to communicate with a client, charged a clearly excessive fee, did not refund an unearned fee, and did not respond to the Grievance Committee. Hearing has not been scheduled.

Pending Grievance Noncompliance Actions before the DHC

There are no pending grievance noncompliance actions.

Pending Disciplinary Review Panels

A disciplinary review panel will consider one petition for review on October 27.

Pending Petitions for Reinstatement/Stay - Uncontested

There are no pending uncontested petitions for reinstatement or stay.

Pending Petitions for Reinstatement/Stay - Contested

In re Theodore G. Hale – 20BCR1

Hale, of Wilmington, was disbarred by the DHC in 2004. The DHC found that he misappropriated money from his former law partner, charged and collected money from the parents of a criminal defendant he was appointed to represent without telling them that he was obligated to represent their son at state expense, and collected and converted to his own use the \$15,287.09 proceeds of an annuity contract. In February 2019, the DHC recommended denial of Hale's first petition for reinstatement and Hale did not seek Council review. Hearing on his second petition was continued and has not been rescheduled.

Jeffrey Smith – 15 DHC 27R2, 18 DHC 26R2

In June of 2018, the DHC suspended Smith, of Charlotte, for two years. The DHC concluded that Smith violated multiple trust accounting rules. The order of discipline provided that, after he served one year of the suspension, Smith could petition for a stay of the balance upon demonstrating compliance with enumerated conditions. He did not petition for a stay. His petition for reinstatement from suspension is pending. Hearing was continued and has not been rescheduled.

Pending Motions to Show Cause

There are no motions to show cause pending before the DHC.

Pending Surrenders to the Council

No lawyers are expected to surrender to the Council at the October meeting.

APPEALS IN DISCIPLINE & DISABILITY CASES

Completed Appeals

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

On December 9, 2022, Crump, of Lake Tillery, was disbarred by the Montgomery County Superior Court. The court concluded that, in multiple cases and on multiple occasions in the trial court and in the Court of Appeals, Crump filed frivolous pleadings, made false and misleading statements to courts, impugned the character and motives of multiple judges, made baseless recusal motions, filed her own false affidavit, demonstrated a lack of basic understanding of the concepts of "factual support" and "admissible evidence," and did not yield to the rulings of the court. Crump did not perfect her appeal. The Superior Court granted the State Bar's motion to dismiss the appeal.

Pending Appeals

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 that order. After the State Bar filed its brief, Irek withdrew the Rule 59 motion and appealed denial of the Rule 60 motion to the North Carolina Court of Appeals. The Court of Appeals affirmed. Irek's petition for discretionary review to the North Carolina Supreme Court 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. The Court of Appeals affirmed. Merritt's petition for discretionary review to the North Carolina Supreme Court is pending.

Michael DeMayo – 22 DHC 1

The DHC concluded that DeMayo, of Charlotte, engaged in dishonesty, fraud, deceit, or misrepresentation in his statements to a departing associate about the content of DeMayo's call with a client who chose to be represented by the departing associate. The DHC suspended his law license for one year and stayed the suspension for two years upon his compliance with enumerated conditions. DeMayo appealed. The State Bar filed its brief on July 3. Oral argument is scheduled for October 25 at North Carolina Central Law School.

Mark A. Key – 21 DHC 23

The DHC concluded that Key, of Lillington, chronically failed to comply with the law regarding personal and business taxes, engaged in felony mortgage fraud, disclosed client confidences, mismanaged his trust account, was disruptive during a Superior Court trial, made misrepresentations to an employee and knowingly underreported her wages to the IRS, and made misrepresentations to the Grievance Committee. The DHC suspended Key, who has a 20-year history of professional discipline, for five years with a possible stay after three years upon

compliance with enumerated conditions. Both Key and the State Bar appealed. Initial briefs are due November 20.

Gregory Bartko – 23 BCR 1

The DHC dismissed Bartko’s petition for reinstatement from disbarment for failure to comply with 27 N.C. Admin. Code 1B .0129(a). The hearing panel denied his Rule 59 and 60 motions. Bartko appealed. The parties are finalizing the record on appeal.

TRUST ACCOUNT COMPLIANCE PROGRAM

One hundred twenty-three lawyers have completed the TAC Program since its inception. Three lawyers accepted offers to participate in the TAC Program after the July 2023 quarterly meeting. Leonor currently supervises thirty-five participants. Leonor also monitors two DHC defendants whose stayed suspensions include trust account compliance conditions and oversees compliance with random audit corrections.

AUTHORIZED PRACTICE

The Authorized Practice Committee opened 9 new files this quarter. There are 8 files on the committee’s October agenda.

Pending, Recently Completed, and Contemplated Authorized Practice Litigation

N.C. State Bar v. Valerie Arroyo (Wake County Superior Court). At the April 2021 meeting, the Executive Committee authorized counsel to file a lawsuit seeking to enjoin Valerie Arroyo’s unauthorized practice of law. Arroyo, who is not licensed to practice law in North Carolina, has filed multiple tort claim actions and lawsuits on behalf of others. The court denied Arroyo’s motion to dismiss, granted the State Bar’s motion to dismiss Arroyo’s counterclaim, entered a preliminary injunction prohibiting Arroyo’s unauthorized practice of law, and denied Arroyo’s motion for summary judgment. On December 2, 2022, the court granted summary judgment for the State Bar and enter a permanent injunction. Arroyo appealed but did not perfect the appeal. The Office of Counsel represented the State Bar.

Prepaid Legal Services Plan Registration

During the third quarter, the State Bar received no initial registration statements for proposed prepaid legal services plans and received no amendments to existing plans. The State Bar mailed letters to all registered plans during the first week of October regarding their obligation to file registration renewal forms and pay annual registration renewal fees by December 1, 2023.

OTHER LITIGATION IN THE STATE AND FEDERAL COURTS

Pending Litigation

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 now former State Bar councilor. 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 Deputy Counsel 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 2019, Livingston filed this action, a nearly identical complaint, in Wake County Superior Court. Livingston never served any defendant. In June 2019, he obtained alias and pluries summonses but never served them. The State Bar first learned of the Wake County lawsuit in September 2019, 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.

Eddie Meeks v. Robert Weston and Robert Powell (U.S. District Court WDNC). Meeks, respondent in a pending grievance, filed this lawsuit on February 6, 2023, against Deputy Counsel Weston and State Bar Investigator Powell. Meeks alleges that Weston and Powell violated 42 U.S.C. § 1983 and committed abuse of process in their investigation of allegations of Meeks' professional misconduct by serving upon him and upon his wife subpoenas issued by the Chair of the Grievance Committee and by investigating additional allegations that came to light during the investigation. The magistrate judge recommended that the court grant the defendants' motion to dismiss. Meeks did not object to that recommendation. We await the court's order. The Attorney General represents Weston and Powell.

Teresa Waters v. "State of North Carolina Bar Association" (NC Industrial Commission). Waters filed this purported tort claim, alleging that the "State of North Carolina Bar Association" failed to investigate grievances she filed. She also filed grievances at the Judicial Standards Commission alleging that the Commission failed to investigate grievances she filed. Her allegations are largely incomprehensible. Waters sought unquantified recovery for alleged financial harm and emotional distress, costs and attorney fees. The deputy commissioner dismissed the claims with prejudice on June 13. Waters appealed. A Full Commission hearing

was scheduled for October 16 but the Commission announced that it will decide the case on the written record. The Attorney General represents the State Bar.

Shahsultan Jaffer v. Archie Smith et al (NC Industrial Commission). Jaffer filed this purported tort claim against the State Bar and other government agencies and officials. It contains no allegations of acts or omissions by the State Bar or by any of its employees or agents. She seeks \$2,000,000.00. The Attorney General represents the State Bar.

Valerie Arroyo v. North Carolina State Bar (Cabarrus County Superior Court). On September 28, Arroyo again sued the State Bar, this time alleging that the State Bar denied her due process by obtaining an injunction preventing her engaging in the unauthorized practice of law and by failing to discipline lawyers against whom she filed grievances. She seeks unspecified damages. The Attorney General represents the State Bar.

Completed Litigation

North Carolina State Bar v. Michelle Meeks (Wake County Superior Court). Pursuant to N.C. Gen. Stat. § 84-28(i), the State Bar petitioned the Wake County Superior Court for an injunction enforcing a subpoena issued to Meeks by the Grievance Committee. The court ordered Meeks to participate in the subpoenaed interview without frivolous objections. That interview was completed and this action is, therefore, concluded. The Office of Counsel represented the State Bar.

Anthony McNeill v. State of North Carolina et al (U.S. District Court EDNC). McNeill filed this lawsuit against the State of North Carolina, the State Bar, multiple private lawyers, loan servicers, and the substitute trustee on a deed of trust. The allegations are largely incomprehensible. McNeill asserted that there were irregularities in the making of a mortgage loan and that, therefore, foreclosure is or was wrongful. He alleged that “[t]he state is guilty of real estate deed fraud which is verified by the day-to-day process of registering homeowners' property deeds in their office.” He claimed violation of the Fair Debt Collection Practices Act, wrongful foreclosure, breach of contract, negligence, forgery, infliction of emotional distress, and unspecified common law theories. He did not allege any acts or omissions by the State Bar or by any of its employees or agents. He sought compensatory and punitive damages in excess of five million dollars. On June 12, 2023, the court dismissed the complaint and closed the file. McNeill did not timely appeal. The Attorney General represented the State Bar.

Client Security Fund Claims/Subrogation Cases

The Client Security Fund Board held its quarterly meeting on July 20. The Board paid eleven claims and denied five claims. The Board will consider 57 claims at its October 26 meeting. There are currently no lawsuits pending in superior court seeking reimbursement for payments made by the CSF.

Disbursement Cases

This quarter, the OOC escheated funds totaling \$16,193.16 from the accounts of suspended or disbarred lawyers.

Trusteeships

Trustees were appointed to wind down the practices of deceased lawyers **Gerald S. Schafer** of Greensboro, **David Herman Harris, Jr.** of Durham, **Fred Henry Moody, Jr.** of Bryson City, **James Barnes Weeks** of Greensboro, and **Frederick Kingsley Sharpless** of Greensboro. Trustees were also appointed for **Douglas R. Hux** of Eden and **Stephanie Lynne Villaver** of Jacksonville, who are both on disability inactive status.

APPEALS IN OTHER LITIGATION IN THE STATE AND FEDERAL COURTS

Completed Appeals

No appeals were completed this quarter in other litigation in the state and federal courts.

Pending Appeals

There are no pending appeals in other litigation in the state and federal courts.

PERSONNEL

Katherine Jean, State Bar Counsel, will transition to “of counsel” in the Office of Counsel on November 1. Carmen Bannon will serve as interim State Bar Counsel.

MISCELLANEOUS

Kelley staffs the subcommittee on grievance deferral programs and serves as Carmen’s pinch-hitter for judicial inquires. She has been teaching ethics CLEs and looks forward to more teaching opportunities in the future. When not fielding calls from judges or working on her caseload, you can find her playing French Horn for a local town band.

Tessa staffs the Authorized Practice Committee.

Jennifer volunteers as a judge with the Capital Area Teen Court program in Raleigh and Holly Springs, which serves the dual purposes of providing the opportunity for teens charged with minor offenses to have the charges dismissed upon successful completion of the program and of providing teens interested in the law with the opportunity to serve as youth attorneys in Teen Court hearings. Jennifer, assisted greatly by her extraordinary paralegal Brittany, tracks trust account-related cases and updates the disposition charts annually. Jennifer staffs the State Bar’s LAMP Committee. Jennifer also serves on the History Committee of the Wake County Bar Association.

Carmen is an Associate Adjunct Professor of professional responsibility at UNC Law. This quarter she presented at the Superior Court Judges Conference and the District Attorneys’ Conference. She continues to serve as the OOC’s liaison to the judiciary, speaking regularly with judges and Judicial Standards Commission staff. Carmen has been overseeing a new grievance intake process designed to improve efficiency and workflow within the OOC. As a past president of the Wake County Bar Association, she remains active in the organization.

Alex regularly teaches CLEs on ethics and technology. As the most technologically-adept lawyer in the OOC, he worked tirelessly to help his colleagues navigate the technological challenges presented by the ransomware attack and by COVID and continues to help everyone in OOC with computer issues. Alex serves on the committee coordinating our new regulatory software implementation and helps oversee administration of our legal research and investigative software. Alex also routinely staffs and assists subcommittees of the Issues Committee.

Leonor is the Trust Account Compliance Counsel. She serves on the Board of Directors for the 10th JD/Wake County Bar Association and as vice chair of its Swearing-In Committee. Leonor staffs the PMBR Committee. She is also a member of the NCBA Task Force on Integration, Equity, and Equal Justice. She often presents at CLE programs on the topic of trust account management.

Savannah oversees the registration of prepaid legal services plans and staffs the subcommittee studying legal deserts. This quarter, she presented at the Superior Court Judges Conference. Savannah and her husband are expecting a baby boy in February 2024.

Barry handles the appointment and supervision of trustees to wind down law practices of deceased, disbarred, suspended and missing lawyers. He also staffs the Client Security Fund. Barry and investigator Doug Miller have been working with Investor's Title to host wire fraud summits. The summits are designed to prevent wire fraud affecting trust accounts and to educate lawyers and their staffs about scam prevention. Barry and Doug are also working with Investor's Title and the North Carolina Association of Realtors to offer wire fraud prevention CLEs for lawyers, paralegals and brokers. The last of the scheduled programs was held in August in Asheville. Barry, Doug, and Ethics Counsel Brian Oten also presented on wire fraud prevention at the 2023 Real Property Fundamentals Program sponsored by the NCBA on October 6, 2023. Barry continues to mentor a third-year law student in the Campbell Law Connections Mentorship Program.

Cameron helps Barry with the appointment and supervision of trustees to wind down law practices of deceased, disbarred, suspended and missing lawyers and staffs the Access to Justice Committee's Subcommittee on Legal Deserts. He also serves as a member of the Wake County Bar Association's History Committee.

Liza oversees the State Bar's rule amendment process, including formatting and updating the administrative rules, coordinating publication of rule amendments to the Council and the profession, and facilitating submission of rule amendments to the Supreme Court and the Office of Administrative Hearings. Liza also handles advertising grievances and public records requests for the OOC. Liza recently changed her last name to "Starnes."

Rob handles disbursements from the trust accounts of disbarred and suspended lawyers. He recruits and supervises our summer interns. He also shares responsibility for the State Bar's outside litigation and appeals with Kathryn Shields.

Kathryn shares responsibility with Rob for the State Bar's outside litigation and appeals.

Katherine serves on the Professionalism and Women in the Profession committees of the NCBA.