

**REPORT OF THE OFFICE OF COUNSEL
TO THE N.C. STATE BAR COUNCIL
JANUARY 23, 2026**

ATTORNEY CLIENT ASSISTANCE PROGRAM

During the fourth quarter of 2025, ACAP staff responded to 1,403 phone calls from members of the public and placed 43 calls to lawyers. Staff also responded to 1,006 emails from members of the public and attorneys and responded to 455 letters from inmates and the public. In addition, 8 documents submitted in Spanish were translated. ACAP Intake logged 2,756 entries this quarter.

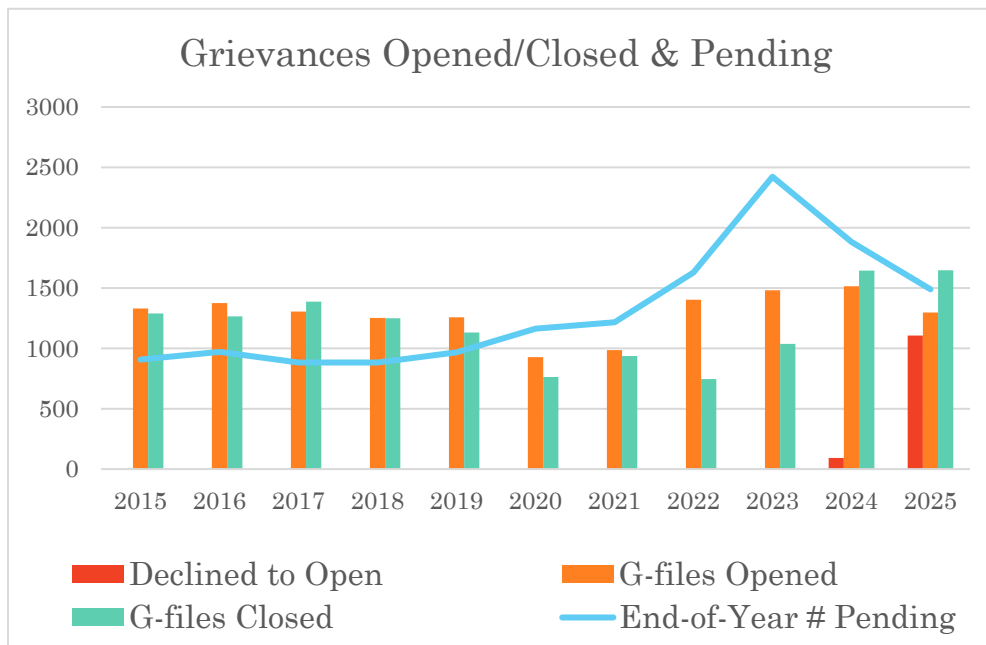
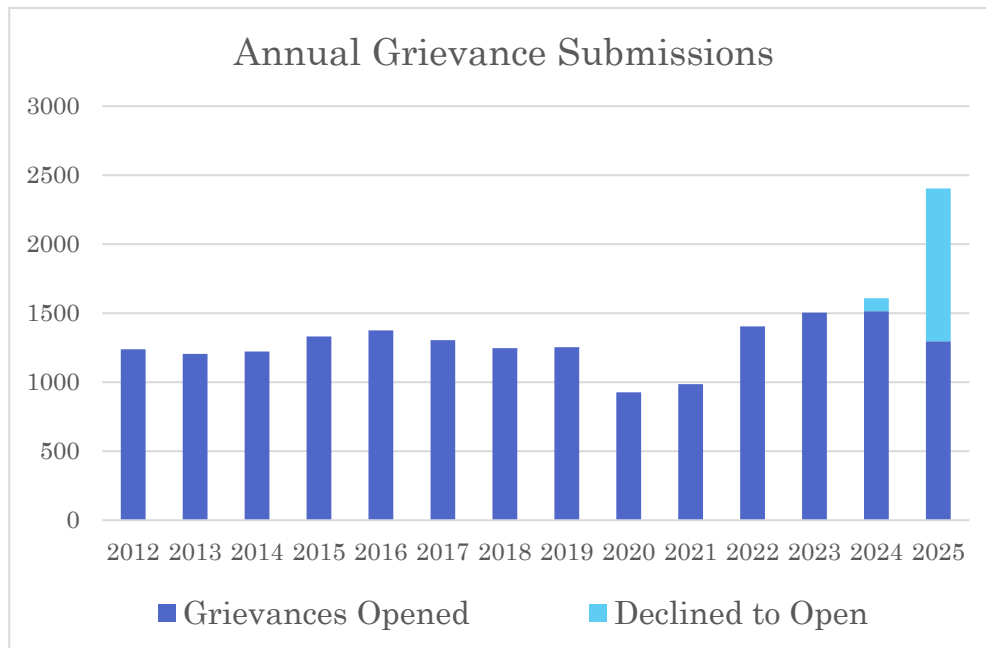
The State Bar opened 177 fee dispute resolution files during the fourth quarter.

GRIEVANCE

Increasing Grievance Submissions & Intake Screening

The trend of increased complaints against lawyers continues. In 2025,¹ the State Bar received 2,199 incoming complaints and opened another 141 grievance investigations on its own initiative. Beginning 1 August 2024, all grievance submissions have been screened by an attorney in the Grievance Intake Unit to determine whether they meet the statutory criteria (e.g., standing, allegation of cognizable Rule violation) before a grievance file is opened. In 2025, the Intake Unit reviewed a total of 2,404 files involving allegations of misconduct by lawyers (1,297 grievances opened; 1,107 declined to open). Intake Unit screening enabled the OOC to not only absorb the record-breaking number of complaints received by the State Bar in 2025, but also continue our backlog-reduction efforts, as illustrated in the following charts:

¹ The 2025 numbers represent the period from 16 January 2025 through 15 January 2026. Quarterly OOC stats are compiled on the 15th of January, April, July, and October. Starting this year, annual statistics for the Office of Counsel will aggregate data from the four preceding quarterly reports rather than representing activity during the January 1-December 31 calendar year.



Current Grievance Statistics

As of 15 January 2026, 1,490 grievances were pending. Five of those pending files were in judicial district grievance committees or had been returned by district committees within the past 30 days. The OOC has made its recommendation in 228 of the pending files and those files are ready for the Grievance Committee’s decision. Of the remaining 1,262 files in which no recommendation has yet been made, 852 were more than six months old; of those, 411 were more than 18 months old. The OOC has been placing special emphasis on disposing of grievances that have been pending for more than 18 months. One hundred thirty grievances are currently stayed.

In the fourth quarter of 2025, 268 files were dismissed by the Grievance Chair or by the Grievance Chair and a Vice Chair.

There were no inquiries about lawyer advertising in the fourth quarter of 2025.

Office of Counsel/Committee Leadership Achievements

Despite the record-high volume of complaints against lawyers, the number of pending grievances has been reduced by one-third in the past two years (2,242 vs. 1,490 currently).

The number of pending grievances that are more than 18 months old has been reduced by 32% in the last year (605 vs. 411 currently).

The significant decrease in aging and pending files is attributable to extraordinary efforts by OOC staff and the Grievance Chair and Vice-Chairs. This progress is particularly notable because it has been accomplished notwithstanding an escalating workload due to process changes and the ever-increasing volume of complaints received.

Grievance Review Panels

There was one Grievance Review Panel held in the last quarter.

One Grievance Review Panel was requested from the October 2025 Grievance Committee dispositions. That GRP will be held on 23 January 2026.

**DISCIPLINE AND DISABILITY
CASES**

MATTERS COMPLETED DURING THE FOURTH QUARTER OF 2025

Completed Disciplinary Cases Before the DHC

The OOC completed four disciplinary cases before the DHC this quarter.

Allan R. Grimsley—22 DHC 6

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. After a hearing on 4-5 November 2025, the DHC announced its decision to disbar Grimsley. The Order of Discipline was filed 11 December 2025, but the parties consented to stay the order pending disposition of a post-trial motion filed by Grimsley.

Anita B. Hunt – 23 DHC 8

Hunt, of Durham, did not properly maintain and disburse entrusted funds and handled entrusted funds in violation of an injunction. On 19 December 2025, the DHC entered a Consent Order of Discipline imposing a 5-year suspension, stayed for 5 years upon compliance with conditions.

Jason Davis – 25 DHC 12

Davis, of Cary, pled guilty in July 2024 in Wake County Superior Court, pursuant to *North Carolina v. Alford*, to three counts of felony larceny of a firearm and one count of second-degree arson. On 7 November 2025, the DHC entered a Consent Order of Discipline imposing a 5-year suspension, stayed for 5 years upon compliance with conditions.

R. Steve Monks – 25 DHC 14

Monks, of Raleigh, failed to act with reasonable diligence, failed to communicate with a client, engaged in conduct involving misrepresentation, continued to represent a client after a conflict of interest arose, and failed to make reasonable efforts to ensure that his paralegal's conduct was compatible with his professional obligations. On 5 January 2026, the DHC entered a Consent Order of Discipline imposing a Censure with conditions.

Completed Petitions for Reinstatement/Stay Before the DHC - Uncontested

No uncontested petitions for reinstatement/stay were completed this quarter.

Completed Petitions for Reinstatement/Stay Before the DHC - Contested

Carson Freeman Taylor – 25 BCR 4

Taylor, of Newton, petitioned for reinstatement from her 2018 disbarment for mishandling and embezzling entrusted funds but subsequently withdrew her petition.

Warren Ballentine – 25 BCR 5

Ballentine, of Tucson, Arizona, petitioned for reinstatement from his 2016 disbarment based on mail, wire and bank fraud convictions but subsequently withdrew his petition.

Penny Bell – 21 DHC 17R

Bell, of Dunn, petitioned for the stay of the remainder of a three-year suspension imposed in 2024 for making multiple false statements under oath while testifying during a *Batson* remand hearing, engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, and making multiple false statements to the Bar in conjunction with a grievance matter. The DHC granted the State Bar’s motion for summary judgment (denying the petition) on 30 December 2025.

Interim Suspensions

No orders of interim suspension were entered this quarter.

Completed Motions to Show Cause

No motions to show cause were heard by the DHC this quarter.

Completed Grievance Noncompliance Actions before the DHC

Mary L. Rogers - 25DHC13N

Rogers, of Charlotte, failed to comply with grievance investigations. On 5 November 2025, the DHC entered an Order suspending her law license for noncompliance.

Jonathan Connor - 25DHC16N

Connor, of Lumberton, failed to comply with grievance investigations. On 5 November 2025, the DHC entered an Order suspending his law license for noncompliance.

Completed Discipline and Disability Proceedings in the Courts

No judicial discipline or disability proceedings involving the Office of Counsel were completed this quarter.

Preliminary Injunctions

No preliminary injunctions were obtained this quarter.

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 by the Chair of the Grievance Committee this quarter.

Completed Surrenders to the Council

No lawyers surrendered their law licenses to the Council during the fourth quarter of 2025.

PENDING DISCIPLINE AND DISABILITY PROCEEDINGS

Pending in the Courts

In re Dant – 24SP001304 (Alamance County Superior Court) – Dant, of Colfax, is alleged to have exhibited professional incompetence, filed frivolous pleadings, violated rules and orders of the tribunal, and engaged in conduct prejudicial to the administration of justice across multiple cases. The court appointed the OOC to investigate and prosecute the case. The court also appointed counsel for Dant due to disability allegations. The court has instructed the parties to confer about possible dates for a status conference to occur before 1 February 2026. Dant is presently enjoined from the practice of law.

In re Mark Key – (4th Circuit Court of Appeals) – Key, of Lillington, was suspended by the DHC. He objected to the imposition of reciprocal discipline in the Fourth Circuit and the Court asked the Counsel to prosecute the reciprocal discipline proceeding. The case is fully briefed and oral argument scheduled for 28 January 2026.

Pending in the DHC

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. Based on the criminal convictions, the DHC placed Harwell on interim suspension. The disciplinary complaint has not yet been filed.

Harry C. Marsh – 23 DHC 4

It is alleged that Marsh, of Matthews, engaged in misconduct in many real estate matters, including: Recording 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; misappropriating entrusted funds provided by an investor for the benefit of the buyer/borrower and without the investor's knowledge or consent; intentionally failing to record a deed of trust and then closing a subsequent sale of the same property without paying off the debt that should have been secured by the unrecorded deed of trust; preparing 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; not complying with the Bankruptcy Court's directive regarding disbursement of closing funds; making misrepresentations to the Grievance Committee; not timely responding to the Grievance Committee; several trust accounting violations; and engaging in a conflict of interest. He is enjoined from handling entrusted funds. Hearing has been continued and has not yet been rescheduled.

Hayes Hofler – 24 DHC 5

It is alleged that Hofler, of Hillsborough, filed frivolous motions, made inflammatory unfounded accusations, and prolonged proceedings by repeatedly filing interlocutory appeals and seeking to recuse judges. It is also alleged that he is disabled. The State Bar filed a motion for sanctions based on Hofler failure respond to discovery requests. Hofler's time to submit to a neuropsychological evaluation ordered by the DHC expired in September 2025 and the State Bar sought additional sanctions for his failure to submit. Those sanctions motions and other pretrial motions remain pending. Hearing has not been scheduled.

Brian Walker – 24 DHC 7

It is alleged that Walker, of Wilmington, neglected and failed to communicate with a client, resulting in entry of default judgment against his client. It is also alleged that Walker failed to appear in court on the day of another client's felony trial, resulting in Walker's conviction for criminal contempt of court. Hearing has not been scheduled.

Patrick Megaro – 24 DHC 13

It is alleged that Megaro, who is currently suspended, filed a frivolous complaint to collect legal fees from two mentally disabled former clients and their guardians. The DHC proceedings were stayed while his co-defendant pursued an appeal, but the stay was lifted and a revised scheduling order was entered in November 2025. Hearing has not been scheduled.

Lee Bettis Jr. – 24 DHC 21

It is alleged that Bettis, of New Bern, made several false statements to the State Bar during a grievance investigation. The case is stayed to allow for investigation of other potential misconduct.

J. Michael Edney – 25 DHC 7

It is alleged that Edney, of Hendersonville, failed to respond to the State Bar on multiple occasions and mismanaged entrusted funds resulting in a deficit in his trust account, the investigation of which was impeded by his failure to respond to the State Bar. It is further alleged that Edney failed to communicate with a client, failed to provide the client with an accounting of entrusted funds, prepared and recorded an invalid deed for a client, and improperly engaged in a business transaction with a client. Hearing has not been scheduled.

Timothy Lyons – 25 DHC 8

Lyons, of Cary, pleaded guilty to one count of secret peeping using an electronic advice. It is alleged that the conduct underlying his conviction is a criminal offense reflecting adversely on his trustworthiness or fitness as a lawyer. Hearing has not been scheduled.

Erin Phillips – 25 DHC 10

It is alleged that Phillips, of Cashiers, misappropriated entrusted funds, failed to respond to grievance investigations, failed to comply with a court order of preliminary injunction, and neglected client matters. On September 29, the DHC entered a Default Order. After a Phase II hearing on 13 January 2026, the DHC announced its decision to disbar Phillips. The order has not yet been filed.

David Ahmadi – 25 DHC 15

Ahmadi, of Raleigh, pled guilty to misdemeanor breaking and entering, stalking, and two counts of DVPO violation. It is also alleged that Ahmadi failed to adequately communicate with a client, disclosed confidential information, and engaged in conduct prejudicial to the administration of justice. The parties are negotiating a potential consent order. Hearing has not been scheduled.

Colin P. McWhirter – 25 DHC 17

It is alleged that McWhirter, of Shelby, mismanaged his trust account, neglected a client matter, failed to withdraw from client matters and engaged in UPL when his license was administratively suspended, engaged in a prohibited *ex parte* communication, and failed to respond to the State Bar. The parties have submitted a proposed consent order to the DHC.

Pending Petitions for Reinstatement/Stay - Uncontested

No uncontested petitions for reinstatement or stay of suspension are currently pending.

Pending Petitions for Reinstatement/Stay – Contested

Charles Blackmon – 25 BCR 1

Blackmon, of Greensboro, petitioned for reinstatement following his 2019 disbarment for misappropriating entrusted funds to which his employer was entitled. After a hearing in May 2025, the DHC entered an order recommending that the petition be

denied. Blackmon filed a notice of appeal and the matter will be heard by the State Bar Council at its January meeting.

Tony Botros – 25 RD 1

Botros, of Cary, petitioned for reinstatement from disability inactive status. The parties are negotiating a potential consent order. Hearing has not been scheduled.

Pending Motions to Show Cause

No motions to show cause are currently pending.

Pending Grievance Noncompliance Actions before the DHC

No grievance noncompliance actions are currently pending.

**APPEALS IN DISCIPLINE & DISABILITY
CASES**

Completed Appeals

No appeals from disciplinary cases were completed in the last quarter.

Pending Appeals

Mark T. Cummings – 22 DHC 25

In April 2024, Cummings, of Greensboro, was suspended for five years by the DHC for failure to comply with employee tax withholding laws, several acts of dishonesty, deceit, fraud, or misrepresentation reflecting adversely on his fitness as a lawyer, and conduct prejudicial to the administration of justice. He filed Rule 59 and Rule 60 motions and a notice of appeal. The Court of Appeals ordered limited remand to allow the DHC to hear the post-trial motions. The DHC entered orders denying both post-trial motions and certified those orders to the Court of Appeals. Cummings filed notice of appeal from both orders and a petition for writ of supersedeas and a motion for temporary stay with the Court of Appeals. In September 2024, the Court of Appeals issued a writ of supersedeas staying the Order of Discipline. Cummings has filed his appellant brief and the State Bar's responsive brief is due 22 January 2026.

Richard E. Batts – 24 DHC 1

Batts, of Rocky Mount, failed to conduct required trust account reconciliations and reviews, failed to maintain accurate client ledgers, failed to deposit entrusted funds into his trust account, failed to promptly transfer entrusted funds received via PayPal to the trust account, failed to make transfers from PayPal to the trust account in a manner that identified the clients whose funds were being deposited and in what amounts, and improperly disbursed funds from the trust account. The DHC imposed a one-year stayed suspension. Batts filed post-trial motions which were denied by the

DHC. Batts then filed notice of appeal, which automatically stayed the Order of Discipline because his suspension was for a period of less than 18 months. Batts has filed his appellant brief and the State Bar's responsive brief is due 28 January 2026.

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 various conditions. The parties cross-appealed the DHC's decision. The Court of Appeals issued an opinion affirming essentially all facts and conclusions in the Order of Discipline but holding that the DHC erred by failing to consider Key's commission of multiple felonies and Key's "bad faith obstruction of the disciplinary proceedings," which are among the factors that must be considered in determining the appropriate discipline. The Court of Appeals vacated the portion of the Order of Discipline suspending Key's license and remanded for further proceedings consistent with its opinion.

Following a November 2024 remand hearing, the DHC imposed the same five-year suspension with a possible stay after three years upon compliance with various conditions. The State Bar again appealed the DHC's decision. The sole issue on appeal is whether the DHC abused its discretion by imposing a sanction against Key's license to practice law that is not reasonably related to the protection of the public and is inadequate to protect the public, the profession, and the administration of justice. The case is fully briefed and has been assigned to a panel for decision without oral argument.

R. Jonathan Charleston – 22DHC16

Charleston, of Fayetteville, engaged in improper *ex parte* communications with a Superior Court judge, failed to notify opposing counsel of his *ex parte* communications, and did not disclose material information to the court during those communications. Charleston filed notice of appeal from the DHC's order censuring him for that misconduct. Charleston's appellant brief is due 21 January 2026.

David Payne – 25 BCR 2

Payne, of Zirconia, petitioned for reinstatement from his 2019 disbarment for making false statements to a bank to obtain a loan, resulting in a federal felony conviction. After an April 2025 hearing, the DHC entered an order recommending that the petition be denied. Before the DHC's written order was entered, Payne sought to voluntarily dismiss his petition. On the State Bar's motion, the DHC vacated the purported dismissal and entered its order recommending that reinstatement be denied. Payne filed notice of appeal to the North Carolina Court of Appeals from the DHC's orders vacating the dismissal and denying reinstatement. Payne filed his appellant brief and the State Bar's responsive brief is due 31 January 2026.

TRUST ACCOUNT COMPLIANCE DEPARTMENT

One hundred seventy-six lawyers have completed the TAC Program since its inception. Six lawyers accepted offers to participate in the TAC Program after the October 2025 quarterly meeting. Currently, there are 62 participants in the program.

AUTHORIZED PRACTICE

The Authorized Practice Committee opened 24 new files this quarter. There are 10 files on the Committee's January agenda.

Completed Authorized Practice Litigation

N.C. State Bar v. Eric Olsen (Wake County Superior Court). The Executive Committee authorized counsel to pursue injunctive relief against Eric Olsen, an Oregon lawyer who has held himself out as representing North Carolina residents in debt collection matters. On 15 September 2025, the State Bar filed a Complaint for Permanent Injunction and Motion for Preliminary Injunction in Wake County Superior Court alleging that Olsen engaged in activities constituting the unauthorized practice of law. Olsen agreed to a consent order of permanent injunction, which was entered on 4 November 2025.

Pending Authorized Practice Litigation

N.C. State Bar v. Tigress McDaniel (Wake County Superior Court/ N.C. Court of Appeals/ U.S. District Court, EDNC/ 4th Circuit Court of Appeals). The Executive Committee authorized counsel to pursue injunctive relief against Tigress McDaniel, the recipient of a juris doctorate from a non-accredited law school who has not been licensed to practice. McDaniel maintains a website and Facebook page operating under the name "The Ethical Gatekeeper" on which she offers legal document preparation and legal advice. In May 2024, the State Bar filed a Complaint for Permanent Injunction and Motion for Preliminary Injunction in Wake County Superior Court alleging that McDaniel engaged in activities constituting the unauthorized practice of law. Shortly thereafter, McDaniel filed a notice of removal to the U.S. District Court for the Eastern District of North Carolina. [Long story short, the case was remanded to state court in late August 2024 and McDaniel's frivolous appeal from the remand order was finally dismissed by the 4th Circuit in March 2025.]

The State Bar's Motion for Temporary Injunction was granted in November 2024. McDaniel, who did not participate in the hearing on the temporary injunction, filed

notice of appeal from that decision. Over the ensuing two months, McDaniel repeatedly and unsuccessfully sought writs of supersedeas and temporary stays from both the Court of Appeals and the Supreme Court. The appeal was not docketed due to McDaniel's failure to serve a proposed record. Meanwhile, in Wake County Superior Court, McDaniel failed to meaningfully respond to State Bar discovery requests served in preparation for the hearing on permanent injunction. After an order compelling discovery was entered, McDaniel produced the same deficient responses a second time. In July 2025, the court entered an order granting the State Bar's motion to dismiss McDaniel's counterclaims and entered a default judgment for permanent injunction as a sanction for McDaniel's refusal to comply with the order compelling discovery. To address McDaniel's repeated violations of the permanent injunction, the State Bar filed a Motion for Contempt, which was set for hearing on 10 November 2025. When the court advised McDaniel of her right to counsel, she expressed her desire to privately retain an attorney. The hearing was rescheduled to 26 January 2026 to allow her time to do so.

Prepaid Legal Services Plan Registration

The State Bar did not receive any initial registration statements or proposed amendments to existing prepaid legal services plans during the fourth quarter of 2025.

OTHER LITIGATION IN THE STATE AND FEDERAL COURTS

Pending Litigation

Richard Polidi² v. Moore Van Allen PLLC, et al (Wake County Superior Court). In 2020, disbarred lawyer Richard Polidi filed a complaint alleging that various named defendants, including State Bar Counsel Carmen Bannon, two law firms, and “John Does 1-20” engaged in “misappropriation of trade secrets” by allegedly disclosing or receiving information related to grievance files against Polidi. Approximately every ninety days for the ensuing five years, Polidi had alias and pluries summonses issued but did not serve any of the defendants. In July 2025, Polidi finally transmitted the summons and complaint to various defendants, including Bannon. After hearing on 14 January 2026, the court granted the defendants’ motions to dismiss. The Office of Counsel represents Bannon and is preparing the dismissal order.

Jennifer Gauze v. N.C. State Bar (Alamance County Superior Court). On 23 June 2025, Gauze filed a “Petition for Writ of Mandamus” asking the Alamance County court to compel the State Bar to take action on a grievance she filed. The petition cites no applicable authority for the relief sought. The petition was sent to the Office of Counsel, but no complaint or summons was filed or served. To the extent a responsive filing is necessary, the Office of Counsel will represent the State Bar.

Hankins v. Wells Fargo et al (U.S. District Court, EDNC). On 13 December 2024, a former grievance complainant filed a complaint containing wide-ranging, vague, and unintelligible allegations of purported malfeasance by the State of North Carolina, several municipalities, State, county, and local officials, approximately a dozen lawyers, four banks, an insurance company, and Whole Foods Market, among

² Polidi has filed many lawsuits against State Bar actors related to his 2014 disbarment:

In *Polidi v. Willoughby et al* (17 CVS 8932), former President Colon Willoughby, former Counsel Katherine Jean, and the State Bar were named as defendants but never served. E-Courts reflects that the case was involuntarily dismissed by the Wake County Superior Court in 2019, although Polidi has continued to issue A&P summonses to all twenty-seven named defendants, most recently on 29 December 2025.

In *Polidi v. Bannon et al*, (17 CVS 15314), Counsel Carmen Bannon and Investigator Wayne Truax were named as defendants but never served. E-Courts reflects that the case was discontinued in 2022.

In *Polidi v. Boente et al*, (EDNC/4th Circuit) filed in 2022 and finally dismissed in 2025, former Deputy Counsel Margaret Cloutier and immediate past President Todd Brown were named as defendants.

Polidi v. Walthall et al (23 CVS 30956), which named former Deputy Counsel Josh Walthall, former Counsel Katherine Jean, former Deputy Counsel Margaret Cloutier, immediate past President Todd Brown, and the State Bar as defendants, was filed in 2023 and is still pending in Wake County Superior Court. None of the defendants have been served, but Polidi obtained a new round of A&P summonses on 3 November 2025.

others. State Bar Senior Deputy Counsel Jennifer Porter was not listed as a defendant in the case caption but was served with a summons and copy of the complaint, which cited more than a dozen federal statutes but only occasionally specified which claims he was asserting against which defendants. Porter was only mentioned in a single sentence fragment in the complaint. On 9 January 2025, the Office of Counsel filed a motion to dismiss for failure to state a claim on behalf of Porter. On 5 August 2025, the U.S. Magistrate Judge entered a Memorandum and Recommendations recommending that Porter’s motion to dismiss, along with approximately 17 similar motions filed by other defendants, be granted. On 5 January 2026, Chief Judge Richard Myers adopted in full the rationale and conclusions of the M&R, granted the defendants’ motions to dismiss, and closed the case. (This matter is not yet in the “completed litigation” section of this report because—if past is prologue—the plaintiff will appeal.)

In January 2024, **Morag Black Polaski, Shawana Almendarez, and the North Carolina Justice for All Project** filed a lawsuit in the United States District Court for the Eastern District of North Carolina. Plaintiffs alleged that they would like to provide legal services to North Carolinians both without charge and for compensation but are prohibited from doing so by North Carolina’s statutes and regulations prohibiting the unauthorized practice of law. They sought a declaratory judgment that enforcement of North Carolina’s statutes and regulations prohibiting UPL violates the First Amendment as applied to them; a permanent injunction enjoining future enforcement of those statutes and regulations; attorney fees; and costs. Although the complaint was originally against then-Attorney General Josh Stein, a March 2024 amended complaint removed Stein as the defendant and replaced him with five elected district attorneys and State Bar President A. Todd Brown in his official capacity. The amended complaint sought the same relief from the new defendants. The State Bar retained outside counsel to represent President Brown and their motion to dismiss for failure to state a claim was granted by Judge Boyle in December 2024. Plaintiffs filed Notice of Appeal to the 4th Circuit, which entered an order holding the appeal in abeyance until the Supreme Court rules on the petition for certiorari filed by the plaintiff in *360 Virtual Drone Servs. LLC v. Ritter*, 102 F.4th 263 (4th Cir. 2024). It is anticipated that the Court will not rule on the 360 Virtual Drone petition before it decides *Chiles v. Salazar*, No. 24-539, 2025 WL 746313 (U.S. Mar. 10, 2025), expected in the summer of 2026. Thus, the Polaski appeal will likely not return to active status before the summer of 2026.

Completed Litigation

No litigation involving the State Bar or its constituents was completed during the fourth quarter of 2025.

OTHER MATTERS

Disbursement Cases

The Office of Counsel did not file any motions for disbursement on behalf of the Disbursements Committee this quarter.

Trusteeships

During the fourth quarter of 2025, the OOC filed four petitions seeking appointment of trustees to wind down the practices of **Richard Allan Horgan** of Castle Hayne, **Steve C. Horowitz** of Charlotte, **Robert Chase Raiford** of Burlington, and **Brinton Douglas Wright** of Greensboro.

Client Security Fund Claims/Subrogation Cases

The Client Security Fund Board held its quarterly meeting on 29 October 2025. The Board granted and paid 14 claims and denied 14 claims. The Board will consider 20 claims at its January meeting. There are currently no lawsuits pending in Superior Court seeking reimbursement for payments made by the CSF.

PERSONNEL

The Trust Account Compliance Department is currently seeking a new Trust Account Compliance Specialist. This position is responsible for monitoring and educating participants in the Trust Account Compliance Program.

OOO LAWYERS' OTHER ACTIVITIES

Alec oversees all wire fraud grievances received by the OOC. Alec taught two CLEs on ethics and the grievance process during the last quarter.

Alex supervises the OOC's grievance operations and oversees the Grievance Intake Unit's screening of incoming grievance complaints. As Grievance Supervisor, he assigns files and monitors Deputy Counsels' grievance caseloads and backlogs. Alex spearheaded many of the process improvement initiatives related to grievance intake and continues to standardize and improve grievance processing within the office. Alex regularly helps his colleagues navigate technological challenges, is the point of contact with the software developers for the OOC's database, and helps oversee administration of our legal research and investigative software.

Cameron is currently serving a tour of duty in the Intake Unit, where he has been remarkably efficient and productive in screening the deluge of incoming complaints.

Carmen is an Associate Adjunct Professor of professional responsibility at UNC Law: Although she now teaches only two semesters per year instead of three, her students' energy and idealism remains therapeutic. Carmen is increasingly involved in the National Organization of Bar Counsel, frequently presenting at their national conferences.

Danielle coordinates and shares responsibility with Rob and Kathryn for the State's Bar's appellate work. She also serves as counsel to the Client Security Fund.

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 providing teens interested in the law with the opportunity to serve as youth attorneys in Teen Court hearings. Jennifer also serves as a judge for collegiate mock trial competitions. Jennifer, assisted greatly by Litigation Manager Brittany Wilson, tracks trust account-related cases and updates the disposition charts annually.

Jessica teaches CLEs on ethics and the grievance process.

Katherine shares responsibility with Ryan for appointment and supervision of trustees, oversees reports of third-party fraud against trust accounts, and reviews Reports of Counsel and Substances of Grievance prepared by new Deputy Counsels.

Kathryn shares responsibility with Rob and Danielle for the State Bar's appellate work.

Kelley serves as the OOC's liaison to the judiciary and regularly teaches CLEs on ethics and the grievance process. When not fielding calls from judges or working on her grievance matters, you can find her playing French Horn for a local community band.

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

Ryan works with the Grievance Intake Unit to screen the ever-increasing grievance filings. Ryan shares responsibility with Katherine for the appointment and supervision of trustees for unavailable attorneys. She also teaches CLEs on ethics and the grievance process.

Savannah and her husband welcomed their second son, Weston "Hayes" McLamb, on 29 October 2025. Savannah is looking forward to officially rejoining our litigation team after returning from parental leave.

Tessa staffs the Authorized Practice Committee.