NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
17G0963

IN THE MATTER OF	)	
	)	REPRIMAND
TODD J. FARLOW,	)	
ATTORNEY AT LAW	)	

On January 25, 2018 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by the North Carolina State Bar. The grievance was assigned to a Subcommittee, which thoroughly reviewed the results of the State Bar staff's investigation of this matter.

Pursuant to Section .0113(a) of the Discipline and Disability Rules of the North Carolina State Bar, the Grievance Subcommittee conducted a preliminary hearing. After considering the information available to it, including your response to the letter of notice, the Grievance Subcommittee found probable cause. Probable cause is defined in the rules as "reasonable cause to believe that a member of the North Carolina State Bar is guilty of misconduct justifying disciplinary action."

The rules provide that after a finding of probable cause, the Grievance Committee may determine that the filing of a complaint and a hearing before the Disciplinary Hearing Commission are not required, and the Grievance Committee may issue various levels of discipline depending upon the misconduct, the actual or potential injury caused, and any aggravating or mitigating factors. The Grievance Committee may issue an admonition, a reprimand, or a censure to the respondent attorney.

A reprimand is a written form of discipline more serious than an admonition issued in cases in which an attorney has violated one or more provisions of the Rules of Professional Conduct and has caused harm or potential harm to a client, the administration of justice, the profession, or a member of the public, but the misconduct does not require a censure.

The Grievance Committee was of the opinion that a censure is not required in this case and issues this reprimand to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this reprimand.

In June 2016, you notarized the signature of W.H. on a deed of trust, certifying that he had personally appeared before you, when in fact W.H. did not appear before you or sign the deed of trust in your presence. Thereafter you recorded the deed of trust with the Iredell County Register of Deeds. By notarizing W.H.'s signature on the deed of trust when W.H. had not appeared or signed in your presence, you engaged in a criminal act that reflects adversely on the

lawyer's honesty, trustworthiness or fitness as a lawyer in other respects in violation of Rule 8.4(b), and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation in violation of Rule 8.4(c). By uttering to the Register of Deeds office the deed of trust containing the false jurat, you engaged in a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects in violation of Rule 8.4(b), and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation in violation of Rule 8.4(c). W.H. later claimed that the signature of his name on the deed of trust was not his. The requirements to have signatures notarized and the restrictions applicable to notarial acts are designed to prevent the very situation that occurred here. Your conduct caused potential significant harm to W.H. and to the holder of the note secured by the deed of trust. You subsequently took appropriate corrective action, and pled guilty to misdemeanor common law uttering. In light of all of the circumstances in this case, the Grievance Committee determined it was appropriate to issue you this reprimand.

You are hereby reprimanded by the North Carolina State Bar for your professional misconduct. The Grievance Committee trusts that you will heed this reprimand, that it will be remembered by you, that it will be beneficial to you, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession.

In accordance with the policy adopted July 23, 2010 by the Council of the North Carolina State Bar regarding the taxing of administrative fees and investigative costs to any attorney issued a reprimand by the Grievance Committee, an administrative fee in the amount of $350.00 is hereby taxed to you.

Done and ordered, this the 22 day of February, 2018.

DeWitt "Mac" McCarley, Chair
Grievance Committee

DM/lb