

STATE OF NORTH CAROLINA

WAKE COUNTY

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
16 DHC 2

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

AMY E. ALLRED, Attorney,

Defendant

FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
CONSENT ORDER OF DISCIPLINE

THIS MATTER was considered by a hearing panel of the Disciplinary Hearing Commission ("DHC") composed of Donald C. Prentiss, Chair, David W. Long and Tyler B. Morris pursuant to 27 N.C. Admin. Code 1B § .0114 of the Rules and Regulations of the North Carolina State Bar. Plaintiff, the North Carolina State Bar, was represented by Barry S. McNeill, Deputy Counsel. Defendant, Amy E. Allred ("Defendant" or "Allred"), was represented by Alan M. Schneider, Cheshire, Parker, Schneider & Bryan, PLLC, Raleigh, North Carolina. Defendant waives a formal hearing in this matter and both parties stipulate and consent to the entry of this Order and to the discipline imposed. Defendant waives any right to appeal this consent Order or to challenge in any way the sufficiency of the findings.

Based upon the consent of the parties, the hearing panel hereby makes, by clear, cogent and convincing evidence, the following

FINDINGS OF FACT

1. Plaintiff, the North Carolina State Bar ("State Bar"), is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar (Chapter 1 of Title 27 of the North Carolina Administrative Code).

2. Defendant, Amy E. Allred ("Defendant" or "Allred"), was admitted to the State Bar on August 21, 1999 and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the rules, regulations and Rules of Professional Conduct of the State Bar and the laws of the State of North Carolina.

3. During all or some of the times relevant herein, Defendant actively engaged in the practice of law in the State of North Carolina and maintained a law office or law offices in Catawba County and/or Forsyth County, North Carolina.

FIRST, SECOND & THIRD CLAIMS FOR RELIEF

4. In domestic orders filed on May 19, 2015 and May 20, 2015, respectively, in *Norman D. Bullard v. Amy Elizabeth Allred Bullard*, No. 01-CVD-8229 (Forsyth Co. Dist. Ct.), and in *Amy Allred Leonard v. Jonathan W. B. Leonard*, No. 05-CVD-405 (Forsyth Co. Dist. Ct.), the Honorable Jane V. Harper, District Court Judge ("Judge Harper"), ordered Defendant to submit to a psychological evaluation and a substance abuse assessment, with the costs of the evaluation and assessment to be borne by Defendant's ex-husbands, Norman Bullard ("Mr. Bullard") and Jonathan Leonard ("Mr. Leonard").

5. Defendant did not initially comply with Judge Harper's order requiring her to submit to the psychological evaluation and substance abuse assessment, and challenged the orders in federal court.

6. On May 27, 2015, Defendant filed a lawsuit in the United States District Court for the Eastern District of North Carolina, *Allred v. Harper, et al*, No. 7:15-CV-117-D (E.D.N.C.), against five judges, including Judge Harper, who played roles in the above-referenced domestic cases to which Defendant was a party, one or more assistants to the defendant judges, and the State of North Carolina.

7. Defendant filed the complaint in *Allred v. Harper, et al*, No. 7:15-CV-117-D (E.D.N.C.) for an improper purpose, including attempting to have the federal court enjoin and declare as unconstitutional the state court custody orders and orders directing her to undergo the psychological evaluation and substance abuse assessment.

8. Defendant's complaint in *Allred v. Harper, et al*, No. 7:15-CV-117-D (E.D.N.C.), was frivolous in that it was not well grounded in fact nor warranted by existing law or good faith argument for the extension, modification or reversal of existing law.

9. On July 23, 2015, United States District Judge James C. Dever, III, filed a Judgment and Order dismissing Defendant's complaint and amended complaint in *Allred v. Harper, et al*, No. 7:15-CV-117-D (E.D.N.C.), because all of the named defendants were state court judges who were sued for actions undertaken in their judicial capacities and were, therefore, entitled to immunity from damages in their individual and official capacities, and also for lack of subject-matter jurisdiction under the *Rooker-Feldman* Doctrine because that doctrine precludes a federal court from sitting in review of state court orders and nullifying them.

10. On May 20, 2014, Defendant filed a lawsuit in the United States District Court for the Western District of North Carolina, *Allred v. The Iredell County Sheriff's Department et al*, No. 5:14-CV-074 (W.D.N.C.), against the Sheriff of Iredell County and Deputy Derrick Hilman Stutts.

11. On May 23, 2014, Defendant filed an amended complaint in *Allred v. The Iredell County Sheriff's Department, et al*, No. 5:14-CV-074 (W.D.N.C.).

12. On June 2, 2014, a deputy clerk for the federal court issued a summons to be served upon the defendants in *Allred v. The Iredell County Sheriff's Department, et al*, No. 5:14-CV-074 (W.D.N.C.).

13. On June 5, 2014, an unidentified man attempted service of the summons upon the defendants by handing an envelope to Kelly Duncan ("Ms. Duncan"), a secretary in the Iredell County Sheriff's Department office, containing copies of Defendant's amended complaint and summons.

14. The process server wrote the name of "Kelly Duncan" in the box on the Proof of Service form averring that Ms. Duncan was designated by law to accept service of process on behalf of both the Iredell County Sheriff's Department and Deputy Stutts.

15. Ms. Duncan was not authorized to receive service of process on behalf of the Iredell County Sheriff's Department, the Sheriff, Deputy Stutts, or any other deputy.

16. On June 17, 2014, Defendant filed the Proof of Service form referenced in Paragraph 14 above with the federal court in *Allred v. The Iredell County Sheriff's Department, et al*, No. 5:14-CV-074 (W.D.N.C.).

17. On June 26, 2014, the defendants filed a motion to dismiss in *Allred v. The Iredell County Sheriff's Department, et al*, No. 5:14-CV-074 (W.D.N.C.) for, among other things, ineffective service of process.

18. On August 15, 2014, Defendant filed a combined response to the motion to dismiss and second amended complaint without seeking or obtaining leave of court to file the second amended complaint.

19. In her response referenced in Paragraph 18 above, Defendant made the unsupported assertion that the affidavits filed by the defendants in support of their motion to dismiss amounted to an "admission of acceptance."

20. On October 31, 2014, United States District Court Judge Richard L. Voorhees entered an order in *Allred v. The Iredell County Sheriff's Department et al*, No. 5:14-CV-074 (W.D.N.C.) stating, "[p]laintiff is reminded of her obligation under [Fed. R. Civ. P.] 11(b)(3) which states, in part, that '[b]y presenting to the court a pleading, written motion, or other paper . . . an attorney or unrepresented party certifies that to the best of the person's knowledge, information and belief . . . the factual contentions have evidentiary support.'"

21. In the order referenced in Paragraph 20 above, Judge Voorhees ordered Defendant to show cause by November 12, 2014 why her action should not be dismissed without prejudice for failing to satisfy the service of process requirements of Fed. R. Civ. P. 4.

22. On November 9, 2014, attorney Randolph M. James of Winston-Salem, North Carolina, filed a notice of appearance on behalf of Defendant in *Allred v. The Iredell County Sheriff's Department, et al*, No. 5:14-CV-074 (W.D.N.C.), and contemporaneously filed a stipulation of dismissal of the lawsuit without prejudice.

23. The complaint and amended complaint filed by Defendant in *Allred v. The Iredell County Sheriff's Department, et al*, No. 5:14-CV-074 (W.D.N.C.), were frivolous in that they were not well grounded in fact nor warranted by existing law or good faith argument for the extension, modification or reversal of existing law.

24. On December 31, 2015, Defendant filed a complaint in *Amy Elizabeth Allred v. The State of North Carolina, Lisa V. L. Menefee, Jane Harper, H. Thomas Jarrell, Jr., Lindsey Luther, J. H. Corpening, II, and James Faison, III, NC District Court Judges*, No. 3:15-CV-637-MOC-DCK (W.D.N.C.).

25. On January 6, 2016, United States District Judge Max O. Cogburn, Jr., filed a Judgment and Order dismissing Defendant's complaint in *Allred v. The State of North Carolina, et al.*, No. 3:15-CV-637-MOC-DCK (W.D.N.C.), for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and for lack of subject-matter jurisdiction under the *Rooker-Feldman* Doctrine.

26. Defendant filed the complaint in *Allred v. The State of North Carolina, et al.*, No. 3:15-CV-637-MOC-DCK (W.D.N.C.) for an improper purpose, including attempting to have the federal court enjoin and declare as unconstitutional the state court orders in her domestic cases.

27. Defendant's complaint in *Allred v. The State of North Carolina, et al.*, No. 3:15-CV-637-MOC-DCK (W.D.N.C.), was frivolous.

28. The motions by Mr. Bullard and Mr. Leonard for the psychological evaluation and substance abuse assessment of Defendant in *Norman D. Bullard v. Amy Elizabeth Allred Bullard*, No. 01-CVD-8229 (Forsyth Co. Dist. Ct.), and in *Amy Allred Leonard v. Jonathan W. B. Leonard*, No. 05-CVD-405 (Forsyth Co. Dist. Ct.), were scheduled to be heard before Judge Harper on Monday, April 13, 2015.

29. On Friday, April 10, 2015, one business day before the motions were scheduled to be heard before Judge Harper as referenced in Paragraph 28 above, Defendant filed a complaint for a domestic violence protective order ("DVPO") against Mr. Bullard in *Amy Elizabeth Allred v. Norman Douglas Bullard*, No. 15-CVD-1217 (New Hanover Co. Dist. Ct.).

30. Defendant did not serve Mr. Bullard with the complaint seeking the DVPO in *Allred v. Bullard*, No. 15-CVD-1217 (New Hanover Co. Dist. Ct.) until April 15, 2015.

31. Mr. Bullard learned about the filing of Defendant's complaint in *Allred v. Bullard*, No. 15-CVD-1217 (New Hanover Co. Dist. Ct.), at the motions hearing held on Monday, April 13, 2015, when Defendant argued to Judge Harper that Judge Harper did not have jurisdiction to hear the scheduled motions because of Defendant's filing of the complaint seeking the DVPO in New Hanover County District Court.

32. Defendant filed the complaint seeking the DVPO in *Allred v. Bullard*, No. 15-CVD-1217 (New Hanover Co. Dist. Ct.) for improper purposes, including to try to postpone and avoid the hearing before Judge Harper in Forsyth County District Court on April 13, 2015, to embarrass, harass and annoy Mr. Bullard, to cause unnecessary delay, needlessly increase the cost of litigation, and to attempt to gain a wrongful tactical advantage in the Forsyth County District Court domestic cases involving Mr. Bullard and Mr. Leonard.

33. Defendant's complaint seeking the DVPO in *Allred v. Bullard*, No. 15-CVD-1217 (New Hanover Co. Dist. Ct.), was scheduled for trial on May 29, 2015.

34. On or about May 28, 2015, Defendant sent an e-mail message to the New Hanover County District Court trial court administrator requesting that the trial referenced in Paragraph 33 above be stayed pending resolution of her lawsuit against the various Forsyth County District Court judges in *Allred v. Harper, et al*, No. 7:15-CV-117-D (E.D.N.C.).

35. Defendant did not appear for the trial in *Allred v. Bullard*, No. 15-CVD-1217 (New Hanover Co. Dist. Ct.), on May 29, 2015, and her complaint seeking the DVPO was dismissed with prejudice.

36. On July 9, 2015, New Hanover County District Court Judge Lindsey M. Luther granted Mr. Bullard's motion for sanctions against Defendant in *Allred v. Bullard*, No. 15-CVD-1217 (New Hanover Co. Dist. Ct.), and ordered Defendant to pay Mr. Bullard's attorney's fees in the sum of \$9,456.25 within 45 days of the order.

37. In awarding the sanctions against Defendant referenced in Paragraph 36 above, Judge Luther concluded that Defendant's filing of the complaint seeking a DVPO "was not well grounded in fact nor was it warranted by existing law or good faith argument for the extension, modification or reversal of existing law and was filed for an improper purpose, namely to try to postpone and avoid a hearing in Forsyth County on 13 April 2015, harass [Mr. Bullard] and to cause needless litigation."

38. On August 3, 2015, Defendant filed a motion to set aside Judge Luther's order granting monetary sanctions against her, reference in Paragraph 36 above, and also filed a response to Mr. Bullard's June 9, 2015 motion for the entry of a gatekeeper injunction against Defendant filing further complaints against him without prior court approval.

39. On August 3, 2015, Defendant filed a notice of the hearing on her motion, referenced in Paragraph 38 above, to be heard on August 11, 2015, but failed to appear at that hearing on August 11, 2015.

40. On August 11, 2015, New Hanover County Chief District Court Judge J. H. Corpening, II, heard Mr. Bullard's June 9, 2015 motion for the entry of the gatekeeper injunction against Defendant, and orally granted the motion.

41. On August 13, 2015, Mr. Pennington sent Defendant via e-mail a draft of the proposed gatekeeping order for her review, and Defendant acknowledged receipt that same date.

42. On August 14, 2015, in defiance of Judge Corpening's orally granting Mr. Bullard's motion for the gatekeeper injunction, Defendant filed a complaint against Mr. Bullard in Catawba County Superior Court in *Amy E. Allred v. Norman Douglas Bullard*, No. 15-CVS-2003 (Catawba Co. Sup. Ct.).

43. On August 17, 2015, Judge Corpening filed an order in *Allred v. Bullard*, No. 15-CVD-1217 (New Hanover Co. Dist. Ct.), memorializing his granting of Mr. Bullard's motion to enjoin Defendant from filing any civil pleading, motion or document against Mr. Bullard with the Clerk of Court and/or magistrate of any county in North Carolina, including but not limited to New Hanover County, Forsyth County, and Catawba

County, without the prior approval of the court or an attorney certification ("Gatekeeping Order").

44. On September 28, 2015, Mr. Pennington, on behalf of Mr. Bullard, filed motions in *Allred v. Bullard*, No. 15-CVS-2003 (Catawba Co. Sup. Ct.), to dismiss for failure to state a claim for relief under N.C. R. Civ. P. 12(B)(6), to dismiss and for sanctions for violating N.C. R. Civ. P. 8(A)(2) and for Defendant's failing to appear at her properly noticed deposition on September 21, 2015, and to dismiss for violating the Gatekeeping Order.

45. On October 2, 2015, Mr. Pennington, on behalf of Mr. Bullard, filed motions in *Allred v. Bullard*, No. 15-CVS-2003 (Catawba Co. Sup. Ct.), to dismiss or strike Defendant's Amended Complaint due to her violation of the Gatekeeping Order, and also for Rule 11 sanctions against Defendant.

46. On October 13, 2015, Defendant filed a Notice of Voluntary Dismissal with prejudice of her Complaint and Amended Complaint in *Allred v. Bullard*, No. 15-CVS-2003 (Catawba Co. Sup. Ct.).

47. Defendant's Complaint and Amended Complaint in *Allred v. Bullard*, No. 15-CVS-2003 (Catawba Co. Sup. Ct.), were frivolous in that they were not well grounded in fact nor warranted by existing law or good faith argument for the extension, modification or reversal of existing law.

48. Defendant filed the Complaint and Amended Complaint in *Allred v. Bullard*, No. 15-CVS-2003 (Catawba Co. Sup. Ct.), for an improper purpose, including to embarrass, harass and annoy Mr. Bullard, to cause unnecessary delay, needlessly increase the cost of litigation, and to attempt to gain a wrongful tactical advantage in the Forsyth County District Court domestic cases involving Mr. Bullard.

49. During the time period of January to March 2014, Defendant submitted numerous complaints to the North Carolina Judicial Standards Commission ("JSC") against Chief District Court Judge Lisa V. Menefee and District Court Judges Harold T. Jarrell, David B. Sipprell, Victoria L. Roemer, and Susan R. Burch.

50. Defendant's complaints to the JSC against the Guilford and Forsyth County judges involved in her domestic litigation against her ex-husbands were frivolous.

51. The JSC met and considered Defendant's complaints, referenced in Paragraph 50 above, and on April 16, 2014 the Executive Director of the JSC notified Defendant of the dismissals of her complaints against the Guilford and Forsyth County judges.

52. Defendant provided inappropriate and nonresponsive communications in purported responses to letters of notice and other communications from the State Bar's Grievance Committee.

53. Based upon these foregoing facts, the State Bar sought a determination whether Defendant suffers from a mental or physical condition that significantly impairs her professional judgment, performance, or competency to act as an attorney such that

Defendant is disabled within the meaning of 27 N.C. Admin. Code 1B § .0103(19), and should be transferred to disability inactive status pursuant to former 27 N.C. Admin. Code 1B § .0118 (now 27 N.C. Admin. Code 1B § .0122).

54. Pursuant to Judge Harper's May 20, 2015 order referenced in Paragraph 4 above, on May 28, 2015 Mr. Bullard's attorney, Ralph S. Pennington, Pennington & Smith, PLLC, ("Pennington & Smith") forwarded a check to the University of North Carolina Alcohol and Substance Abuse Program ("ASAP") for the cost of the Defendant's substance abuse assessment.

55. On June 5, 2015, Mr. Leonard's attorney, Tyler B. Kline, Kline Law Firm, PLLC, forwarded a letter, facsimile, and e-mail to Defendant regarding the pre-payment of the assessment to be performed by ASAP and notification that ASAP was ready to schedule Defendant's assessment.

56. On June 15, 2015, Mr. Leonard and Mr. Bullard entered into a payment agreement with Dr. Guy Kashgarian ("Dr. Kashgarian") of the Family Works Psychological Center, PLLC ("Family Works"), in Wilmington, North Carolina, to perform the court-ordered psychological evaluation of Defendant

57. On June 15, 2015, Mr. Bullard, on behalf of both himself and Mr. Leonard, advanced to Family Works the estimated cost of the psychological evaluation of Defendant to be undertaken by Dr. Kashgarian, and Mr. Bullard received a receipt, dated June 19, 2015, from Family Works acknowledging receipt of the funds.

58. On June 18, 2015, Mr. Pennington forwarded to Dr. Kashgarian documents for Dr. Kashgarian's review in preparation for the evaluation of Defendant.

59. On June 22, 2015, Dr. Kashgarian notified Pennington & Smith paralegal April R. Parham ("Ms. Parham") via e-mail that Family Works had contacted Defendant and that Defendant had declined to set up an appointment for her evaluation by Dr. Kashgarian, indicating that she wanted to resolve her lawsuit against the judge who ordered the evaluation and therefore she might not be required to undergo the evaluation.

60. On June 26, 2015, an ASAP representative notified Ms. Parham that ASAP was awaiting Defendant's scheduling of her substance abuse assessment and that ASAP was holding the check for the assessment from Pennington & Smith.

61. On January 20, 2016, the chair of the DHC panel scheduled Defendant's DHC hearing for April 14-15, 2016.

62. As of March 2016, Defendant had not submitted to either the psychological evaluation by Dr. Kashgarian or the substance abuse assessment by ASAP as ordered by Judge Harper.

63. On March 17, 2016, Defendant filed a motion seeking a continuance of the DHC hearing scheduled for April 14-15, 2016, arguing that she needed additional time for the sale of her residence or to obtain full-time employment so that she could retain an attorney to represent her in the DHC proceeding.

64. In discussions with Deputy Counsel about her motion for a continuance, Defendant agreed to undergo the psychological evaluation and substance abuse assessment ordered by Judge Harper provided that her ex-husbands, Mr. Leonard and Mr. Bullard, funded the evaluation and assessment.

65. Based upon Defendant's representations to Deputy Counsel as referenced in Paragraph 64 above, on March 23, 2016 Deputy Counsel related the representations in the State Bar's Response to Defendant's motion to continue the DHC hearing.

66. On March 24, 2016, the DHC panel chair continued Defendant's scheduled DHC hearing. The Order continuing the DHC hearing directed Defendant to submit monthly reports by the tenth day of each month to the Clerk of the DHC and to Deputy Counsel concerning her continuing progress in obtaining representation by counsel and her progress in undergoing the psychological evaluation and substance abuse assessment. The Order also required that Defendant sign releases such that the persons who performed her psychological evaluation and substance abuse assessment could communicate with the State Bar's counsel and provide the State Bar's counsel their reports.

67. Because Defendant had not submitted to the substance abuse assessment by ASAP between June 2015 and March 2016, on March 24, 2016 Mr. Pennington forwarded another check to ASAP for the cost of Defendant's assessment and noted that the previous check he had sent to ASAP had never been cashed.

68. On April 11, 2016, Mr. Pennington notified Dr. Kashgarian by letter that Defendant should be contacting Family Works in the near future to schedule her evaluation. Mr. Pennington also updated the documents for Dr. Kashgarian's review.

69. On April 20, 2016, Defendant notified Dottie Miani, the DHC clerk, that she was unable to comply with Judge Harper's court-ordered psychological evaluation and would be independently obtaining and paying for her own evaluation and substance abuse assessment.

70. On or about May 28, 2016, Defendant submitted to Ms. Miani, the DHC clerk, a motion to amend her answer.

71. The motion filed by Defendant, referenced in Paragraph 70 above, did not show or confirm service upon Deputy Counsel.

72. On May 31, 2016, Deputy Counsel e-mailed Defendant urging her to serve and include opposing counsel with any future pleadings and also to submit monthly reports to the DHC on the status of her efforts to retain counsel and undergo the evaluations to which she had agreed.

73. On June 13, 2016, the DHC panel chair filed an order denying Defendant's motion to amend answer as premature, but providing that the DHC panel chair would reconsider a properly supported motion.

74. On July 7, 2016, Defendant e-mailed Ms. Miani a status report indicating that Dr. Kashgarian did not have a record of her case, name, or retainer ever being paid by Mr. Bullard and Mr. Leonard.

75. On July 12, 2016, Defendant e-mailed to Ms. Miani a status report, the subject of the e-mail being "Internet Defamation", and asserting that "No Retainer exists for a psychological exam and that no file was set up for my evaluation."

76. In an e-mail chain dated July 12, 2016, 1:30 p.m., to July 14, 2016, 2:56 p.m., between Defendant and Deputy Counsel, with the subject "NC Criminal Libel," Defendant asserted that Deputy Counsel's communication had risen to the level of harassment and that she did not wish to communicate directly with Deputy Counsel except through attorney Randolph James, and that, although she was initially told that Dr. Kashgarian's office had no record of payment for her evaluation, she subsequently was told the office had located the old payment but a new check would have to be reissued for the retainer.

77. Because Defendant had not submitted to the psychological evaluation by Dr. Kashgarian between June 2015 and August 2016, Family Works did not cash the June 15, 2015 check from Mr. Bullard and Mr. Leonard, and required the reissuance of the check.

78. On August 8, 2016, Mr. Bullard, again on behalf of himself and Mr. Leonard, advanced a second check to Family Works for payment of Defendant's psychological evaluation.

79. In separate e-mails to Ms. Miani on August 25, 2016, Defendant asked Ms. Miani to inform Deputy Counsel and the DHC panel that she had scheduled the substance abuse assessment and psychological evaluation, and that she "would like the defamatory complaint about [her] published on the Internet removed immediately."

80. On August 26, 2016, the State Bar's Deputy Counsel forwarded to Defendant two Patient/Client Authorization for Release of Medical Records forms, and requested that she complete these forms and provide them to the persons who would be performing her evaluations. Counsel also requested that Defendant return copies of both completed forms to him.

81. Defendant never returned the completed release forms to the State Bar's Deputy Counsel.

82. In September 2016, Defendant submitted to the ASAP substance abuse assessment. On September 29, 2016, Daniel Velez, LCAS, LCSW, CCS-I, a Licensed Clinical Addictions Specialist for the University of North Carolina Health Care, reported that Defendant "does not meet . . . the diagnostic criteria for a substance use disorder."

83. Dr. Kashgarian began his psychological evaluation of Defendant in September 2016, and interviewed Defendant on September 16, 2016, December 30, 2016, January 20, 2017, and January 30, 2017. He also conducted collateral interviews with Defendant's ex-husbands, family members, and children.

84. On October 27, 2016, Deputy Counsel e-mailed Dr. Kashgarian that Defendant had not provided the signed waivers, and asked Dr. Kashgarian to have Defendant execute the waiver forms.

85. On November 3, 2016, Dr. Kashgarian e-mailed Deputy Counsel that he had forwarded the October 27, 2016 e-mail and attachments to Defendant and was awaiting the return from Defendant of the executed forms.

86. In additional communications between Dr. Kashgarian and Deputy Counsel between November 2016 and February 2017, Dr. Kashgarian indicated that he had completed the evaluation of Defendant, but was awaiting final payment from Mr. Leonard and Mr. Bullard.

87. In February 2017, Mr. Bullard and Mr. Leonard made final payment to Dr. Kashgarian's office for Defendant's psychological evaluation, but, according to Dr. Kashgarian, Defendant had not executed the waiver forms so that Dr. Kashgarian could provide Deputy Counsel with a copy of his psychological evaluation report.

88. On March 9, 2017, Defendant e-mailed Ms. Miani, Deputy Counsel, and Dr. Kashgarian, asserting that Deputy Counsel's demands for her to sign the releases had been made prior to the completion of her evaluations, and alleging that she had been falsely accused of not complying with the court orders to undergo the evaluations.

89. On March 10, 2017, Deputy Counsel e-mailed Defendant urging her to execute the releases so that Dr. Kashgarian could share with Deputy Counsel the evaluation as ordered by the DHC panel chair on March 24, 2016.

90. On or about March 20, 2017, Dr. Kashgarian provided Deputy Counsel with a copy of his psychological evaluation report concerning Defendant. In his report, Dr. Kashgarian diagnosed Defendant with "Trauma and Stressor Related Disorder, with delayed onset." Among his recommendations, Dr. Kashgarian recommended individual therapy for Defendant if she continued to engage in significant self-defeating behavior with her children or regarding her filing excessive legal actions.

91. In an Addendum to his report, Dr. Kashgarian stated his opinion that Defendant did not appear to have any gross mental health problems, either intellectually or emotionally, which would impede her in the practice of law.

92. Based on Dr. Kashgarian's recommendations, the parties are agreeable to continued individual therapy for Defendant and a law practice monitor for supervision of client matters and consultation before Defendant institutes the filing of lawsuits in state and federal courts.

93. Given the psychological evaluation and substance use assessment which Defendant has now undergone, Defendant does not appear at the present time to suffer from a mental or physical condition that significantly impairs her professional judgment, performance, or competency to act as an attorney, and therefore Defendant is not disabled within the meaning of 27 N.C. Admin. Code 1B § .0103(19), such that she should be transferred to disability inactive status pursuant to 27 N.C. Admin. Code 1B § .0122.

FOURTH CLAIM FOR RELIEF

94. In October 2012, Defendant undertook to represent Caryn Boyer ("Boyer") in a child custody and child support case.

95. Boyer paid Defendant a retainer of \$4,000, which, under the retainer agreement between Defendant and Boyer, covered up to 12 hours of attorney time and any filing or service fees, and provided that if Defendant spent more than 12 hours resolving the issues in Boyer's case, Defendant would bill Boyer at \$250 per hour for time spent exceeding 12 hours.

96. On October 17, 2012, Defendant filed a Complaint on behalf of Boyer in *Caryn Boyer v. Justin Neaves*, No. 12-CVD-7001 (Forsyth Co. Dist. Ct.). The Complaint sought child custody and child support, and also moved for an *ex parte* status quo order.

97. An *ex parte* status quo order was also filed on October 17, 2012 by Forsyth County District Court Judge Chester C. Davis. The status quo order directed both plaintiff Boyer and defendant Neaves to appear on October 25, 2012 for a hearing regarding whether the order should continue in effect pending a full trial on the merits.

98. On October 25, 2012, Forsyth County District Court Judge George A. Bedsworth heard the status quo matter, continued the case until November 8, 2012, modified the *ex parte* order on Neaves's custody of the minor child, and ordered Neaves to pay Boyer \$250 in child support on or before November 1, 2012.

99. On November 2, 2012, Neaves, represented by attorney J. Clark Fischer, filed an Answer and Counterclaim.

100. Boyer and Neaves participated in mediation in December 2012, but were unable to reach a mediated parenting custody agreement.

101. After a number of notices of hearing in the matter between January 2013 and May 2013, on June 30, 2013 Boyer proposed to Defendant the child custody and child support to which she was agreeable.

102. On July 1, 2013, Defendant responded by informing Boyer that she had left a message for Mr. Fischer about reconfiguring the child support Worksheet B as proposed by Boyer.

103. On July 9, 2013, Defendant informed Boyer that she had not heard back from Mr. Fischer, but that she would proceed to revise the first proposed Consent Order she had drafted.

104. On July 13, 2013, Boyer complained to Defendant about why the proposed Consent Order and settlement negotiations were taking so long, and urged Defendant to complete the matter as soon as possible.

105. On July 16, 2013, Defendant responded that she was drafting the revised Consent Order and would e-mail it to Boyer before sharing it with Mr. Fischer. Defendant added that she was trying to finish the revised Consent Order by the end of that week.

106. On Friday, July 19, 2013, Defendant informed Boyer that she was working on the revised Consent Order that day.

107. Later on that Friday evening, July 19, 2013, and again on Monday morning, July 22, 2013, Boyer inquired of Defendant about the status of the revised Consent Order.

108. On Tuesday, July 23, 2013, Defendant informed Boyer that she was drafting the revised Consent Order, apologized to Boyer for the delay, and stated that she would attempt to forward the document to Boyer by the weekend.

109. Boyer did not receive the revised Consent Order from Defendant by the weekend and on Tuesday, July 30, 2013, Boyer again inquired of Defendant about the status and indicated that she desired receiving the document as soon as possible.

110. Defendant's billing records showed document preparation of a first Consent Order on May 1, 2013, but no time billed to Boyer for revision of or preparation of a second Consent Order during the entire month of July 2013.

111. On August 5, 2013, Boyer again complained to Defendant about the length of time that it was taking for Defendant to respond to inquiries about the status of the revised Consent Order, and that it had been nearly two weeks since Defendant had represented to Boyer that she would send the revised Consent Order to Boyer.

112. After again not receiving a response from Defendant to her August 5, 2013 communication referenced in Paragraph 111 above, on August 12, 2013 Boyer communicated to Defendant that she was upset about Defendant's lack of responsiveness and needed to hear from Defendant as soon as possible.

113. On August 20, 2013, Respondent responded to Boyer that she had been at the hospital in Wilmington, North Carolina during the last two weeks caring for her father who was on life support, that he had passed away on Thursday, August 15, 2013, that she had been trying to work while handling her father's funeral arrangements, and, that she would send Boyer the revised Consent Order as soon as possible.

114. On August 21, 2013, Boyer expressed her condolences to Defendant and indicated she would like to receive the revised Consent Order as soon as possible.

115. On September 23, 2013, Respondent forwarded to Boyer the revised Consent Order.

116. In a separate e-mail communication to Boyer on September 23, 2013, Defendant informed Boyer that Defendant was relocating to New Hanover County within two weeks and might have to withdraw from representing Boyer if Neaves did not accept the revised Consent Order.

117. On September 24, 2013, Defendant informed Boyer that she had just become aware that Boyer had filed a grievance against Defendant with the State Bar and as a result of the "obvious strain in the attorney/client relationship" Defendant would be mailing to Boyer a copy of her motion to withdraw as counsel and a calendar request for her motion to be heard on October 7, 2013.

118. On October 17, 2013, Defendant filed the motion to withdraw from representation of Boyer.

119. On November 20, 2013, Defendant forwarded a final billing statement to Boyer showing that Boyer owed Defendant approximately \$2,000 and indicating that Defendant was willing to settle for a payment of \$2,000 within 30 days.

120. On January 27, 2014, a Forsyth County District Court Judge entered an order allowing Defendant to withdraw as the attorney of record for Boyer.

FIFTH CLAIM FOR RELIEF

121. Nicholas Stephen Kirkley ("Kirkley") and his wife, Michelle Hauser Kirkley ("Ms. Kirkley") divorced on August 1, 2006 in *Nicholas S. Kirkley v. Michelle Hauser Kirkley*, No. 06-CVD-7993 (Mecklenburg Co. Dist. Ct.).

122. The 2006 divorce referenced in Paragraph 121 above incorporated Kirkley's and Ms. Kirkley's 2003 separation agreement, and established child custody and child support obligations for Kirkley as to their minor child.

123. After Kirkley became delinquent in his payment of child support to Ms. Kirkley, on July 10, 2012 Ms. Kirkley filed a motion in *Nicholas S. Kirkley v. Michelle Hauser Kirkley*, No. 06-CVD-7993 (Mecklenburg Co. Dist. Ct.), seeking to establish the arrearage.

124. On or about October 22, 2012, the Mecklenburg County District Court transferred venue of the matter to the Forsyth County District Court in *Nicholas S. Kirkley v. Michelle Hauser Kirkley*, No. 12-CVD-7572 (Forsyth Co. Dist. Ct.) ("*Kirkley v. Kirkley*, No. 12-CVD-7572 (Forsyth Co. Dist. Ct.)").

125. On April 17, 2013, Ms. Kirkley filed a motion in *Kirkley v. Kirkley*, No. 12-CVD-7572 (Forsyth Co. Dist. Ct.) seeking to hold Kirkley in civil and criminal contempt and for attorney's fees for his non-payment of and delinquent child support payments.

126. On or about April 22, 2013, Kirkley retained Defendant to represent him regarding the child support issue and to file a motion on his behalf to modify the existing child custody arrangement.

127. Kirkley paid to Defendant a retainer of \$4,000, which, under the retainer agreement between Defendant and Kirkley, covered up to 12 hours of attorney time, and provided that if Defendant spent more than 12 hours resolving the issues in Kirkley's case, Defendant would bill Kirkley at \$250 per hour for time spent exceeding 12 hours.

128. On April 24, 2013, Forsyth County District Court Judge William B. Reingold entered an order in *Kirkley v. Kirkley*, No. 12-CVD-7572 (Forsyth Co. Dist. Ct.) for Kirkley to show cause why he should not be held in and punished for criminal and civil contempt for his failure to pay child support as previously ordered.

129. Ms. Kirkley's attorney served the order to show cause upon Kirkley.

130. Kirkley made Defendant aware that he had been served with Judge Reingold's April 24, 2013 order to show cause why he should not be held in contempt for failing to pay child support.

131. During May 2013, Kirkley provided to Defendant his answers to the discovery interrogatories and request for production of documents which had been served upon Kirkley by Ms. Kirkley's counsel.

132. On or about July 8, 2013, Defendant informed Kirkley that Ms. Kirkley's counsel wanted to schedule mediation.

133. On numerous occasions (July 16, 2013, July 17, 2013, July 19, 2013, and July 23, 2013), Kirkley sent e-mail messages asking Defendant what the mediation would cost, where and what time mediation would occur, and what would happen at mediation.

134. Defendant did not respond to Kirkley's inquiries referenced in paragraph 134 above until July 23, 2013.

135. On July 23, 2013, Defendant informed Kirkley that the mediation was scheduled for August 2, 2013, 9:30 a.m.

136. On August 1, 2013, Kirkley telephoned the mediator's office and was informed that the mediation scheduled for August 2, 2013 had been cancelled on July 31, 2013.

137. In response to Kirkley's inquiry about the cancellation of the mediation, on August 1, 2013 Defendant responded that she did not know why the mediation had been cancelled, that she had not received notice about the cancellation, and that she would make inquiry about the cancellation and telephone Kirkley with the information.

138. Defendant never provided Kirkley any explanation for the cancellation of the mediation.

139. On or about August 8, 2013, Ms. Kirkley informed Kirkley that she intended to move their minor child from residing with Kirkley in Charlotte to her residence in Winston-Salem, North Carolina, and enroll the minor child in school in Winston-Salem.

140. After receiving this information from Ms. Kirkley, Kirkley attempted to contact Defendant on numerous occasions (August 8, 2013, August 9, 2013, and August 10, 2013), but received no response from Defendant.

141. On August 12, 2013, Defendant informed Kirkley that she had a family emergency and would telephone Kirkley the next day.

142. Defendant did not telephone Kirkley on August 13, 2013.

143. Kirkley asked Defendant at the outset of the representation and again on numerous occasions (May 24, 2013, June 25, 2013, August 9, 2013, August 11, 2013, and August 12, 2013) to file a motion to modify child custody.

144. On August 14, 2013, Kirkley discovered that Defendant never filed a motion in *Kirkley v. Kirkley*, No. 12-CVD-7572 (Forsyth Co. Dist. Ct.) to modify custody on Kirkley's behalf.

145. Kirkley asked Defendant on numerous occasions (May 8, 2013, May 24, 2013, June 25, 2013, August 9, 2013, August 11, 2013, and August 12, 2013) to file a motion for temporary custody of his minor child.

146. On August 14, 2013, Kirkley discovered that Defendant never filed the motion in *Kirkley v. Kirkley*, No. 12-CVD-7572 (Forsyth Co. Dist. Ct.) for temporary custody on Kirkley's behalf. [Denied Def.'s Ans. ¶ 13]

147. After not receiving the anticipated telephone call from Defendant on August 13, 2013, and after additional inquiries by Kirkley went unanswered by Defendant (on August 13, 2013 and August 14, 2013), on August 14, 2013 Kirkley notified Defendant that he was terminating their attorney-client relationship.

148. On August 19, 2013, after learning that Defendant's father had passed away on August 15, 2013, Kirkley sent an e-mail to Defendant apologizing for terminating their attorney-client relationship and indicating that he wanted her to continue representing him.

149. In reply, on August 19, 2013 Defendant told Kirkley that family responsibilities prevented her from devoting the necessary time and attention to Kirkley's case and she advised him to find substitute counsel.

150. The matter in *Kirkley v. Kirkley*, No. 12-CVD-7572 (Forsyth Co. Dist. Ct.) was scheduled for hearing on August 27, 2013.

151. Defendant was aware of the scheduling of *Kirkley v. Kirkley*, No. 12-CVD-7572 (Forsyth Co. Dist. Ct.) for hearing on August 27, 2013.

152. On August 23, 2013, Defendant filed Kirkley's Plaintiff's Response to Defendant's First Set of Interrogatories and Request for Production of Documents in *Kirkley v. Kirkley*, No. 12-CVD-7572 (Forsyth Co. Dist. Ct.);

153. Contemporaneously with the discovery response referenced in Paragraph 152 above, Defendant also filed Kirkley's Plaintiff's Response to Defendant's Motion for Contempt and Attorney's Fees.

154. Defendant never notified Kirkley of the hearing scheduled in Kirkley's case for August 27, 2013.

155. Although she had not filed a motion to withdraw or been granted permission by the court to withdraw as counsel for Kirkley, Defendant did not appear on Kirkley's behalf at the calendar call in *Kirkley v. Kirkley*, No. 12-CVD-7572 (Forsyth Co. Dist. Ct.) on August 27, 2013.

156. Because of Defendant's failure to communicate with him and her failure to appear on his behalf at the calendar call on August 27, 2013, Kirkley's brother (a North Carolina licensed attorney) made a limited appearance on Kirkley's behalf at the calendar call on August 27, 2013.

157. On August 29, 2013, Defendant filed a motion to withdraw from representation of Kirkley, and noticed the motion to be heard on September 9, 2013.

158. On September 9, 2013, the court entered an order allowing Defendant to withdraw from representation of Kirkley in *Kirkley v. Kirkley*, No. 12-CVD-7572 (Forsyth Co. Dist. Ct.).

159. Defendant did not provide the legal services she undertook to perform for Kirkley.

160. Defendant did not earn the entirety of the legal fee paid to her by Kirkley.

SIXTH CLAIM FOR RELIEF

161. Jill Lewis ("Lewis") was the defendant in a child custody action filed by her husband, Robert C. Lewis, in *Robert C. Lewis v. Jill M. Lewis*, No. 11-CVD-7698 (Forsyth Co. Dist. Ct.) ("*Lewis v. Lewis*, No. 11-CVD-7698 (Forsyth Co. Dist. Ct.)").

162. Lewis's husband filed a motion for emergency temporary custody of the couple's two minor children who at that time lived with Lewis.

163. On April 16, 2012, Forsyth County District Court Judge Lisa Menefee heard the motion for emergency temporary custody and entered an Emergency Temporary Custody Order awarding Lewis's husband with temporary legal and physical custody of the two minor children pending a hearing on the merits scheduled for the week of April 30, 2012.

164. On April 19, 2012, Lewis met with Defendant seeking Defendant's legal representation in the scheduled custody action in *Lewis v. Lewis*, No. 11-CVD-7698 (Forsyth Co. Dist. Ct.).

165. Defendant quoted Lewis a \$4,000 flat fee for representing her in the action, including payments of \$1,000 as initial down payment, another \$1,000 payment within 30 days, and eight weekly payments of \$250 per week.

166. On or about April 23, 2012, Defendant received the initial \$1,000 payment from Lewis.

167. Lewis paid Defendant the initial \$1,000 of the \$4,000 "flat fee" charged by Defendant to begin reviewing the facts of her case, to seek to continue the custody hearing scheduled for May 2, 2012, and to assist her in court on her custody matter.

168. The retainer agreement Defendant prepared for Lewis's case did not reflect that the \$1,000 initial payment was a flat fee for seeking the continuance.

169. In the time period from April 23, 2012 to the date of the custody hearing on May 2, 2012, Defendant did not communicate with Lewis and did not respond to communications from Lewis.

170. On May 2, 2012, Defendant filed a motion seeking to continue the custody hearing scheduled for that date in *Lewis v. Lewis*, No. 11-CVD-7698 (Forsyth Co. Dist. Ct.). The motion stated that Defendant was making a limited appearance for the purpose of requesting the continuance of the hearing on the merits for child custody.

171. At the hearing on May 2, 2012, Defendant told Lewis that she had not been able to review Lewis's file, that she had "only been partially retained," and that Forsyth County District Court Judge Camille Banks-Payne would be denying the continuance.

172. Defendant handed Lewis's file to Lewis, wished her "good luck," and left Lewis without counsel at the scheduled custody hearing.

173. The custody hearing before Judge Banks-Payne proceeded on May 2, 2012 with Lewis representing herself *pro se*.

174. At the conclusion of the custody hearing, Judge Banks-Payne entered a Temporary Custody Order, memorialized in a Temporary Custody Order filed on May 8, 2012, denying Defendant's motion to continue the hearing, and specifying the joint legal and shared and split physical custody of the minor children.

175. Defendant did not perform the legal services she undertook to perform for Lewis.

176. Defendant did not earn the \$1,000 fee she received from Lewis.

177. Defendant did not refund any portion of the \$1,000 she received from Lewis.

SEVENTH CLAIM FOR RELIEF

178. On or about July 27, 2012, Vicky Lynn Yockel ("Yockel") filed a complaint against her husband, Raymond Chris Yockel, in *Vicky Lynn Yockel v. Raymond Chris Yockel*, No. 12-CVD-847 (Wilkes Co. Dist. Ct.) for post-separation support, alimony, and equitable distribution.

179. On August 14, 2012, Wilkes County District Court Judge David V. Byrd held a hearing on Yockel's post-separation support claim and ordered (in an Order memorialized and filed on September 24, 2012) Yockel's husband to begin paying Yockel \$400 per month for one year beginning October 1, 2012. Judge Byrd left open Yockel's claims for alimony and equitable distribution. Both Yockel and her husband appeared *pro se*.

180. On March 10, 2013, the parties held a mediated settlement conference and consented to the settlement of Yockel's equitable distribution claim in a Memorandum of Mediated Settlement filed on April 8, 2013.

181. On April 5, 2013, Wilkes County Chief District Court Judge Mitchell L. McLean scheduled Yockel's remaining alimony claim for hearing on May 21, 2013.

182. In anticipation of the hearing on her alimony claim, Yockel consulted with Defendant on May 15, 2013 and Defendant agreed to represent Yockel in *Yockel v. Yockel*, No. 12-CVD-847 (Wilkes Co. Dist. Ct.).

183. Defendant quoted Yockel a \$4,000 flat fee for representing her, including payment of \$1,000 as initial down payment, with the balance to be paid in monthly payments beginning on June 10, 2013.

184. On May 15, 2013, Yockel paid Defendant \$1,000 towards the total \$4,000 fee.

185. Defendant and Yockel agreed that Yockel would make monthly payments towards the balance of the \$4,000 fee.

186. On or about May 21, 2013, Defendant filed a motion to continue the May 21, 2013 hearing in Yockel's case because Defendant was moving and going on vacation, and therefore was unable to prepare sufficiently for the hearing.

187. Defendant charged Yockel for time expended and travel undertaken in obtaining the continuance.

188. Yockel contacted Defendant repeatedly by telephone and e-mail to inquire about her case.

189. Defendant did not respond to Yockel's telephone and e-mail inquiries.

190. In or about July 2013, Yockel terminated Defendant's representation and asked Defendant to send Yockel her file, which contained original documents and photographs.

191. Defendant did not return Yockel's file for two months.

192. In July 2013, Defendant moved to withdraw from representing Yockel.

193. District Court Judge David V. Byrd heard and granted Defendant's motion to withdraw on July 23, 2013, but Defendant did not prepare and submit the order for Judge Byrd to sign and file until September 16, 2013.

194. On September 13, 2013, Defendant forwarded to Yockel the contents of her file as requested by Yockel.

195. Defendant did not perform the legal services she undertook to perform for Yockel.

196. Defendant did not earn the entirety of the \$1,000 fee she received from Yockel.

197. Defendant did not refund any portion of the \$1,000 she received from Yockel.

Based upon the foregoing Findings of Fact, the panel enters the following

CONCLUSIONS OF LAW

1. All parties are properly before the hearing panel and the panel has jurisdiction over Defendant, Amy E. Allred, and the subject matter of this proceeding.

2. At the present time, the State Bar has not shown that Defendant suffers from a mental or physical condition that significantly impairs her professional judgment,

performance, or competency to act as an attorney, and therefore Defendant is not disabled within the meaning of 27 N.C. Admin. Code 1B § .0103(19), such that she should be transferred to disability inactive status pursuant to 27 N.C. Admin. Code 1B § .0122.

3. Defendant's conduct, as set out in the Findings of Fact above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) as follows:

- a) By filing frivolous lawsuits and by filing an amended complaint without obtaining leave of court, Defendant brought proceedings without a basis in law and in fact for doing so that is not frivolous and without a good faith argument for an extension, modification or reversal of existing law in violation of Rule 3.1 and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d);
- b) By failing to comply with Judge Harper's order to undergo the psychological evaluation and substance use assessment for over a year, Defendant engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d);
- c) By failing to communicate timely with Boyer and by failing to provide the legal services she undertook to provide for Boyer, Defendant failed to act with reasonable diligence and promptness in violation of Rule 1.3, failed to keep Boyer reasonably informed about the status of the matter in violation of Rule 1.4(a)(3), and failed to promptly comply with reasonable requests for information in violation of Rule 1.4(a)(4);
- d) By failing to communicate timely with Kirkley and failing to provide the legal services she undertook to provide for Kirkley, Defendant failed to act with reasonable diligence and promptness in violation of Rule 1.3;
- e) By failing to respond to Kirkley's communications requesting information about his legal matter, Defendant failed to keep Kirkley reasonably informed about the status of the matter in violation of Rule 1.4(a)(3) and failed to promptly comply with reasonable requests for information in violation of Rule 1.4(a)(4);
- f) By failing to appear on Kirkley's behalf at the August 27, 2013 hearing in his case, Defendant failed to act with reasonable diligence and promptness in violation of Rule 1.3 and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d);
- g) By failing to communicate timely with Lewis, failing to provide the legal services she undertook to provide for Lewis, and failing to seek a continuance of Lewis' case, Defendant failed to act with reasonable diligence and promptness in violation of Rule 1.3;

- h) By failing to refund an unearned fee to Lewis, Defendant charged a clearly excessive fee in violation of Rule 1.5(a) and did not refund an unearned fee in violation of Rule 1.16(d);
- i) By terminating the attorney-client relationship without taking necessary steps to protect Lewis' interests, Defendant violated Rule 1.16(d);
- j) By charging Yockel fees and costs incurred by Defendant in obtaining a continuance caused by Defendant's inability to appear at a scheduled court hearing because of personal priorities and by failing to refund the unearned fee, Defendant charged a clearly excessive fee in violation of Rule 1.5(a) and failed to refund an unearned fee in violation of Rule 1.16(d);
- k) By failing to return Yockel's documents and photographs promptly, Defendant failed to take reasonable steps to protect the interests of Yockel at the end of the representation in violation of Rule 1.16(d); and
- l) By failing to respond to Yockel's communications seeking information about the status of Yockel's legal matter, Defendant failed to keep Yockel reasonably informed about the status of the matter in violation of Rule 1.4(a)(3) and failed to promptly comply with reasonable requests for information in violation of Rule 1.4(a)(4).

Based upon the consent of the parties, the hearing panel also finds by clear, cogent, and convincing evidence the following

ADDITIONAL FINDINGS REGARDING DISCIPLINE

1. Defendant has substantial experience in the practice of law.
2. Defendant's filings of frivolous lawsuits against judges who had adjudicated her domestic actions and other court personnel caused significant harm to the opposing parties and had the potential to cause significant harm to the public's perception of the legal profession.
3. Defendant's neglect of her clients caused significant harm to her clients and had the potential to cause significant harm to the public's perception of the legal profession.
4. Defendant failed to timely comply with Judge Harper's order to undergo the psychological evaluation and substance use assessment for over a year, but Defendant eventually did so beginning in September 2016.
5. Defendant did not timely comply with the undersigned's order to sign and provide the release forms such that the State Bar's counsel could communicate with the providers of Defendant's psychological evaluation and substance use assessment.
6. Defendant has not previously been disciplined for violating the Rules of Professional Conduct.

7. Defendant's father died on August 15, 2013, and as a result Defendant was out of her office and unavailable to timely respond to many of her clients with pending matters during the Summer and Fall of 2013.

Based upon the Findings of Fact, Conclusions of Law, and Additional Findings Regarding Discipline, the hearing panel also enters the following

CONCLUSIONS REGARDING DISCIPLINE

1. The hearing panel has carefully considered all of the different forms of discipline available to it. In addition, the hearing panel has considered all of the factors enumerated in 27 N.C. Admin. Code 1B § .0116(f)(3) of the Rules and Regulations of the North Carolina State Bar and finds the following factors are applicable in this matter:

- a. Absence of prior disciplinary offenses;
- b. Defendant engaged in multiple offenses;
- c. Defendant is remorseful for her conduct;
- d. The vulnerability of the victims; and
- e. Defendant's substantial experience in the practice of law.

2. The hearing panel has carefully considered all of the factors enumerated in 27 N.C. Admin. Code 1B § .0116(f)(1) of the Rules and Regulations of the North Carolina State Bar and finds the following factors warrant suspension of Defendant's license:

- a. Defendant's actions had a potential negative impact on her clients' and the public's perception of the legal profession;
- b. Defendant's conduct had a negative impact on the administration of justice;
- c. Defendant's conduct impaired each client's ability to achieve the goals of the representation; and
- d. Defendant's conduct had a potential adverse effect on a third party.

3. The hearing panel has also carefully considered all of the factors enumerated in 27 N.C. Admin. Code 1B § .0116(f)(2) of the Rules and Regulations of the North Carolina State Bar and concludes that disbarment is not necessary in order to protect the public.

4. The hearing panel has considered all other forms of discipline available and concludes that any sanction less than suspension would fail to acknowledge the seriousness of the offenses committed by Defendant, would not adequately protect the public, and would send the wrong message to attorneys and the public regarding the conduct expected of members of the Bar.

- a. The factors under 27 N.C.A.C. 1B §.0116(f)(1) and (f)(3) that are established by the evidence are of a nature that support imposition of suspension as the appropriate discipline;
- b. Entry of less serious discipline would fail to acknowledge the seriousness of the offenses Defendant committed and would send the wrong message to attorneys and the public regarding the conduct expected of members of the Bar in this State; and,
- c. A stayed suspension with appropriate conditions, such as requiring Defendant to continue her therapy and periodic reporting by that therapist to the State Bar, will assure Defendant's progress and compliance with treatment.

Based upon the foregoing Findings of Fact, Conclusions of Law, and Findings Regarding Discipline, the hearing panel enters the following

ORDER OF DISCIPLINE

1. The license of Defendant, Amy E. Allred, is hereby suspended for two years. This Order will be effective 30 days after service of the Order upon Defendant.
2. Defendant's two year suspension is ordered stayed for the duration of the suspension as long as Defendant complies, and continues to comply during the period of the stay with each of the following conditions:
 - a. Defendant, at her own expense, continues counseling with her present psychologist, and/or any other board-certified psychiatrist, psychologist, or counselor (hereafter "Therapist") of her own choosing, and follows and complies with the course of treatment prescribed by her Therapist. The Therapist shall provide quarterly reports, due in the Office of Counsel by the tenth day of each quarter (starting with the first report due on or by April 10, 2018, and then quarterly reports thereafter on or by July 10, 2018, October 10, 2018, January 10, 2019, April 10, 2019, July 10, 2019, October 10, 2019, and January 10, 2020), to the State Bar (with a copy to Defendant) confirming Defendant is following the recommendations of the Therapist. The Therapist shall notify the State Bar if Defendant fails to follow the recommendations and treatment program of the Therapist. Defendant shall ensure these reports and notifications are timely made. Defendant will sign all necessary releases or documents to allow such reports and notifications, to allow the Therapist to provide documents from Defendant's treatment to the State Bar, and to allow the Therapist to discuss Defendant's participation and treatment with the Office of Counsel of the State Bar, and shall not revoke the release during the period of the stayed suspension;

- b. Defendant instructs her Therapist to notify the Office of Counsel immediately in writing if, at any point during the stayed suspension, Defendant ceases to be a patient or otherwise fails to comply with the course of treatment prescribed by the Therapist;
- c. Defendant arranges for an active member of the North Carolina State Bar to serve as her law practice monitor. Defendant's practice monitor shall be an attorney in good standing who practices law in Defendant's judicial district and who has been approved by the Office of Counsel. During the time that Defendant resides in North Carolina while under this suspension and undertakes the representation of any North Carolina clients, the monitor will supervise all of Defendant's client matters to ensure that Defendant handles all client matters in a timely fashion, including, but not limited to, promptly responding to her clients and diligent pursuit of her clients' matters. Defendant shall meet once a month with her monitoring attorney, report the status of all current client matters to the monitor, cooperate with the monitoring attorney, and provide any information the monitoring attorney deems reasonably necessary to ensure that Defendant is properly and timely handling all client matters. Regardless of whether she resides in North Carolina or undertakes the representation of any North Carolina clients, Defendant also shall consult the monitor prior to filing any state or federal lawsuit as the plaintiff. The monitor will submit written quarterly reports of this supervision to the Office of Counsel, due in the Office of Counsel by the tenth day of each quarter (starting with the first report due on or by April 10, 2018, and then quarterly reports thereafter on or by July 10, 2018, October 10, 2018, January 10, 2019, April 10, 2019, July 10, 2019, October 10, 2019, and January 10, 2020), (with a copy to Defendant) confirming Defendant is following the recommendations of the practice monitor. Defendant bears the responsibility of ensuring the monitoring attorney sends a written report each quarter to the Office of Counsel as described above. This monitoring will occur for the duration of the suspension. Defendant will pay the cost, if any, charged by the monitor for this supervision. Defendant must make the arrangements for this monitoring attorney and supply the Office of Counsel with a letter from the monitoring attorney confirming his or her agreement to perform the duties listed above.
- d. Defendant cooperates with the Office of Counsel and makes appropriate arrangements for an alternate monitoring attorney if needed during this suspension.

- e. Defendant timely submits her annual Continuing Legal Education ("CLE") report form to the CLE Department of the North Carolina State Bar each year of the stay and contemporaneously sends a copy of the CLE report form to the Office of Counsel of the State Bar to document compliance. "Timely" means by the date specified by the CLE department as the date by which members must submit their annual report forms to avoid assessment of a \$75.00 late filing penalty. Defendant must ensure the Office of Counsel receives a copy of her annual CLE report form no later than 15 days after it is due to the CLE department of the State Bar each year;
- f. Defendant pays all Membership dues and Client Security Fund assessments and complies with all CLE requirements on a timely basis;
- g. Defendant keeps her address of record with the North Carolina State Bar current, accepts all certified mail from the North Carolina State Bar, and responds to all letters of notice and requests for information from the North Carolina State Bar by the deadlines stated in the communication;
- h. Defendant does not violate any of the Rules of Professional Conduct in effect during the period of the stay;
- i. Defendant does not violate any laws of the State of North Carolina or of the United States during the period of the stay; and
- j. Defendant pays all costs and administrative fees of this proceeding as assessed by the Secretary within ninety (90) days after service of the notice of costs on her, or as may be extended by the panel for good cause shown by Defendant.

3. If Defendant fails to comply with any one or more of the conditions of the stay of his suspension provided in paragraphs 2(a)-2(i) above, the stay of suspension may be lifted in accordance with 27 N.C.A.C. 1B § .0118(a).

4. Defendant's obligations under this Order end after the applicable period of the stay provided there are no motions or show cause proceedings pending alleging lack of compliance with the conditions of the stay of the suspension. Pursuant to 27 N.C.A.C. 1B § .0118(a), the DHC retains jurisdiction until all conditions of the stay of the suspension have been met. If a motion or show cause proceeding alleging lack of compliance with the conditions for the stay of the suspension is pending when the period of the stay of the suspension would otherwise have terminated, the DHC retains the jurisdiction and ability to lift the stay of the suspension and activate the remaining portion of the suspension in whole or in part if it finds that any of the conditions of the stay have not been met. The

stay of the suspension and Defendant's obligation to comply with the conditions for the stay will continue until resolution of any such pending motion or show cause proceeding.


5. If the stay of the suspension is lifted and the remaining period of suspension is activated for any reason, the following conditions are placed upon Defendant's reinstatement to active status. With any petition Defendant files for reinstatement to active practice, Defendant must demonstrate by clear, cogent, and convincing evidence that she complied with each of the following conditions:

- (a) Complied with 2(e)-2(i) above;
- (b) Submitted her license and membership card to the Secretary of the North Carolina State Bar no later than 30 days from the effective date of the order activating her suspension;
- (c) Complied with all provisions of 27 N.C.A.C. 1B § .0128 on a timely basis;
- (d) Complied with all provisions of 27 N.C.A.C. 1B § 0129(b);
- (e) Not have violated any of the Rules of Professional Conduct;
- (f) Not have violated any laws of the State of North Carolina or of the United States; and
- (g) Paid all costs of this proceeding as assessed by the Secretary within ninety (90) days after service of the notice of costs on her, or as may be extended by the panel for good cause shown by Defendant.

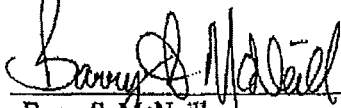
6. Defendant is taxed with the administrative fees and costs of this action as assessed by the Secretary, which shall be paid within ninety (90) days of service of the notice of costs upon Defendant, or as may be extended by the panel for good cause shown by Defendant

7. Nothing in this Order shall prohibit the State Bar from investigating and, if necessary, pursuing disciplinary action against Defendant for additional misconduct discovered or reported which occurred during the same time period as the conduct addressed in this Order.

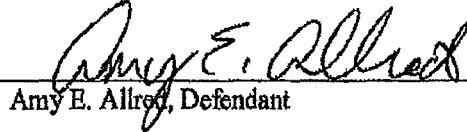
Signed by the Chair with the consent of the other hearing panel members, this the 25 day of January, 2018.


Donald C. Prentiss, Chair
Disciplinary Hearing Panel

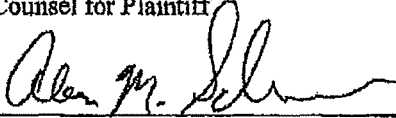
CONSENTED TO BY:



Barry S. McNeill
Deputy Counsel
North Carolina State Bar
Counsel for Plaintiff



Amy E. Allred, Defendant



Alan M. Schneider
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Counsel for Defendant