

NORTH CAROLINA
WAKE COUNTY



8180

BEFORE THE GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
03G 185

THE NORTH CAROLINA STATE BAR
Petitioner

v.

PAUL C. BLAND, ATTORNEY
Respondent

ORDER OF RECIPROCAL
DISCIPLINE PROCEEDING

Pursuant to the authority vested in me as Chair of the Grievance Committee of the North Carolina State Bar by 27 N.C. Admin. Code Chapter 1, Subchapter B, §§ .0105(a)(12) and .0116(a) of the N.C. State Bar Discipline & Disability Rules and based upon the record in this matter, the undersigned finds as follows:

1. By order effective Aug. 16, 2002, the Virginia State Bar Disciplinary Board suspended the law license of Paul C. Bland for 18 months.
2. On March 17, 2003, a Notice of Reciprocal Discipline Proceeding was served upon Bland by registered mail by the North Carolina State Bar.
3. Bland failed to respond or show cause that imposition of the identical discipline would be unwarranted within 30 days of service upon him of the Notice of Reciprocal Discipline.

BASED UPON THE FOREGOING FINDINGS the Chair of the Grievance Committee makes the following CONCLUSIONS OF LAW:

1. The North Carolina State Bar has jurisdiction over the subject matter of this proceeding and over the person of the respondent, Paul C. Bland.
2. The procedure for imposition of reciprocal discipline pursuant to 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0116(a) of the N.C. State Bar Discipline & Disability Rules has been complied with.

3. The Aug. 16, 2002 order of the Virginia State Bar Disciplinary Board found that Bland had neglected one or more client matters, failed to preserve the identity of client funds and engaged in other violations of the Virginia Code of Professional Responsibility.

4. The order of suspension imposed by the Virginia State Bar Disciplinary Board should be imposed on Bland's right to practice law in the State of North Carolina.

THEREFORE IT IS HEREBY ORDERED THAT:

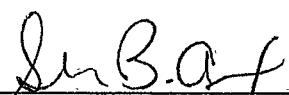
1. The North Carolina law license of the respondent, Paul C. Bland, is suspended for a period of 18 months from the effective date of this order.

2. Respondent shall forthwith surrender his North Carolina license certificate and membership card to the Secretary of the N.C. State Bar.

3. Respondent is hereby taxed with the costs of this proceeding as assessed by the Secretary.

4. Respondent shall comply with the wind down provisions of 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0124 of the N.C. State Bar Discipline & Disbarment Rules.

This the 5 day of August, 2003.


Sharon B. Alexander, Chair
Grievance Committee

VIRGINIA: BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF:

Paul Cornelious Bland
VSB Docket No. 03-000-0870

ORDER

THIS MATTER came before a duly convened panel of the Virginia State Bar Disciplinary Board (the "Board"), consisting of John A. Dezio (Chair), James L. Banks, Jr., Thaddeus T. Crump (Lay Member), Robert L. Freed and Peter A. Dingman, on October 25, 2002, pursuant to a Show Cause Order entered September 25, 2002, and duly served upon Paul Cornelious Bland ("Respondent"). The Virginia State Bar (the "Bar") was represented by Barbara Ann Williams, Attorney at Law, Bar Counsel. Respondent appeared and represented himself. The proceedings were recorded and transcribed by Valarie L. Schmit (who was first duly sworn by the Chair), a registered professional reporter, Chandler & Halasz, Post Office Box 9349, Richmond, Virginia, 23227 (telephone number 804-730-1222).

The hearing commenced promptly at 9:00 a.m., and the Chair recited the purpose of the hearing: to determine whether good cause existed not to impose on Respondent alternative discipline specified in an order (the (Suspension Order) of the Board entered pursuant to an agreed disposition by and between the Bar and Respondent in VSB Docket Nos. 99-031-0907, 99-031-0921, 99-031-1708, 00-031-2092 and 00-031-3456. The Chair further recited the procedure to be followed in the hearing and polled the members of the panel as to whether any of them were conscious of any personal or financial interest or bias which would preclude any of them from serving on this panel. Each member, including the Chair, answered in the negative, and the hearing proceeded.

After opening statement of counsel, the Bar introduced, without objection, as an exhibit, a true copy of the Suspension Order entered pursuant to the agreed disposition, entered on April 26, 2002, which provided, in pertinent part, that Respondent (...shall not accept any new clients between the date of the acceptance of this agreement by a panel of the Virginia State Bar Disciplinary Board and August 16, 2002, who require anything more than consultations and/or the preparation of documents". Further, the Bar introduced, again without objection, additional exhibits, being copies of orders entered in the Juvenile and Domestic Relations General District Court of the City of Petersburg, Virginia, showing that Respondent had been appointed, by judges of that Court, as guardian ad litem on behalf of various individuals brought before that Court on dates falling between April 26, 2002, and August 16, 2002.

Further, the Bar called Professor Robert Edward Sheppard, an emeritus professor of law at the T.C. Williams School of Law, University of Richmond, who was qualified as an expert witness on the subject of service as a guardian ad litem before the Juvenile and Domestic Relations General District Courts of the Commonwealth. Among other qualifications, Professor Sheppard, on behalf of the Virginia Supreme Court, conducts orientation for new Juvenile and Domestic Relations General District Court judges, served on a state-wide committee which drafted requirements for lawyers to serve as guardians ad litem before those courts and

continues to provide, on behalf of Virginia CLE, an annual seminar on such service. Professor Sheppard has also himself served in that capacity and mentored or taught law students and lawyers desiring to serve in such capacity. Professor Sheppard testified that, in his opinion, the function of guardian ad litem was an attorney-client relationship, with some greater fiduciary responsibilities than might otherwise exist and subject to certain exceptions to the client-confidentiality requirements, limited to those specified by statute and rule of court.

Respondent, in his own testimony, testified that he did not consider the appointments received between April 26, 2002, and August 16, 2002, to be in violation of the suspension order because these appointments were on behalf of individuals who had been previously represented by Respondent in other proceedings before the same court. Thus, Respondent did not consider these individuals to be "new clients".

In response to questions from the Board, however, Respondent testified that he did not consider individuals (either the individuals in the subject appointments or individuals represented by him in other proceedings before the Juvenile and Domestic Relations General District Court) to be "clients" for purposes of providing the notice of suspension mandated by the suspension order and the applicable Supreme Court Rule. This testimony was viewed by members of the Board as undermining Respondent's credibility regarding his understanding of the responsibilities imposed on him by the Suspension Order.

Upon the evidence presented and after consideration of the argument of counsel, the Board concluded that Respondent had failed to show cause why his license to practice law in the Commonwealth of Virginia should not be further suspended and the alternative discipline set forth in the Suspension Order (pursuant to the agreed disposition) imposed, Respondent having failed to show by clear and convincing evidence that he had not violated the terms of the Suspension Order by accepting, during the time frame April 26, 2002, through August 16, 2002, new clients requiring representation other than consultation and/or the preparation of documents. Specifically, the Board found that Respondent failed to prove by clear and convincing evidence that the persons for whom he was appointed as guardian ad litem during the time period April 26, 2002, to August 16, 2002, were not "new clients" within the meaning of the Suspension Order.

In consideration whereof, it is

ORDERED that the alternative discipline specified in the Suspension Order be, and the same hereby is, imposed; and

Accordingly, it is FURTHER ORDERED that the license of Respondent to practice law in the Commonwealth of Virginia be, and the same hereby is, suspended for a period of eighteen (18) months from August 16, 2002; and

FURTHER ORDERED that, pursuant to Part Six, Section IV, Paragraph 13(M), of the Rules of the Supreme Court of Virginia, Respondent shall forthwith give notice, by certified mail, return receipt requested, of this suspension of his license to practice law in the Commonwealth of

Virginia to all clients for whom he is currently handling any matters, to all judges and the clerk of the court before which Respondent may have any pending cases and to opposing counsel in all such cases. Respondent shall also make appropriate arrangements for the disposition of matters now in his care, in conformity with the wishes of his clients; and

FURTHER ORDERED that, pursuant to Part Six, Section IV, Paragraph 13M, of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess costs; and

FURTHER ORDERED that a copy of this order shall be mailed by certified mail, return receipt requested, to Respondent, Paul Cornelius Bland, at his address of record with the Virginia State Bar, P.O. Box 402, Petersburg, VA., 23804-0402, and hand delivered to Barbara Ann Williams, counsel, Virginia State Bar, 707 East Main Street, Suite 1500, Richmond, Virginia, 23219.

ENTERED this _____ day of _____, 2002.

VIRGINIA STATE BAR DISCIPLINARY BOARD

By: _____
John A. Dezio, Chair