

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
14G0113

IN THE MATTER OF)	
)	
HILDA BURNETT-BAKER)	REPRIMAND
Attorney At Law)	
)	

On July 24, 2014 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you in the above-referenced grievance file number.

Pursuant to Section .0113(a) of the Discipline and Disability Rules of the North Carolina State Bar, the Grievance Committee conducted a preliminary hearing. After considering the information available to it, including your response to the letter of notice, the Grievance Committee 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.

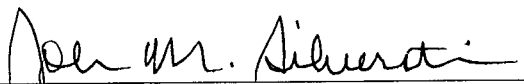
On September 24, 2013, you filed a motion on behalf of the North Carolina Department of Transportation (“NCDOT”) in a bankruptcy case, *In re NCVAMD, Inc.*, No. 10-03098-8-SWH (Bankr. E.D.N.C.), seeking to lift the automatic stay pursuant to 11 U.S.C. § 362. Paragraph 6 of your motion falsely disclaimed NCDOT’s knowledge of the bankruptcy proceedings prior to NCDOT’s filing of a condemnation complaint in state court, *Department of Transportation v. Henry L. Burke, et al.*, No. 12-CVS-3293 (Cabarrus County Superior Court, Oct. 9, 2012), despite the fact that the bankruptcy trustee was named as a party defendant in the condemnation

complaint. Email communications between the NCDOT and the trustee in May 2012 also showed that NCDOT had knowledge of the bankruptcy prior to filing the condemnation complaint. At the October 22, 2013 hearing before the bankruptcy judge on NCDOT's motion, you acknowledged that you had learned of NCDOT's knowledge about the bankruptcy proceedings two days prior to filing the September 24, 2013 motion. Even after filing the motion and prior to your appearance before the bankruptcy judge at the October 22, 2013 hearing, you did not correct or amend paragraph 6 of your motion to correct the falsehood. By signing and filing the motion on behalf of NCDOT, you knowingly made a false statement of material fact to a tribunal, and/or failed to correct a false statement of material fact previously made to the tribunal by her, in violation of Rule 3.3(a)(1).

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 27th day of August, 2014.



John M. Silverstein, Chair
Grievance Committee

JMS/lb