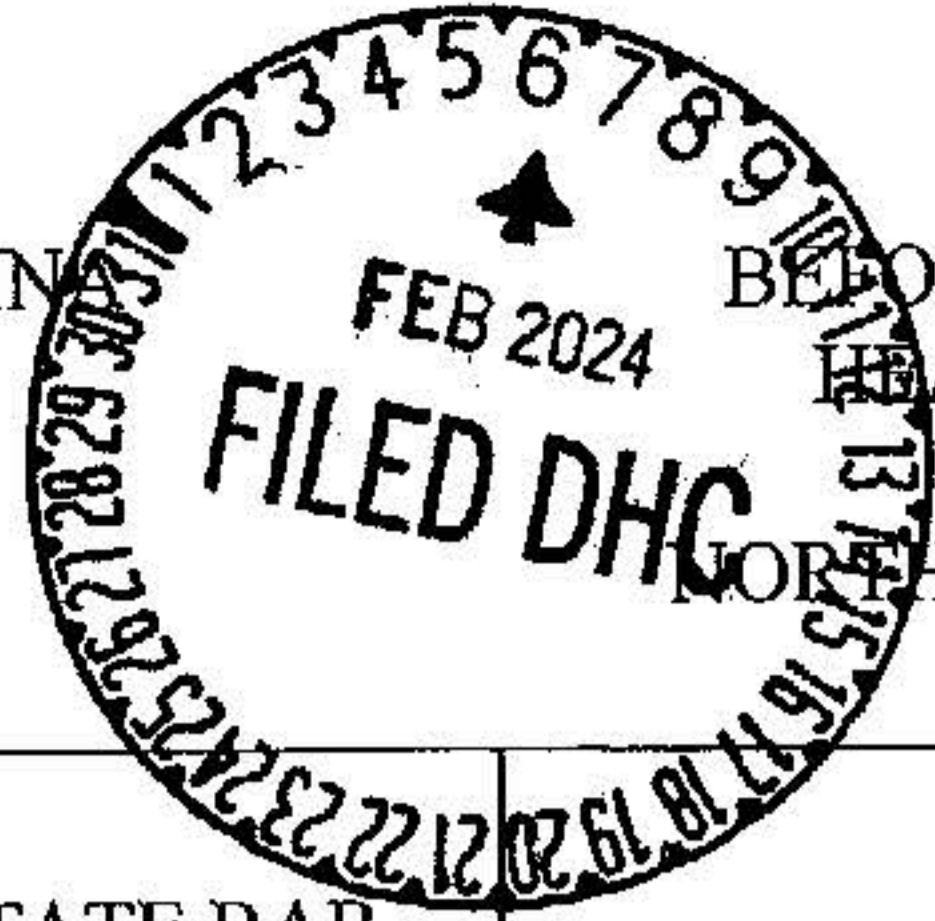


STATE OF NORTH CAROLINA
WAKE COUNTY



BEFORE THE DISCIPLINARY
HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
23 DHC 10

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

TRAVIS H. SIMPSON, Attorney,

Defendant

ORDER OF DISCIPLINE

THIS MATTER was heard on 18 December 2023 before a Hearing Panel of the Disciplinary Hearing Commission composed of James A. Davis, Chair, and members Irving L. Joyner and Kimberly W. Strach pursuant to 27 N.C. Admin. Code 1B § .0115(g). Plaintiff was represented by Savannah B. Perry and Jessica M. Arnold. Defendant Travis H. Simpson was *pro se* but did not appear.

Defendant failed to file a responsive pleading in this matter. On 20 October 2023 the Hearing Panel entered a Default Order making findings of fact and conclusions of law, pursuant to which the allegations in Plaintiff's Complaint were deemed admitted and concluding as a matter of law that Simpson violated the Rules of Professional Conduct as set forth in the Complaint.

Based upon the pleadings in this matter and the Default Order entered by the Hearing Panel, the Hearing Panel 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, Travis H. Simpson ("Defendant"), was admitted to the North Carolina State Bar in September 1997 and is an Attorney at Law subject to the rules, regulations, and Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.

3. Prior to 24 July 2019, Defendant was engaged in the practice of law in the State of North Carolina and maintained a law office in Winston Salem, Forsyth County, North Carolina. From 24 July 2019 through the present, Defendant has been suspended from the practice of law.

Representation of S.P. and Failure to Participate in the Grievance Process

4. In or around 2016, Defendant was engaged to represent S.P. in a workers' compensation claim.

5. In or around March 2019, S.P. signed a settlement agreement resolving his workers' compensation claim for \$10,000.00.

6. Defendant did not promptly send S.P.'s signed settlement agreement to opposing counsel.

7. Defendant did not tell S.P. that he did not promptly send S.P.'s signed settlement agreement to opposing counsel.

8. Between March 2019 and June 2019, S.P. made numerous attempts to communicate with Defendant.

9. Defendant did not respond to S.P.

10. The State Bar opened grievance file number 19G0590 with respect to Defendant's representation of S.P.

11. Defendant was served with a Letter of Notice in grievance file number 19G0590.

12. The Letter of Notice required Defendant to submit a response to the allegations in the grievance within 15 days.

13. Defendant did not respond to the Letter of Notice.

Abandonment of Law Office and Client Property

14. Before his suspension took effect on 24 July 2019, Defendant had a law office at 1315 E. 4th Street, Winston-Salem, North Carolina 27101 ("1315 E. 4th Street").

15. Pursuant to 27 N.C.A.C. 1B § .0128(a), suspended attorneys must take reasonable steps to avoid foreseeable prejudice to the rights of their clients, including promptly delivering all file materials and property to which the clients are entitled to the clients or the clients' substituted attorney.

16. Defendant maintained client files at 1315 E. 4th Street.

17. In or around April 2022, Defendant was evicted from 1315 E. 4th Street.
18. Defendant abandoned client files at 1315 E. 4th Street when he vacated the premises.
19. Defendant did not return all file materials and property to which his clients were entitled to the clients or the clients' substitute attorney.
20. The confidential client information contained in Defendant's abandoned client files was at risk of inadvertent or unauthorized disclosure to third parties.
21. Defendant also maintained an attorney trust account at Wells Fargo Bank, account number ending in 3893 ("Defendant's trust account").
22. Before his suspension took effect on 24 July 2019, Defendant took no further action to disburse the remaining funds in Defendant's trust account, effectively abandoning the entrusted funds he maintained on his clients' behalf.
23. Defendant did not return all entrusted property to which his clients were entitled to the clients or the clients' substitute attorney.

Based upon the pleadings, the Default Order Making Findings of Fact and Conclusions of Law, and the foregoing Findings of Fact, the Disciplinary Hearing Panel makes the following:

CONCLUSIONS OF LAW

1. All parties are properly before the Hearing Panel and the Hearing Panel has jurisdiction over Defendant, Travis H. Simpson, and over the subject matter.
2. Defendant's conduct, as set forth in the Findings of Fact above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) in that Defendant violated the Rules of Professional Conduct in effect at the time of the conduct as follows:
 - a. By failing to promptly send S.P.'s signed settlement agreement to opposing counsel, Defendant failed to act with reasonable diligence and promptness in representing his client in violation of Rule 1.3;
 - b. By failing to tell S.P. that he did not promptly send S.P.'s signed agreement to opposing counsel, Defendant failed to keep his client reasonably informed about the status of his case in violation of Rule 1.4(a)(3);
 - c. By failing to respond to S.P.'s numerous attempts to communicate with him, Defendant failed to promptly comply with reasonable requests for information in violation of Rule 1.4(a)(4);

- d. By failing to respond to the Letter of Notice in grievance file number 19G0590, Defendant failed to respond to a lawful demand for information from a disciplinary authority in violation of Rule 8.1(b);
- e. By abandoning his client files at 1315 E. 4th Street when he vacated the premises, risking the inadvertent or unauthorized disclosure of confidential client information to third parties, Defendant failed to make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to his representation of a client in violation of Rule 1.6(c);
- f. By failing to return all file materials and property to which his clients were entitled to the clients or the clients' substituted attorney, Defendant failed to take steps to the extent reasonably practicable to protect a client's interests upon termination of representation, such as surrendering papers and property to which the client is entitled, in violation of Rule 1.16(d); and
- g. By failing to promptly pay or deliver to his clients, or to third persons as directed by his clients, entrusted property belonging to his clients and to which his clients were currently entitled before the effective date of his suspension, Defendant failed to properly disburse entrusted funds in violation of Rule 1.15-2(a) and Rule 1.15-2(n) and failed to take steps to the extent reasonably practicable to protect a client's interests upon termination of representation, such as surrounding property to which the client was entitled and refunding any advance payment of fee or expense that had not been earned or incurred, in violation of Rule 1.16(d).

3. Defendant's conduct, as set forth in the Findings of Fact above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(3) in that Defendant failed to answer a formal inquiry issued by the North Carolina State Bar in a disciplinary matter.

Based upon the foregoing Findings of Fact and Conclusions of Law, and the additional evidence presented at the 18 December 2023 hearing, the Hearing Panel finds by clear, cogent, and convincing evidence the following:

FINDINGS OF FACT REGARDING DISCIPLINE

1. Simpson was licensed in 1997 and, therefore, has substantial experience in the practice of law. At the time of Defendant's conduct and based on his substantial experience in the practice of law, Defendant knew or should have known his failure to reasonably communicate with S.P., his failure to diligently protect his client's rights, and his failure to preserve his clients' property would cause or potentially cause direct foreseeable significant harm to his clients, the legal profession, the public, and the administration of justice.

2. S.P. was a vulnerable client. S.P. testified that he did not know how to handle his workers' compensation claim without the assistance of a lawyer, and that when he hired Simpson, S.P. was injured, unable to work, and was the primary provider for his family. Simpson's failures to diligently tend to S.P.'s case and to respond to S.P.'s requests for information about the case resulted in direct and foreseeable significant harm to S.P., who was unfamiliar with the legal process and relied upon Simpson to protect his rights and interests.

3. In addition to delaying S.P.'s ability to timely resolve his workers' compensation claim, Simpson's lack of diligence also created uncertainty for the opposing party and adversely impacted the Industrial Commission's ability to timely resolve S.P.'s workers' compensation claim. By delaying the resolution of a pending matter, Simpson's conduct harmed third parties and prejudiced the administration of justice in that justice delayed is justice denied.

4. Simpson's lack of diligence and refusal to reasonably communicate with S.P. impaired S.P.'s ability to accomplish the goals of the representation in that S.P.'s workers' compensation case was delayed, S.P. testified he did not understand the terms of his settlement agreement, and S.P. was dissatisfied with Simpson's representation and the outcome of his workers' compensation case.

5. Simpson's conduct diminished S.P.'s perception of the legal profession as a whole and S.P. testified that, rather than hire an attorney, he would likely represent himself if he were involved in future legal proceedings.

6. Confidence in the legal profession is foundational for public trust in the broader legal system. Simpson's conduct caused and potentially caused significant direct and foreseeable harm to the standing of the legal profession in the eyes of S.P. and the public by exposing Defendant's utter disregard for his duties as an attorney. Such erosion of public confidence in attorneys sullies the reputation of, and fosters disrespect for, the legal profession.

7. By abandoning his clients' files, Simpson caused or potentially caused direct and foreseeable harm to clients in that he prohibited his clients from obtaining their own property, prohibited his clients from timely transferring their files to new counsel, impaired his clients' ability to achieve the goals of the representation, and prejudiced the administration of justice.

8. By abandoning his clients' files, which potentially contained confidential and sensitive client information subject to disclosure to third parties, Simpson negatively impacted the public's perception of and trust in lawyers, as client confidentiality is a cornerstone of the legal profession.

9. By abandoning his clients' files when he was evicted from his law firm instead of returning the files to his clients, continuing to safeguard his clients' files, or taking steps to transfer his clients' files to new counsel, Simpson elevated his own interests above those of his clients and caused or potentially caused direct and foreseeable harm to his clients in that many of his clients' files were damaged by water and rodents after abandonment.

10. By abandoning his clients' files, Simpson failed to comply with his obligations under the wind-down provisions of Rule .0128 of the State Bar's Discipline and Disability Rules when the DHC suspended his license in 18DHC45. As such, the State Bar took possession of and safeguarded Simpson's client files. The State Bar paid to store and maintain Simpson's client files to prevent further destruction to his clients' property, which was already extensive, resulting in the unnecessary expenditure of State Bar resources and funds that might have been better directed elsewhere.

11. By failing to disburse entrusted funds belonging to clients, Simpson prejudiced the administration of justice and caused or potentially caused direct and foreseeable harm to his clients by prohibiting his clients from accessing their own funds, prohibiting his clients from transferring those funds to new counsel, and impairing his clients' ability to achieve the goals of representation.

12. By failing to disburse entrusted funds belonging to clients, Simpson negatively impacted the public's perception of the legal profession as a whole and elevated his own interests above those of his clients.

13. Simpson has engaged in a lengthy pattern of misconduct in North Carolina over the course of his law career, as follows:

- a. On 6 February 2002, the Grievance Committee issued Simpson an Admonition in 00G0094 because he failed to communicate with his client in a personal injury matter and failed to provide information a court ordered him to produce resulting in his client's case being dismissed with prejudice.
- b. On 20 August 2006, the Grievance Committee issued Simpson a Censure for misconduct in the following matters:
 - i. In 0521GR006, Simpson failed to communicate with a client and respond to the client's inquiries; failed to file a lawsuit on his client's behalf after he was unable to settle the claim without litigation; allowed the statute of limitations to run on client's case; failed to respond to the State Bar and the local bar; and

- ii. In 05G0752, Simpson neglected his client's case; failed to file his client's lawsuit; failed to settle his client's case; failed to appear at a meeting the local bar set up with his client; and failed to timely respond to the Letter of Notice sent by the local bar.
- c. On 14 February 2011, the Grievance Committee issued Simpson a Censure for misconduct in the following matters:
 - i. In 10G0312, Simpson made a misleading statement when he incorrectly claimed a client's tape recording was stolen from his office; failed to return the tape recording to the client upon request; failed to respond to the local bar; and
 - ii. In 10G0950, Simpson failed to communicate with a client for three years; neglected his client's case resulting in the case being closed for inactivity; delayed returning the client file to his client or his client's substitute counsel; and failed to respond to the State Bar's inquiries.
- d. On 6 May 2013, the Grievance Committee issued Simpson a Censure in 12G0704 because he failed to respond to the local bar and failed to timely respond to the State Bar.
- e. On 14 May 2019, the Grievance Committee issued Simpson an Admonition in 17G0641 because he misled his client in a contingency fee agreement, which allowed Simpson to settle his client's case without first consulting with his client.
- f. On 4 June 2019 in 18DHC45, the Disciplinary Hearing Commission issued an order suspending Simpson's law license for three years, granting Simpson the ability to apply for a stay of that suspension after 18 months upon meeting certain conditions. Simpson failed to apply for a stay after 18 months, and ultimately failed to become reinstated after three years under the requirements in the order of suspension. 18DHC45 encompassed Simpson's misconduct in the following matters:
 - i. In 15G0868, Simpson failed to reasonably communicate with his client; failed to notify his client the case was dismissed; failed to keep his client informed about the status of the case; failed to include accurate information in the Complaint he filed on the client's behalf; failed to act with reasonable diligence in representing his client; failed to

timely respond to the Letter of Notice; failed to respond to the State Bar's follow-up inquiry;

- ii. In 17G1270, Simpson failed to reasonably communicate with his client; failed to abide by his client's decisions; failed to act with reasonable diligence in representing his client; failed to respond to discovery requests in his client's case; failed to fully and fairly disclose all the facts and circumstances related to the allegations contained in the Letter of Notice and Substance of the Grievance; and failed to respond to the State Bar's follow-up inquiries; and
- iii. In 18G0394, Simpson attempted to settle a claim or potential malpractice claim with a client without first advising the client in writing to seek independent counsel; and failed to respond to the Letter of Notice.

14. Simpson's decades-long pattern of misconduct in North Carolina caused and potentially caused significant harm to his clients, the legal profession, the public, and the administration of justice.

15. Simpson has a lengthy history of refusing to participate in the self-regulation process in this matter and others, as follows:

- a. In 0521GR006, Simpson failed to respond to the local bar and the Letter of Notice sent by the State Bar;
- b. In 05G0752, Simpson failed to respond to the local bar;
- c. In 10G0312, Simpson failed to respond promptly to the local bar;
- d. In 10G0950, Simpson failed to respond to the State Bar's additional inquiries;
- e. In 12G0704, Simpson failed to respond to the local bar and failed to promptly respond to the State Bar;
- f. In 15G0868, Simpson failed to promptly respond to the Letter of Notice and failed to respond to the State Bar's follow-up inquiry;
- g. In 17G1270, Simpson failed to provide a full and fair disclosure of all facts and circumstances pertaining to the alleged misconduct outlined in the Letter of Notice and Substance of the Grievance and failed to respond to the State Bar's multiple follow-up inquiries;

- h. In 18G0394, Simpson failed to respond to the Letter of Notice;
- i. In 18DHC45, Simpson failed to file a responsive pleading to the Complaint filed against him by the State Bar; failed to apply for a stay of his active three-year suspension as permitted after 18 months; and failed to apply for reinstatement after three years;
- j. In 19G0590, Simpson failed to respond to the Letter of Notice; and
- k. In 23DHC10, Simpson failed to file a responsive pleading to the Complaint filed against him by the State Bar and failed to appear for the hearing in this matter, which occurred on 18 December 2023.

16. Defendant's decades-long history of failing to timely and fully respond to the State Bar caused and potentially caused direct and foreseeable significant harm to his clients, the legal profession, the public, and to the administration of justice. Such conduct demonstrates Simpson's refusal to acknowledge the wrongful nature of his misconduct, highlights Simpson's disregard for the regulatory authority of the State Bar, suggests Simpson does not value the privileges and responsibilities inherent in maintaining a law license, and impedes the legal profession's ability to self-regulate its members.

17. The legal profession's ability to self-regulate its members is a privilege, and rests upon a careful balance of participation from all lawyers. Simpson's repeated refusal to participate in the self-regulation process threatens the legal profession's continued privilege to govern itself.

CONCLUSIONS OF LAW REGARDING DISCIPLINE

1. The Hearing Panel carefully considered all of the different forms of discipline available to it. In addition, the Hearing Panel considered all of the factors enumerated in 27 N.C.A.C. 1B § .0116(f)(1) of the Rules and Regulations of the North Carolina State Bar and concludes the following factors are applicable in this matter:

- a. Factor B – Intent of Simpson to commit acts where the harm or potential harm is foreseeable;
- b. Factor D – Elevation of Simpson's own interest above that of the client;
- c. Factor E – Negative impact of Simpson's actions on the client's or public's perception of the profession;
- d. Factor F – Negative impact of Simpson's actions on the administration of justice;
- e. Factor G – Impairment of the client's ability to achieve the goals of the representation;

- f. Factor H – Effect of Simpson’s conduct on third parties; and
- g. Factor J – Multiple instances of failure to participate in the legal profession’s self-regulation process.

2. The Hearing Panel considered all of the factors enumerated in 27 N.C.A.C. 1B § .0116(f)(3) of the Rules and Regulations of the North Carolina State Bar and concludes the following factors are applicable in this matter:

- a. Factor A – Prior disciplinary offenses in this state;
- b. Factor B – Remoteness of prior disciplinary offenses in this state;
- c. Factor F – A pattern of misconduct;
- d. Factor G – Multiple offenses;
- e. Factor O – Refusal to acknowledge wrongful nature of conduct;
- f. Factor R – Vulnerability of victim; and
- g. Factor S – Degree of experience in the practice of law.

3. While the panel considered the remoteness of Simpson’s prior disciplinary offenses, it concluded that some prior offenses were remote and others were not. As such, the remoteness of some of Simpson’s prior disciplinary offenses only emphasizes Simpson’s long history of similar misconduct.

4. Simpson’s refusal to reasonably communicate with S.P., neglect of S.P.’s case, abandonment of client property, and failure to disburse entrusted client funds caused actual and potential significant harm to S.P., to the public, to the administration of justice, and to the legal profession.

5. Disbarment is the only sanction that can adequately protect the public for the following reasons:

- a. An order of discipline less than disbarment would fail to acknowledge the seriousness of the offenses that Simpson committed and would send the wrong message to attorneys and the public regarding the conduct expected of members of the Bar in North Carolina.
- b. The misconduct detailed above, together with the orders of professional discipline imposed in 2002, 2006, 2008, 2011, 2013, 2018, and 2019, reflect that Defendant is unwilling to conform his conduct to the requirements of the Rules of Professional Conduct. Much of the misconduct for which he has previously received professional discipline is of the same nature as the misconduct at issue in the instant proceeding. This pattern demonstrates

that, if allowed to retain a license to practice law in North Carolina, there is a substantial likelihood that he will continue to engage in similar professional misconduct, posing an unacceptable risk to the public, the courts, the administration of justice, and the legal profession.

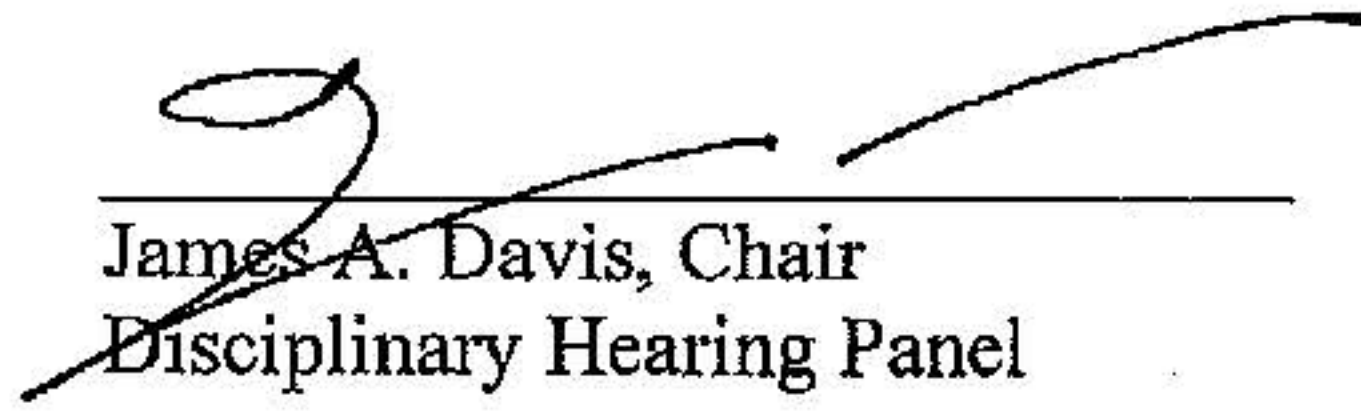
- c. The protection of the public requires that Simpson not be permitted to resume the practice of law unless and until he demonstrates that he has reformed, that he understands his obligations to his clients, the public, the courts, and the legal profession, and that reinstatement would not injure the standing of the legal profession. Disbarred attorneys must show reformation, among other things, before they may resume the practice of law, whereas no such showing of reformation is required of attorneys whose licenses are suspended for a term certain.

Based upon the foregoing Findings of Fact, Conclusions of Law, and the additional Findings of Fact and Conclusions of Law Regarding Discipline, the Hearing Panel hereby enters the following:

ORDER OF DISCIPLINE

1. Travis H. Simpson is hereby DISBARRED from the practice of law.
2. Simpson shall surrender his law license and membership card to the Secretary of the State Bar no later than 30 days from service of this order upon him if he has not already done so in connection with his prior order of discipline.
3. Simpson shall pay the costs of this proceeding as assessed by the Secretary of the North Carolina State Bar no later than 30 days from service of costs upon Simpson.
4. Simpson shall reimburse the State Bar for reasonable expenses related to the safe and secure storage of the client files he abandoned.
5. Simpson shall comply with all provisions of 27 N.C.A.C. 1B § .0128 of the North Carolina State Bar Discipline & Disability Rules.

Signed by the Chair with the consent of the other Hearing Panel members, this the 6th day of February, 2024.


James A. Davis, Chair
Disciplinary Hearing Panel