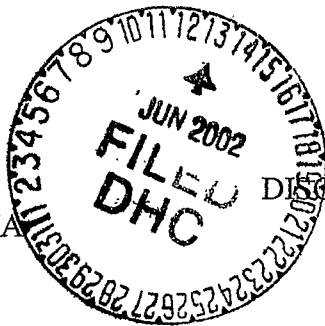


19382

WAKE COUNTY
NORTH CAROLINA



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
02 DHC 1

THE NORTH CAROLINA STATE BAR)	
Plaintiff)	
v.)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW
)	AND ORDER OF DISCIPLINE
SHARON D. JUMPER, ATTORNEY)	
Defendant)	

THIS MATTER came on to be heard and was heard on June 6, 2002 before a duly appointed hearing committee composed of Richard T. Gammon, Chair; Fred H. Moody, Jr., and Robert Hicks. Carolin Bakewell represented the N.C. State Bar. The Defendant, Sharon D. Jumper did not appear nor was she represented by counsel. Based upon the pleadings and the evidence introduced at trial, the hearing committee makes the following:

FINDINGS OF FACT

1. The Plaintiff, the North Carolina 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 promulgated thereunder.
2. The Defendant, Sharon D. Jumper (hereafter, Ms. Jumper), was admitted to the North Carolina State Bar in 1992, 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 North Carolina State Bar and the laws of the State of North Carolina.
3. During all of the periods relevant hereto, Ms. Jumper was engaged in the practice of law in the City of Charlotte, North Carolina.
4. The complaint in this action was filed on Jan. 25, 2002.
5. The original summons was issued on Jan. 25, 2002. Alias and pluries summonses were issued on Feb. 18, 2002 and on March 20, 2002.

6. Ms. Jumper was personally served with the complaint and the second alias and pluries summons by the Mecklenburg County Sheriff's Department on April 9, 2002.

7. Ms. Jumper's answer was due no later than April 30, 2002.

8. Ms. Jumper failed to file an answer or responsive pleading.

9. On May 3, 2002, the Secretary of the N.C. State Bar entered Ms. Jumper's default pursuant to N.C. Civ. Pro. Rule 55.

10. Ms. Jumper was properly served with the State Bar's motion for entry of default, the grounds for jurisdiction, the order entering her default, the motion for order of discipline and notice of the June 6, 2002 disciplinary hearing.

11. On or about Oct. 23, 2001, Ms. Jumper was convicted of one count of felony financial card fraud in Mecklenburg County Superior Court.

12. Ms. Jumper was sentenced to six to eight months in jail, which sentence was suspended for 24 months. Ms. Jumper was also ordered to surrender her law license for at least 90 days, effective Nov. 15, 2001.

13. The offense of which Ms. Jumper was convicted is a serious criminal violation that reflects adversely on her honesty, trustworthiness or fitness as a lawyer.

14. After her conviction of felony financial card fraud, but before the Nov. 15, 2001 effective date for the suspension of her law license, Ms. Jumper approached Lucretia Holland (Ms. Holland), an attorney who had then been licensed about two months and who was then employed as an associate with Ms. Jumper's office. Ms. Jumper asked Ms. Holland to assume representation of a number of Ms. Jumper's criminal clients, including one who was facing a capital murder charge.

15. Most of the clients had already paid some or all of Ms. Jumper's fee.

16. Ms. Jumper asked Ms. Holland to assume representation of the clients without considering the best interests of the clients and for the primary purpose of avoiding being forced to refund the fees already paid by the clients.

17. Ms. Jumper also asked Ms. Holland to act as "counsel of record" for one or more clients during the term of the suspension of Ms. Jumper's law license, with the understanding that Ms. Jumper would continue to do the actual legal work.

18. Ms. Holland declined Ms. Jumper's proposals and resigned her position with Ms. Jumper's law firm.

19. Prior to May 1994, Ms. Jumper undertook to represent Dolores Neil (Ms. Neil), regarding a domestic matter.

20. In May 1994 Ms. Neil and her former husband, Roger Cathey, (Cathey) sold their home.

21. On or about May 31, 1994 the closing attorney, Charles Merrymon, delivered to Ms. Jumper a trust account check in the amount of \$68,690.49 which represented the proceeds from the sale of the Neil-Cathey home.

22. Ms. Jumper was directed to hold the \$68,690.49 in trust pending the resolution of the Neil-Cathey domestic case.

23. On or about June 2, 1994, Ms. Jumper or an employee deposited the \$68,690.49 check into Ms. Jumper's attorney trust account number 170120201 at United Carolina Bank (UCB trust account).

24. As of July 25, 1994, the balance in the UCB trust account was \$51,688.14.

25. As of May 31, 1995, the balance in the UCB trust account was \$54.52.

26. None of the disbursements from the UCB trust account between June 2, 1994 and May 31, 1995 were made to Ms. Neil or for her benefit.

27. Ms. Jumper misappropriated the proceeds of the sale of Ms. Neil's home for her own use and benefit, without Ms. Neil's knowledge or consent.

28. Although Ms. Neil and her husband reached several agreements to resolve their dispute regarding the division of their property between June 1994 and January 1998, Ms. Jumper delayed resolving the domestic case and continually advised Ms. Neil not to consummate the agreements she had reached with her husband.

29. Ms. Jumper delayed the resolution of Ms. Neil's domestic case at least in part for the purpose of avoiding repaying funds which she had misappropriated from her client.

30. In approximately 1997, Branch Banking & Trust Co. (BB&T) purchased UCB and Ms. Jumper's trust account was then assigned BB&T account number 5216460393 (BB&T trust account).

31. On or about Feb. 13, 1998, Ms. Jumper replaced the funds belonging to Ms. Neil by depositing a check for \$68,690.49 into the BB&T trust account. The \$68,690.49 check was drawn on the personal bank account of Charles C. Jumper number

5216620730 at Branch Banking & Trust Co. Mr. Jumper, who is Ms. Jumper's husband, is not a lawyer.

31. The balance in the BB&T trust account before the deposit of Mr. Jumper's personal funds was \$20.21.

32. The funds which were deposited into Ms. Jumper's trust account and which were used to repay Ms. Neil came from several sources, including Mr. Jumper's paychecks and the proceeds of a loan which Ms. Jumper obtained by refinancing her home.

33. On or about Feb. 13, 1998, Ms. Jumper disbursed \$68,190.49 to Ms. Neil by check drawn on the BB&T trust account.

34. In late 1996, Ms. Jumper undertook to represent Clayton Bullin (Bullin) regarding drug-related criminal charges.

35. Thereafter, Ms. Jumper filed various motions to suppress evidence on Bullin's behalf.

36. After the trial court denied the motions to suppress, Bullin entered an Alford plea and was sentenced to two prison terms of 35 - 42 months.

37. Ms. Jumper agreed to file an appeal on Bullin's behalf, based upon the trial court's denial of the suppression motions for a \$5,000 fee.

38. In August 2000, Bullin's girlfriend, Kim Dagenhart (Ms. Dagenhart), paid a total of \$5,600 in cash to Ms. Jumper. Of the sum paid, \$600 was to be used to defray costs incurred in the appeal of Bullin's case and the remaining \$5,000 represented Ms. Jumper's fee.

39. Ms. Jumper failed to arrange for transcription of the trial transcript and took no other steps to perfect the appeal on Bullin's behalf.

40. Ms. Jumper failed to refund any portion of the \$5,000 fee she received from Ms. Dagenhart on Bullin's behalf, despite the fact that she did not perfect the appeal.

41. Ms. Jumper failed to deposit any portion of the \$600 in costs that she received from Ms. Dagenhart into a trust account.

42. Ms. Jumper misappropriated the \$600 which she received from Ms. Dagenhart without the knowledge or consent of either Bullin or Dagenhart.

43. Between April 2000 and April 2001, Ms. Jumper was an employer subject to the reporting requirements promulgated by the Employment Security Commission and Chapter 96 of the North Carolina General Statutes.

44. Ms. Jumper failed to file timely, accurate employment records to the N.C. Employment Security Commission setting out the names of her employees, the wages paid to each such employee and each employee's social security number for the second, third and fourth quarters of the year 2000 and the first quarter of the year 2001.

45. On or about June 7, 2001, Ms. Jumper was charged with misdemeanor failure to file required reports with the Employment Security Commission for the second - fourth quarters of 2000 and the first quarter of 2001.

46. On Nov. 6, 2001, Ms. Jumper tendered a plea of no contest to failing to file reports for the second - fourth quarters of 2000. The judge entered a prayer for judgment continued.

Based on the foregoing Findings of Fact, the hearing committee hereby enters the following

CONCLUSIONS OF LAW

1. Ms. Jumper was properly served with the summons and complaint herein and her default was properly entered by the Secretary of the N.C. State Bar.

2. The offense of which Ms. Jumper was convicted is a criminal offense showing professional unfitness in violation of N.C. Gen. Stat. Section 84-28(b)(1), and which reflects adversely on her honesty, trustworthiness or fitness as a lawyer in other respects in violation of Rule 8.4(b) of the Revised Rules of Professional Conduct.

3. By requesting Lucretia Holland, a newly licensed attorney, to assume representing clients, some of whom were charged with serious offenses, including a capital murder charge, without reference to the clients' best interest, and for the purpose of avoiding refunding advance fees paid by the clients, Ms. Jumper engaged in a conflict of interest in violation of Rule 1.7(b) of the Revised Rules of Professional Conduct.

4. By requesting Lucretia Holland to act as counsel of record for other clients during the term of the suspension of Ms. Jumper's law license, with the understanding that Ms. Jumper would continue to provide legal advice regarding the cases, Ms. Jumper knowingly disobeyed a ruling of a tribunal in violation of Rule 3.4(c), engaged in conduct prejudicial to the administration of justice in

violation of Rule 8.4(d) and engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c) of the Revised Rules of Professional Conduct.

5. By misappropriating funds belonging to Dolores Neil and Clayton Bullin without their knowledge or consent, Ms. Jumper committed criminal acts that reflect adversely on her honesty, trustworthiness or fitness as a lawyer, in violation of Rule 8.4(b), engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation in violation of Rule 8.4(c) and failed to hold client and/or fiduciary funds in trust in violation of Rule 1.15-1 of the Revised Rules of Professional Conduct and Rules 1.2(b) and (c) of the former Rules of Professional Conduct.

6. By failing to arrange for production of the trial transcript and by failing to perfect a timely appeal on Bullin's behalf, Ms. Jumper neglected a client matter in violation of Rule 1.3 of the Revised Rules of Professional Conduct.

7. By failing to deposit into a trust account the \$600 which she received from Ms. Dagenhart to defray expenses in the appeal of Bullin's conviction, Ms. Jumper failed to hold fiduciary funds in trust in violation of Rule 1.15-1 of the Revised Rules of Professional Conduct and/or Rule 1.15-2 of the Amended Revised Rules of Professional Conduct.

8. By retaining the \$5,000 fee paid to her to pursue the appeal in Bullin's case, Ms. Jumper collected a clearly excessive fee in violation of Rule 1.5 of the Revised Rules of Professional Conduct.

9. By failing to file timely, accurate reports to the Employment Security Commission, Ms. Jumper engaged in criminal conduct that adversely reflects upon her honesty, trustworthiness or fitness as a lawyer in violation of Rule 8.4(b) of the Revised Rules of Professional Conduct.

Based upon the evidence introduced at the hearing, and the foregoing Findings of Fact and Conclusions of Law, the hearing committee enters the following:

FINDINGS OF FACT RELEVANT TO DISCIPLINE

1. In 1998, Ms. Jumper received a letter of warning from the Grievance Committee of the North Carolina State Bar for altering her son's birth certificate for the purpose of enabling her son to start school earlier than permitted by law.

2. In January 2002, Ms. Jumper was reprimanded by the Grievance Committee of the N.C. State Bar for failing to timely respond to inquiries of the N.C. State Bar on four occasions.

3. In April 2001, Ms. Jumper was reprimanded by the Grievance Committee of the N.C. State Bar for filing a misleading application for admission pro hac vice before a federal court in Texas, for making false accusations about an assistant district attorney in a high profile murder case and for failing to respond in a timely fashion to an inquiry of the State Bar.

4. During the period in which Ms. Jumper misappropriated client funds, she was in poor financial condition, owed at least \$24,000 to the taxing authorities, owed substantial amounts of money for office rent and frequently issued bad checks for personal obligations and to her employees. At the same time, Ms. Jumper took vacations to destinations such as Las Vegas, lived in an expensive home and drove a Jaguar automobile.

5. Ms. Jumper's misconduct is aggravated by the following factors:

- a. Prior discipline;
- b. Selfish and dishonest motive;
- c. Multiple violations of the Rules of Professional Conduct;
- d. A pattern of misconduct.

6. There are no mitigating factors.

7. The aggravating factors outweigh the mitigating factors.

Based upon the foregoing Findings of Fact and Conclusions of Law, the hearing committee hereby enters the following:

ORDER OF DISCIPLINE

1. The defendant, Sharon D. Jumper, is hereby **DISBARRED** from the practice of law in North Carolina.

2. Prior to seeking reinstatement of her law license, Ms. Jumper shall produce sufficient documentary evidence of substance and in a form reasonably satisfactory to the Counsel of the North Carolina State Bar of the following:

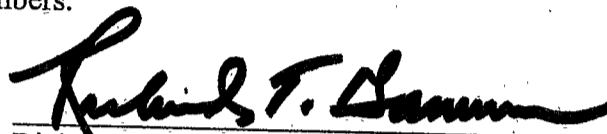
- a. That she has made full restitution to all clients whose funds she misappropriated.
- b. That she has made full restitution of all sums disbursed by the Client Security Fund of the North Carolina State Bar as a result of her misconduct.

c. That she has reimbursed all fees which she collected from clients and which were not earned.

3. The Defendant shall pay the costs of this matter within 30 days following service on her of the statement of costs of the Secretary of the North Carolina State Bar.

This the 13th day of June, 2002.

Signed by the Chair of the Hearing Committee with the knowledge and consent of the other Committee members.



Richard T. Gammon, Chair
Disciplinary Hearing Commission