

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
22G0568

IN THE MATTER OF)
)
TERENCE E. MCENALLY, III,) REPRIMAND
ATTORNEY AT LAW)

The Grievance Committee of the North Carolina State Bar considered the grievance filed against you by N. G., thoroughly reviewing all relevant records, including the information you provided to the State Bar.

After conducting a thorough review, the Grievance Committee found probable cause, which is defined as “reasonable cause to believe that a member of the North Carolina State Bar is guilty of misconduct justifying disciplinary action.” Upon finding probable cause, 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.

A reprimand is a written form of discipline 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.

The Grievance Committee determined that a reprimand is the appropriate discipline for the misconduct at issue in this grievance. As Chair of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this reprimand for the following misconduct:

You represented J. Lopez in a DWI trial. During the State’s case, the arresting officer testified about his interaction with Lopez. The arresting officer did not indicate that a translator or interpreter was necessary in his interactions with him. You made several hearsay objections during the officer’s testimony, but the presiding judge overruled your objections. During cross examination, the officer revealed that Lopez did not speak directly to him and that he had help communicating with Lopez from others. The presiding judge stopped the proceeding to ask why you had not requested an interpreter for the trial. You indicated that you did not think it was your job to get an interpreter. The presiding judge then asked Lopez whether he was sufficiently comfortable with English in a courtroom. Lopez said he was not, and the presiding judge declared a mistrial. The clerk proceeded to determine whether there was an interpreter available for a retrial. You objected, stating that you did not want to retry the case in front of that judge. Your attitude was disrespectful and contemptuous based on your tone, posture, and facial expressions.

Thereafter, the judge reconvened the proceeding and stated that it was your responsibility to protect Lopez’s rights by obtaining language assistance; that she had never encountered this issue before; and that she had never been treated with such disrespect by a lawyer. You

repeatedly interrupted her saying that you wanted to respond. The judge threatened to hold you in contempt. When given an opportunity to respond, you loudly and insolently criticized the judge's rulings on your hearsay objections. The judge informed you that it was not your opportunity to criticize her rulings; that your conduct was indefensible; and that you needed to be quiet and have a seat if criticizing her rulings was your response.

Rule 12 of the General Rules of Practice for the Superior and District Courts requires that counsel are at all times to conduct themselves with dignity and propriety and that counsel should yield gracefully to rulings of the court and avoid detrimental remarks both in court and out.

You engaged in undignified or discourteous conduct that was degrading to the tribunal in violation of Rule 3.5(a)(4)(B) and knowingly disobeyed the rules of a tribunal, including Rule 12 of the General Rules of Practice, in violation of Rule 3.4(c).

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 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 25th day of September, 2023.

A handwritten signature in black ink, reading "Kevin G. Williams". The signature is written in a cursive style and is positioned above a horizontal line.

Kevin G. Williams, Chair
Grievance Committee

KGW/lb

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
22G0658

IN THE MATTER OF)
)
TERENCE E. MCENALLY, III,)
ATTORNEY AT LAW)

NOTICE OF REPRIMAND

At its regular quarterly meeting on July 20, 2023, the Grievance Committee of the North Carolina State Bar considered the grievance filed against you by N. G. The Grievance Committee has determined that your conduct warrants a reprimand and hereby issues this NOTICE of reprimand to you.

Attached to this NOTICE is a copy of the reprimand. Pursuant to Section .0113(l) of the rules, you are hereby advised that the reprimand will be deemed accepted by you unless you file a written notice of rejection of the reprimand within fifteen days of service of this NOTICE upon you. If you accept the reprimand, the reprimand will be recorded in the judgment book of the North Carolina State Bar and a copy forwarded to the complainant. A copy of the reprimand will be available to the public upon request.

On July 8, 2022, amendments to N.C. Gen. Stat. §§ 84-28 and 84-32.1 went into effect. A copy of the statutory amendments is enclosed with this letter. The legislation instructed the State Bar to adopt temporary rules to implement the statutory amendments. Accordingly, the State Bar Council adopted temporary amendments to 27 N.C. Admin. Code 1B § .0113(m) implementing the statutory amendments. A copy of the temporary administrative rule is enclosed with this letter. The temporary administrative rule will be in effect until a final rule is adopted by the State Bar Council and approved by the Chief Justice. If you wish to seek review pursuant to these statutory amendments, you must submit your petition in the form described in the temporary administrative rule within 15 days from the date of this letter.

To reject the reprimand, you should indicate your rejection on the enclosed form and send it to the N.C. State Bar, Office of Counsel, P.O. Box 25908, Raleigh, NC 27611 by certified mail within 15 days. If you do not reject the reprimand, you must pay the costs of the proceeding, in the amount of \$350.00, within 15 days after service of this NOTICE upon you. Please mail your check to the N.C. State Bar, Accounting Department, P.O. Box 25908, Raleigh, NC 27611. Please note the file number on your check.

If you reject the reprimand, counsel will be instructed to prepare and file a complaint against you with the Disciplinary Hearing Commission of the North Carolina State Bar. The hearing before the Disciplinary Hearing Commission is public and all of its proceedings and its decisions are public.

Administrative fees and actual costs are assessed to lawyers against whom the Disciplinary Hearing Commission imposes discipline.

The following administrative fees are assessed in proceedings before the Disciplinary Hearing Commission:

The Grievance Committee administrative fee of \$350.00

PLUS

(1) For contested DHC cases in which discipline is imposed, \$1500.00 per day for each day spent in a contested hearing. "A day spent in a contested hearing" is a full day or any fraction of a day in which the DHC hearing panel calls a hearing to order; or

(2) For uncontested DHC cases in which discipline is imposed, \$750.00. "An uncontested DHC case" is a case in which the DHC hearing panel enters a consent order of discipline and does not call a hearing to order.

Pursuant to 27 N.C. Admin Code 1D.0903(a)(1)(C), any lawyer who fails timely to pay the administrative fees assessed will be subject to have his or her license to practice law suspended.

This the 25th day of September, 2023,



Kevin G. Williams, Chair
Grievance Committee

KGW/lb

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
22G0658

IN THE MATTER OF)	
)	
TERENCE E. MCENALLY, III,)	REJECTION OF
ATTORNEY AT LAW)	REPRIMAND

To: The Grievance Committee of the North Carolina State Bar

ATTN: N.C. State Bar
Office of Counsel
P.O. Box 25908
Raleigh, NC 27611

I hereby give notice to the Grievance Committee pursuant to Section .0113(l) of the Discipline and Disability rules of the North Carolina State Bar as follows:

[] I hereby reject the reprimand issued by the Grievance Committee with the understanding that a complaint will be filed before the Disciplinary Hearing Commission.

Administrative fees and actual costs are assessed to lawyers against whom the Disciplinary Hearing Commission imposes discipline. The following administrative fees are assessed in proceedings before the Disciplinary Hearing Commission:

The Grievance Committee administrative fee of \$350.00 **PLUS**

(1) For contested DHC cases in which discipline is imposed, \$1500.00 per day for each day spent in a contested hearing. "A day spent in a contested hearing" is a full day or any fraction of a day in which the DHC hearing panel calls a hearing to order; or

(2) For uncontested DHC cases in which discipline is imposed, \$750.00. "An uncontested DHC case" is a case in which the DHC hearing panel enters a consent order of discipline and does not call a hearing to order.

Pursuant to 27 N.C. Admin. Code 1D.0903(a)(1)(C), any lawyer who fails timely to pay the administrative fees assessed will be subject to have his or her license to practice law suspended.

This the _____ day of _____, 2023.

Terence E. McEnally, III, Attorney