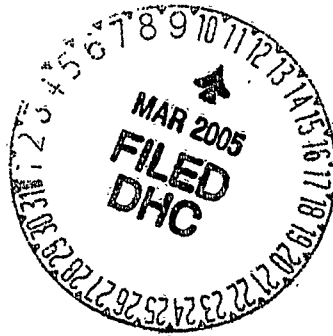


NORTH CAROLINA  
WAKE COUNTY



17848

BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
04 DHC 49

THE NORTH CAROLINA STATE BAR, )  
Plaintiff )  
v. )  
K. E. KRISPEN CULBERTSON, Attorney, )  
Defendant )

FINDINGS OF FACT,  
CONSLUSIONS OF LAW  
AND  
ORDER OF DISCIPLINE

On January 27, 2005, this matter came on to be heard before a hearing committee of the Disciplinary Hearing Commission composed of Elizabeth Bunting, Chair; T. Richard Kane; and Johnny A. Freeman. A. Root Edmonson represented the North Carolina State Bar and Jonathan S. Dills represented the Defendant. Based upon the stipulated facts and the evidence presented at the hearing, the hearing committee finds the following facts to be supported by clear, cogent and convincing evidence:

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, K. E. Krispen Culbertson (hereinafter, Culbertson), was admitted to the North Carolina State Bar on March 6, 1991 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 the times relevant to this complaint, Culbertson actively engaged in the practice of law in the State of North Carolina and maintained a law office in the city of Greensboro, Guilford County, North Carolina.
4. Culbertson's letterhead on his law office stationery has an asterisk beside Culbertson's name in the letterhead. Below Culbertson's name in the printed letterhead, surrounded by parentheses, is another asterisk with the phrase "Published in Federal Reports, 3d Series."

5. Culbertson also maintains a website. In the description of Culbertson on his website, Culbertson states: "[h]e is also one of the elite percentage of attorneys to be published in Federal Law Reports – the large law books that contain the controlling caselaw [sic] of the United States."

6. Because only opinions issued by the Court are published in Federal Reports, Culbertson's statements in his letterhead and on his website are false or misleading.

BASED UPON the foregoing Findings of Fact, the hearing committee makes the following:

#### CONCLUSIONS OF LAW

1. All parties are properly before the hearing committee and the committee has jurisdiction over Culbertson and the subject matter.
2. Culbertson's conduct, as set out above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(a) & (b)(2) as follows:
  - (a) By using letterhead stationery that indicates that he is published in Federal Reports, 3d Series when only opinions issued by the Court are published in the Federal Reports, Culbertson used letterhead that made a false or misleading communication about the lawyer in violation of Revised Rules 7.1 and 7.5.
  - (b) By maintaining a website that states that "[he] is also one of the elite percentage of attorneys to be published in Federal Law Reports – the large law books that contain the controlling caselaw [sic] of the United States" when only opinions issued by the Court are published in the Federal Reports, Culbertson maintained a website that made a false or misleading communication about the lawyer in violation of Revised Rules 7.1.

BASED UPON the foregoing Findings of Fact, the Conclusions of Law, and the arguments of counsel, the hearing committee hereby enters the following:

#### ORDER OF DISCIPLINE

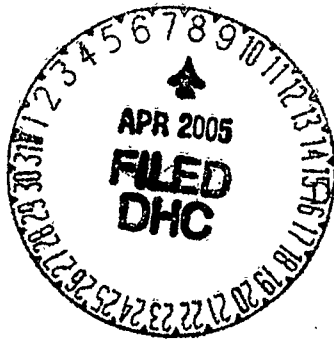
1. Culbertson's conduct warrants discipline because Culbertson's choice of the misleading language on his letterhead and website was intentional. However, because Culbertson's violation of the rules was a minor violation, it warrants only an admonition. An admonition will accompany this order.
2. Culbertson shall pay the costs of this proceeding as assessed by the Secretary within ninety (90) days of the date this disciplinary order is served upon him.

Signed by the chair with the consent of the other hearing committee members, this

the \_\_\_ day of February 2005.

*Elizabeth C. Deaty*  
Elizabeth Bunting, Chair  
Hearing Committee

NORTH CAROLINA  
WAKE COUNTY



BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
04 DHC 49

THE NORTH CAROLINA STATE BAR, )  
Plaintiff )  
v. )  
K. E. KRISPEN CULBERTSON, Attorney, )  
Defendant )

ADMONITION

On January 27, 2005, this matter came on to be heard before a hearing committee of the Disciplinary Hearing Commission composed of Elizabeth Bunting, Chair; T. Richard Kane; and Johnny A. Freeman. The hearing committee's Findings of Fact, Conclusions of Law and Order of Discipline were entered on March 11, 2005.

The hearing committee found that you had violated some of the Revised Rules of Professional Conduct, and ordered that you be admonished. An admonition, which is the least serious form of discipline, is imposed in cases in which an attorney has committed a minor violation of the Rules of Professional Conduct. This document constitutes that admonition.

You used letterhead stationery that stated that you were "published in Federal Reports, 3<sup>rd</sup> Series" when only opinions issued by the Court are published in Federal Reports. Your letterhead statement was a false or misleading communication in violation of Revised Rules 7.1 and 7.5. You also maintained a website that stated that you were "one of the elite percentage of attorneys to be published in Federal Law Reports – the large law books that contain the controlling caselaw [sic] of the United States" that also violated Revised Rule 7.1.

The hearing committee of the Disciplinary Hearing Commission hereby admonishes you for your professional misconduct. The hearing committee hopes that you will heed this admonition, 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.

Issued this the 30 day of March 2005.

*Elizabeth C. Bunting*  
Elizabeth Bunting, Chair  
Hearing Committee