

NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
18G0089

IN THE MATTER OF	)	
	)	CENSURE
BRADLEY E. PEARCE,	)	
ATTORNEY AT LAW	)	

On April 16, 2020, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by AH. The grievance was assigned to a Subcommittee, which thoroughly reviewed the results of the State Bar staff's investigation of this matter.

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

A censure is a written form of discipline more serious than a reprimand, issued in cases in which an attorney has violated one or more provisions of the Rules of Professional Conduct and has caused significant harm or potential significant harm to a client, the administration of justice, the profession or a member of the public, but the misconduct does not require suspension of the attorney's license.

The Grievance Committee believes that a hearing before the Disciplinary Hearing Commission is not required in this case and issues this censure to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this censure.

You represented Mr. and Mrs. R (the Rs) in a bankruptcy case. On July 10, 2017, you filed on behalf of the Rs a Motion to Disqualify Attorney AH and his firm, MWH. On August 31, 2017, Mr. H filed a Motion for Sanctions against you and the Rs.

A bankruptcy judge considered the motions filed by you and Mr. H. On October 21, 2019, the judge filed an order denying the motion to disqualify Mr. H and his firm and granting the motion for sanctions against you and your clients. The judge ruled that the motion to disqualify was not warranted by existing law. The judge further held that "the objective evidence in these proceedings demonstrates that the Rs and [you] filed the Motion to Disqualify despite knowing that the factual allegations contained therein were false." The court held that you filed the motion to disqualify for an improper purpose in violation of Rule 9011(b)(1) of the bankruptcy rules and that the motion to disqualify was "purely tactical, driven by anger, embarrassment, and 'hurt feelings.'" The court concluded that "the

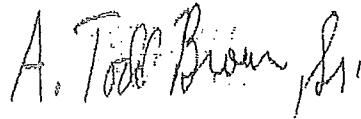
motion to disqualify was not legally and factually warranted, and it was not interposed for a proper purpose. Nor was it timely. Rather the Rs/[you] employed the Motion to Disqualify as a tactical weapon against the Liquidating Agent in defense of this action. It was wielded in an effort to intimidate H and MWH from pursuing return of the Tax Refunds from the Rs in this action.”

The Grievance Committee found that your conduct, as found by the bankruptcy judge, violated Rule 3.1 and Rule 8.4(d) of the Rules of Professional Conduct.

You are hereby censured by the North Carolina State Bar for your violation of the Rules of Professional Conduct. The Grievance Committee trusts that you will ponder this censure, recognize the error that you have made, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession. This censure should serve as a strong reminder and inducement for you to weigh carefully in the future your responsibility to the public, your clients, your fellow attorneys and the courts, to the end that you demean yourself as a respected member of the legal profession whose conduct may be relied upon without question.

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 censure by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this 11th day of May, 2020.



A. Todd Brown, Sr., Chair
Grievance Committee
The North Carolina State Bar

ATB/lb