

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
24G0535

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IN THE MATTER OF )  
 )  
JILLIAN HISHAW, ) REPRIMAND  
ATTORNEY AT LAW )

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On July 18, 2024 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by The North Carolina State Bar. 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 to the respondent attorney.

A reprimand is a written form of discipline more serious than an admonition 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, but the misconduct does not require a censure.

The Grievance Committee was of the opinion that a censure is not required in this case and issues this reprimand to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this reprimand.

You represented several plaintiffs in a federal lawsuit filed in the Middle District of Tennessee, *Corey Lea, et.als., v. U.S. Department of Agriculture, et. als.*, 3:21-cv-00468. Plaintiffs' case was dismissed for improper venue. You gave notice of appeal to the Sixth Circuit on behalf of your clients. In your brief representing all plaintiffs except Lea, you offered no reasoning that challenged the district court's conclusion that plaintiffs sued in the wrong venue and did not cite the general venue statute for civil cases 28 U.S.C. § 1391, let alone explain why the district court misapplied this statute.

The Sixth Circuit granted defendant's motion for sanctions based on your filing a frivolous appeal. In an order awarding \$1,500 sanctions, the court found that in the appellate briefing you never explained how the district court was wrong to dismiss the suit for improper venue, never cited the general venue statute, and did not claim that the district court misapplied that statute. Rather, your appeal continued to argue the merits of plaintiffs' claims. By filing a frivolous appeal, you violated Rule 3.1.

Lea had filed over a dozen lawsuits contesting the foreclosure of his Kentucky property. Lea's repeated litigation resulted in the District Court for the Western District of Kentucky entering a gatekeeping order against Lea. A minimal investigation by you would have disclosed Lea's abuse of the court process and precedent that venue in the Middle District of Tennessee was improper. In addition to the frivolous appeal, your conduct in the overall litigation (filing the original complaint notwithstanding Lea's litigation history and filing in Tennessee after the court previously held that Tennessee was not proper venue) was prejudicial to the administration of justice in violation of Rule 8.4(d).

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

Done and ordered, this the 19<sup>th</sup> day of August, 2024.

  
Kevin G. Williams, Chair  
Grievance Committee

KGW/ab