

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
21G0708

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IN THE MATTER OF )  
 )  
DEBORRAH L. NEWTON, ) REPRIMAND  
ATTORNEY AT LAW )

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On April 21, 2022 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.

In 2021 you were appointed by The Office of the Capital Defender to represent eight indigent clients charged with murder. In May, June, and July 2021 you submitted fee applications for those eight cases. In September 2021, the Office of the Capital Defender informed you that an audit conducted by The Office of Indigent Defense Services (IDS) determined you overbilled for your representation, including duplicate billing for travel time, mileage and client meetings.

At the time you submitted your eight fee applications, you were failing to keep contemporaneous client-specific timesheets for your indigent murder cases. By failing to keep

contemporaneous client-specific timesheets and thus submitting fee applications that contained inaccurate and excessive billing entries, you engaged in conduct that is prejudicial to the administration of justice in violation of Rule 8.4(d).

At the time of the audit, you had already been paid for three of your eight fee applications. As a result, you received a total of \$6,520.40 in unearned funds. By submitting fee applications that contained inaccurate overbilling to The Office of Indigent Defense Services (“IDS”) and accepting payment for three of the eight fee applications, you charged and collected a clearly excessive fee in violation of Rule 1.5(a).

In determining that a Reprimand was appropriate in this matter, the Committee considered the harm that was caused to IDS and the potential harm to your clients if your unearned fees had been passed along to them for reimbursement should they be found guilty. The Committee also considered your sincere remorse, your reformed billing procedures, the remedial actions you took to correct the fee applications at issue, and your self-report to the State Bar.

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 31<sup>st</sup> day of May, 2022.



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Matthew W. Smith, Chair  
Grievance Committee

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