

STATE OF NORTH CAROLINA

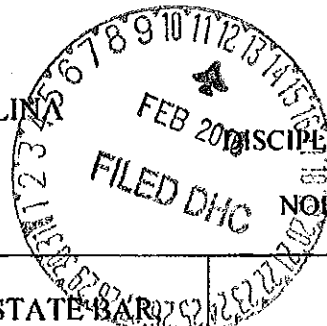
WAKE COUNTY

THE NORTH CAROLINA STATE BAR

Plaintiff

v.

CHRISTINE C. MUMMA, Attorney,
Defendant



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
15 DHC 24

ORDER OF DISMISSAL

This matter was heard on 11 January - 14 January 2016 by a hearing panel of the Disciplinary Hearing Commission composed of Fred M. Morelock, Chair, Beverly T. Beal, and Bradley Lail. Leonor Bailey Hodge and Maria J. Brown represented Plaintiff, the North Carolina State Bar. Defendant, Christine C. Mumma, was represented by James P. Cooney, III, Bradley J. Bannon, Alan M. Schneider, and Joseph B. Cheshire, V.

Based upon the evidence presented at the hearing, the Hearing Panel hereby makes by clear, cogent, and convincing evidence the following:

FINDINGS OF FACT

1. Plaintiff, the North Carolina State Bar ("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. Defendant, Christine C. Mumma ("Defendant" or "Mumma"), was admitted to the North Carolina State Bar on 20 March 1999 and is an attorney at law 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 relevant period referred to herein, Mumma was actively engaged in the practice of law and served as Executive Director and legal counsel for the North Carolina Center on Actual Innocence ("NCCAI") in Durham County, North Carolina.
4. Mumma represented Joseph Sledge ("Sledge") in his post-conviction claim of innocence.
5. After a hearing by the North Carolina Innocence Inquiry Commission ("NCIIC") on 5 December 2014, Sledge's claim of innocence concluded with a unanimous referral of the matter to a hearing in Superior Court before a three-judge panel.

6. On or about 16 January 2015, NCIIC provided an uncertified paper copy of the transcript of the NCIIC hearing on Sledge's claim of innocence ("uncertified transcript") to the prosecutor, Jon David ("David"), Mumma, and the members of the three-judge panel.
7. On or about 21 January 2015, NCIIC received a telephone call from Mandy Locke ("Locke") of *The News and Observer* seeking to obtain a copy of the transcript of the NCIIC hearing.
8. NCIIC informed Locke that it would provide a copy of the transcript once it had been certified.
9. On or about 21 January 2015, Locke asked Mumma for a copy of the transcript.
10. On or about 22 January 2015, Mumma provided Locke with access to Mumma's electronic copy of the uncertified transcript.
11. Mumma asked Locke not to print a copy of the transcript. Locke indicated that she would not print the transcript.
12. N.C. Gen. Stat. § 15A-1468(e) states, "a full transcript of the hearing before the Commission[] shall become public at the time of referral to the superior court."
13. Mumma believed the uncertified transcript was a public record when she provided it to Locke. NCIIC's Executive Director, Kendra Montgomery-Blinn ("Montgomery-Blinn"), believed that the transcript became a public record at the earlier of the filing of the transcript with the Clerk of Superior Court or certification of the transcript.
14. On or about 23 January 2015 at 7:00 a.m., before the transcript of the NCIIC hearing had been certified or filed with the Clerk of Superior Court, *The News and Observer* published an article entitled "Victims' Family Doesn't Buy Joseph Sledge's Claim of Innocence." This article included information that was only obtainable from the uncertified transcript of the NCIIC hearing.
15. That same day, the three-judge panel of Superior Court heard Mr. Sledge's claim of actual innocence, accepted the uncertified transcript as evidence of that claim, and granted the claim.
16. That same day, Montgomery-Blinn learned that a male reporter from the *News & Observer* had obtained from Locke a paper copy of the uncertified transcript before the Superior Court hearing. Montgomery-Blinn, in her capacity as Executive Director of NCIIC, sought to determine who had provided a copy of the uncertified transcript to Locke. The Sledge case was fully concluded at the time that Montgomery-Blinn first inquired about this matter.
17. After inquiring of NCIIC staff and being informed that no one there had provided a copy of the uncertified transcript to Locke, Montgomery-Blinn sent an email on or

about 26 January 2015 at 1:32 p.m. inquiring of Mumma and David as to whether “you have information or did you provide [the uncertified transcript] to the media?”

18. On or about 26 January 2015 at 1:55 p.m., David replied to Montgomery-Blinn’s email stating that he did not show the uncertified transcript to anyone outside of his staff.

19. On or about 26 January 2015 at 2:42 p.m., Mumma replied to Montgomery-Blinn’s email: “I hope you all had a good weekend as well. I’ll look into this, Kendra...” In the meantime, Mumma directed Montgomery-Blinn to the language of § 15A-1468(e).

20. Mumma then attempted to contact Locke to determine whether Locke had printed a copy of the transcript, despite Locke’s promise not to print the transcript, and provided it to the male *News & Observer* reporter.

21. On or about 26 January 2015 at 3:30 p.m., Montgomery-Blinn sent another email to Mumma stating her (Montgomery-Blinn’s) belief that the transcript had to be “certified before becoming a public record” and asking Mumma directly whether Mumma or her staff provided the uncertified transcript to the media.

22. Mumma did not respond to Montgomery-Blinn’s January 26th 3:30 p.m. inquiry, though Mumma did send a reply to Montgomery-Blinn’s message asserting that she (Mumma) had not been part of a telephone call in which the issue of certification had been discussed.

23. On or about 26 January 2015 at 4:55 p.m., Montgomery-Blinn sent an email message to Mumma that stated in relevant part: “I believe that you are saying that you provided the transcript to Mandy Locke. Who else did you provide it to prior to introducing it at the three-judge panel? Why?”

24. On or about 26 January 2015 at 5:01 p.m., Mumma replied to Montgomery-Blinn’s January 26th 4:55 p.m. message stating: “I do not consider this an issue about the case, but regardless...I am not saying I provided a copy to Mandy Locke” (ellipsis in original).

25. After being informed on 20 February 2015 that the Honorable Arnold O. Jones, Chair of NCIIC, sought a meeting with all parties to determine who had provided the uncertified transcript to Locke, and after conferring with her counsel about the matter, Mumma sent an email to Judge Jones fully detailing her conduct related to the uncertified transcript on 26 February 2015.

26. On 13 March 2015, Judge Jones met with NCIIC staff, Mumma and other NCCA staff to discuss the issue with the transcript. A representative from the UNC School of Government also participated in this meeting. The meeting was focused on determining when a transcript of an NCIIC hearing becomes public record. Neither NCIIC staff nor Judge Jones raised any ethical concerns during the meeting regarding Mumma’s initial responses to Montgomery-Blinn’s email inquiries.

Based upon the foregoing Findings of Fact, the Hearing Panel hereby enters the following:

CONCLUSIONS OF LAW

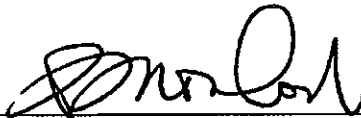
1. All parties are properly before the Hearing Panel and the Panel has jurisdiction over Defendant, Christine C. Mumma.
2. The allegations of violation of Rule 8.4(c) – engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, and 8.4(d) – engaging in conduct that was prejudicial to the administration of justice, were not proven by clear, cogent and convincing evidence.

Based upon the foregoing Findings of Fact and Conclusions of Law, the Hearing Panel hereby enters the following:

ORDER OF DISMISSAL

1. The Complaint filed in the above-captioned matter against Christine C. Mumma is DISMISSED.
2. Each party shall bear her/its own costs in this matter.

Signed by the Chair with the consent of the other Hearing Panel members this the 12th day of February, 2016.



Fred M. Morelock., Chair
Disciplinary Hearing Panel