

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
15G1112

IN THE MATTER OF)
)
MARLON J. HOWARD,) CENSURE
ATTORNEY AT LAW)

On April 21, 2016, 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.

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.

National Debt Relief is a typical debt adjusting business, advertising as able to help distressed debtors pay off their debts for less than what they owe by collecting a monthly amount from the debtors, keeping that money in a "settlement account," and then paying a portion of it to the debtor's creditors once a "settlement" has been negotiated by the company. You signed a contract in April 2015 to work as an "of counsel" attorney with the "Law Offices of Robert S. Gitmeid & Associates, PLLC," ("Gitmeid") a law firm based in New York that was, at that time, not authorized to provide legal services in North Carolina. Through your relationship with Gitmeid, you provided legal services to Gitmeid's North Carolina clients at the direction of National Debt Relief, another entity not authorized to provide legal services in North Carolina.

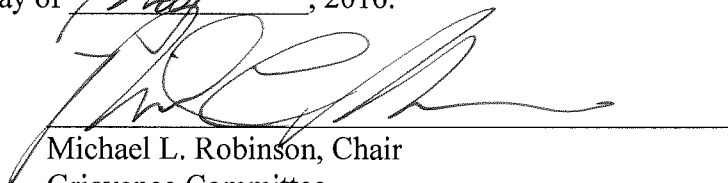
By providing legal services to North Carolina residents on behalf of Gitmeid and National Debt Relief, you aided others in the unauthorized practice of law. By claiming to provide legal services via an out-of-state law firm and business entity not authorized to provide legal services here, you made false or misleading statements about your services. Moreover, you shared a fee with a nonattorney and collected an illegal fee by accepting a portion of the fees collected by National Debt Relief and Gitmeid from North Carolina consumers. Finally, by aiding others in the unauthorized practice of law and engaging in debt adjusting, you committed criminal acts that reflect adversely on your fitness as a lawyer.

In determining that a censure was appropriate in this case, the Committee took into account the harm that necessarily results whenever attorneys aid unregistered, out-of-state entities in the unauthorized practice of law and debt adjusting, particularly when money exchanges hands, court appearances are made, and legal forms are drafted or filed on behalf of others. The Committee also considered the fact that you are participating with two different entities engaged in the unauthorized practice of law, your direct engagement in debt adjusting, the lack of remorse shown in your response that inspires no confidence that you will not engage in this type of behavior again, and your lack of remedial actions.

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 10th day of May, 2016.



Michael L. Robinson, Chair
Grievance Committee
The North Carolina State Bar