

FILED

STATE OF NORTH CAROLINA -3 PM 1: 28 THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
WAKE COUNTY WAKE CO., C.S.C. 17 CVS 9550

THE NORTH CAROLINA STATE BAR,
Petitioner,

v.

CHRISTI A. MISOCKY, Attorney,
Respondent.

ORDER OF DISBARMENT

THIS MATTER came on to be considered and was considered by the undersigned Judge of the Superior Court of Wake County. Petitioner, the North Carolina State Bar, was represented by Leonor Bailey Hodge. Respondent, Christi A. Misocky, was not represented.

Based upon the Affidavit of Surrender of Law License submitted to the Court by Christi A. Misocky and the consent of the parties, the court makes the following:

FINDINGS OF FACT

1. Misocky was licensed to practice law on 27 March 2010.
2. During all periods relevant hereto, Misocky was actively engaged in the practice of law in Charlotte, Mecklenburg County, North Carolina.
3. Misocky misappropriated entrusted funds in excess of \$25,000 by transferring these funds from her trust account to her operating account.
4. Misocky knowingly provided false information to the State Bar's investigator during a grievance investigation.
5. Misocky failed to respond to several requests by the North Carolina State Bar Office of Counsel for information in connection with several grievance investigations.
6. Misocky abandoned in excess of 450 client files, each containing confidential client information, by leaving them in the office of a former colleague.
7. Misocky abandoned 30 client files, each containing confidential client information, by leaving them in the garage of a home at which she previously resided.
8. On 2 August 2021, Misocky pled guilty to criminal conspiracy to commit fraud by using confidential client information to create and cash fraudulent checks in the names of the clients whose information she took in violation of 18 U.S.C. 371, a felony.

CONCLUSIONS OF LAW

1. This court has jurisdiction over Respondent and over the subject matter of this proceeding.
2. The courts of this State have the inherent authority to take disciplinary action against attorneys licensed to practice law in North Carolina.
3. Respondent has engaged in attorney misconduct including violating the North Carolina Rules of Professional Conduct as stated below.
4. By misappropriating entrusted funds in excess of \$25,000 by transferring these funds from her trust account to her operating account, Misocky committed criminal acts that reflect adversely on her honesty, trustworthiness, or fitness as a lawyer in other respects in violation of Rule of Professional Conduct 8.4(b) and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation that reflects adversely on her fitness as a lawyer in violation of Rule of Professional Conduct 8.4(c).
5. By knowingly providing false information to the State Bar's investigator during a grievance investigation, Misocky knowingly made a false statement of material fact in violation of Rule of Professional Conduct 8.1(a) and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation that reflects adversely on her fitness as a lawyer in violation of Rule of Professional Conduct 8.4(c).
6. By failing to respond to several requests by the North Carolina State Bar Office of Counsel for information in connection with several grievance investigations, Misocky failed to respond to a lawful demand for information from a disciplinary authority in violation of Rule of Professional Conduct 8.1(b).
7. By abandoning several hundred client files, each containing confidential client information, Misocky failed to take steps to the extent reasonably practicable to protect the clients' interests in violation of Rule of Professional Conduct 1.16(d).
8. By pleading guilty to criminal conspiracy to commit fraud by using confidential client information to create and cash fraudulent checks in the names of the clients whose information she took in violation of 18 U.S.C. 371, a felony, Misocky committed a criminal act that reflects adversely on her honesty, trustworthiness or fitness as a lawyer in other respects in violation of Rule of Professional Conduct 8.4(b) and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation that reflects adversely on her fitness as a lawyer in violation of Rule of Professional Conduct 8.4(c).
9. Misocky's misconduct constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(1),(2), and (3) and warrants discipline by this court.
10. Misocky has engaged in professional misconduct warranting disbarment.

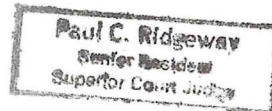
ORDER

1. The surrender of the law license of Christi A. Misocky is hereby accepted.
2. Christi A. Misocky is DISBARRED from the practice of law in North Carolina effective upon entry of this Order.
3. To the extent not already completed pursuant to the Order of Noncompliance Suspension entered in 21 DHC 10N, Misocky shall wind-down her law practice immediately.
4. Misocky shall comply with the provisions of 27 N.C. Admin. Code 1B.0128 and shall surrender her law license and permanent membership card to the Secretary of the North Carolina State Bar along with the affidavit required by 27 N.C. Admin. Code 1B.0128.
5. Within 15 days of the effective date of this Order, Misocky shall provide the State Bar with a physical address and telephone number at which clients seeking return of files can communicate with Misocky and obtain such files.
6. Misocky shall promptly return client files to clients upon request, within 5 days of receipt of such request. Misocky will be deemed to have received any such request 3 days after the date such request is sent to Misocky if the request is sent to the address Misocky provided the State Bar pursuant to the preceding paragraph.
7. Misocky shall not petition for reinstatement of her law license until the expiration of at least five years from the date of entry of this order.
8. Misocky's law license shall not be reinstated until she has demonstrated to the satisfaction of the Disciplinary Hearing Commission and the Council of the North Carolina State Bar that she has complied with 27 N.C. Admin. Code 1B.0129.
9. The costs of this action and administrative fees assessed by the State Bar are taxed against Misocky.

Done and ordered this the 3 day of February, 2023.



Superior Court Judge Presiding



CONSENTED TO BY:



Christi A. Misocky
Respondent



Leann Bailey Hodge
Attorney for Petitioner

STATE OF NORTH CAROLINA

FILED
IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

WAKE COUNTY

2023 JAN 31 P 12:07
CYS 9550

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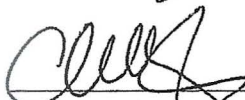
BY AFFIDAVIT OF SURRENDER OF LAW
LICENSE

CHRISTI A. MISOCKY, Attorney,
Respondent.

Christi A. Misocky, being first duly sworn, deposes and says as follows:

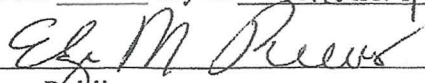
1. I desire to resign and hereby tender my license to practice law in North Carolina.
2. My resignation is freely and voluntarily rendered. It is not the result of coercion or duress. I am fully aware of the implication of submitting my resignation and have had the opportunity to discuss the evidence against me and possible defenses with counsel.
3. I am aware that there is a pending investigation against me that includes the following allegations:
 - a. I misappropriated entrusted funds in excess of \$25,000 by transferring these funds from my trust accounts to my operating account;
 - b. I knowingly provided false information to the State Bar's investigator during a grievance investigation;
 - c. I failed to respond to several requests by the North Carolina State Bar Office of Counsel for information in connection with several grievance investigations;
 - d. I abandoned in excess of 450 client files, each containing confidential client information, by leaving them in the office of a former colleague;
 - e. I abandoned 30 client files, each containing confidential client information, by leaving them in the garage of a home in which I previously resided; and
 - f. On 2 August 2021, I pled guilty to criminal conspiracy to commit fraud by using confidential client information to create and cash fraudulent checks in the names of the clients whose information I took in violation of 18 U.S.C. 371, a felony.
4. I acknowledge that the material facts upon which the investigation is predicated are true.
5. I am submitting my resignation because I know that if disciplinary charges were predicated upon the misconduct under investigation, I could not successfully defend against them.

Respectfully submitted, this the 4th day of January 2023.


Christi A. Misocky

I, Elza M Reeves, Notary Public of the County of Anderson, State of SC, certify that Christi A. Misocky personally appeared before me this day, was sworn, attested that the foregoing Affidavit is true and accurate of her own personal knowledge, and executed the foregoing Affidavit.

This the 4th day of January, 2023


Notary Public
(print name) Elza M Reeves

My commission expires: 1-26-2032