

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
20G0132

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IN THE MATTER OF )  
 )  
TAMARA M. LEE, ) CENSURE  
ATTORNEY AT LAW )

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On January 13, 2021, 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.

Your associate erroneously agreed to enter into consent orders in two child support cases in which you represented the respondents. You indicated to one of the local DSS attorneys that you wanted the consent orders set aside. He told you on two occasions that he was not handling child support cases and you would have to address the matter with the DSS lawyer who was assigned to child support court. You did not contact the assigned lawyer and did not serve her with either motions to set aside or proposed orders. Instead, you approached the judge *ex parte* with Orders to Set Aside in both cases, representing to the Court that opposing counsel had consented to their entry. One of the Orders to Set Aside contained a finding of fact stating that your client was disabled. There was no evidence other than your client's bare assertion to support this finding, and you had never raised the issue of your client's purported disability with opposing counsel. The judge entered the orders based on your representations, but later set them

aside after receiving information that they had been entered without opposing counsel's knowledge or consent.


By failing to provide the proposed orders to opposing counsel and by neglecting to notify opposing counsel of your intent to present the orders to the court, you failed to comply with known local customs of courtesy or practice of the bar without giving opposing counsel timely notice of the intent not to comply in violation of Rule 3.5(a)(4)(A). Further, by failing to tell the judge that opposing counsel had not seen the orders and was unaware of their content (including the finding of fact based solely on your client's untested assertions about his disability), you failed to inform the tribunal in an *ex parte* proceeding of all material facts known to you that would enable the tribunal to make an informed decision in violation of Rule 3.3(d).

Although you contend that the DSS lawyer you spoke to authorized you to have the consent orders set aside, this contention is not credible in light of other available evidence. By presenting motions and orders to the court based upon the false premise that opposing counsel had consented to having prior orders set aside, you asserted an issue for which there was no basis in fact in violation of Rule 3.1, knowingly made a material false statement of fact to the tribunal in violation of Rule 3.3(a)(1), and engaged in conduct involving dishonesty in violation of Rule 8.4(c). Your misconduct wasted the court's time and made it necessary for the judge to investigate what happened, causing prejudice to the administration of justice in violation of Rule 8.4(d).

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 the 15<sup>th</sup> day of February, 2021.

  
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Matthew W. Smith, Chair  
Grievance Committee  
The North Carolina State Bar

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