

STATE OF NORTH CAROLINA
COUNTY OF MOORE

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
22 CR 52150

FILED

2023 JUN 23 P 2:57

IN RE:

BROOKE M, CRUMP, ATTORNEY

MOORE COUNTY, C.S.C.

BY



ORDER
OF DISCIPLINE

THIS MATTER was heard by the undersigned on November 30, 2022, in Moore County District Court after an Order to Show Cause issued by this Court was served upon attorney Brooke M. Crump (“Crump”), notifying her of allegations that she engaged in professional misconduct and ordering her to appear and respond to those allegations. J. Cameron Lee and Terrie Nelson, Deputies Counsel for the North Carolina State Bar, appeared to prosecute this matter as ordered by this Court. Respondent, Brooke M. Crump, did not appear.

PROCEDURAL HISTORY

1. On September 19, 2022, Michael Hardin (“Hardin”), the District Attorney in Prosecutorial District 29, filed a Motion to Show Cause alleging that Crump committed multiple violations of the North Carolina Rules of Professional Conduct.
2. Based upon its inherent authority to regulate the conduct of the attorneys who appear before it, the undersigned issued an Order directing Crump to appear in court on November 30, 2022, and show cause why she should not be disciplined for the violations of the Rules of Professional Conduct alleged in Hardin’s Motion to Show Cause.
3. The District Court appointed the State Bar’s Office of Counsel to investigate and prosecute the allegations set forth in the Order to Show Cause
4. Crump was personally served with the Order to Show Cause on October 15, 2022.
5. Crump did not appear in court for the November 30, 2022, hearing. The Court proceeded with the hearing and the State Bar presented evidence and arguments.

Based upon the evidence presented at the hearing and arguments of counsel, the Court finds by clear, cogent, and convincing evidence the following:

FINDINGS OF FACT

1. Respondent, Brooke McIntosh Crump, is an attorney licensed to practice in North Carolina, subject to the laws of the State of North Carolina, the North Carolina Rules of

- Professional Conduct, and to the inherent power of this Court to regulate the conduct of the attorneys who appear before it.

2. Crump was properly served with process and received due notice of the hearing in this matter.

3. During the period referred to herein, Crump was engaged in the practice of law in North Carolina and maintained a law office (d/b/a "Lake Tillery Law") in Troy, Montgomery County, North Carolina.

4. Crump represented Defendant R.P. in 22 CR 52150 (hereinafter "R.P.'s case"), a criminal matter in Moore County.

5. Prior to the proceedings, Crump learned that Assistant District Attorney Robert Nunnery ("Nunnery") had been with both R.P. and R.P.'s alleged victim at a party and had shared an Uber with R.P. on the evening of the incident that was the subject of R.P.'s case.

6. Nunnery recused himself from R.P.'s case and informed Crump of his recusal.

7. Though he had been in the company of R.P. and the alleged victim on the evening of the incident that was the subject of R.P.'s case, Nunnery had not witnessed, and did not otherwise have personal knowledge of, the incident that was the subject of R.P.'s case.

8. Crump repeatedly made motions to recuse the Moore County District Attorney's Office from R.P.'s case although she knew Nunnery had no knowledge of the incident that was the subject of R.P.'s criminal case.

9. On the day R.P.'s case was set for trial, while Nunnery was in the middle of a trial for an unrelated case, Crump served Nunnery with a subpoena commanding Nunnery to appear and testify in the trial of R.P.'s case.

10. R.P.'s case came on for trial on September 15, 2022, during the Moore County Criminal District Court's afternoon session.

11. The matter was not resolved on September 15, 2022, so this Court continued the trial to October 15, 2022.

12. After the Court recessed on September 15, 2022, Crump posted the following on her Facebook page:

- a. "Ask me about that Moore County trial. 'Your honor there's this thing called decorum to be had in a courtroom – I don't want to spread this ADA's dirt all over the courtroom walls but I will if I have to.' Matt Crump – trial observer extraordinaire – came up with the brilliance of catching perjury by subpoenaing a door to a courtroom so there's also that."

- b. "I've decided to call the media about day 2 of my trial where young Republican swinger Coke in the bathroom party ada as a witness gone bad"

13. It was readily apparent to Nunnery, Hardin, and other members of the local bar that Nunnery was the assistant district attorney described in Crump's Facebook posts.

14. Crump's Facebook posts contained multiple false statements about Nunnery.

15. As a result of Crump's Facebook posts, Hardin filed the aforementioned Motion to Show Cause.

16. On October 15, 2022, before resuming R.P.'s trial, this Court addressed Hardin's Motion to Show Cause.

17. Because of Crump's Facebook posts, at least one member of the media was present in the courtroom on October 15, 2022.

18. When confronted by this Court with the allegations in Hardin's Motion to Show Cause, Crump did not deny making the comments described in paragraph 12 (a) and (b).

19. Because of Crump's Facebook post, this Court declared a mistrial and continued R.P.'s case so that R.P. could retain new counsel.

20. The Court determined that Crump's sole intent in making the above-referenced Facebook posts and comments were to embarrass and solicit non-relevant information to further prejudice the proceedings in R.P.'s case.

Based upon the foregoing Findings of Fact, the Court makes the following:

CONCLUSIONS OF LAW

1. Crump was properly served with the Order to Show Cause, and this Court has personal jurisdiction over Crump and subject matter jurisdiction over this case.

2. Crump's conduct, as set out in the Findings of Fact above, constitutes grounds for discipline pursuant to the inherent power of the General Courts of Justice as follows:

- a. By interrupting an unrelated trial to serve Nunnery with a subpoena the day he was to appear, Crump engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d) of the Rules of Professional Conduct;
- b. By subpoenaing Nunnery to generate a conflict and prejudice proceedings in R.P.'s case, Crump engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d) of the Rules of Professional Conduct;

- c. By making false statements on Facebook about Nunnery that resulted in the Court declaring a mistrial in R.P.'s case, Crump made extrajudicial statements that she reasonably should have known would be disseminated by means of public communication and have a substantial likelihood of materially prejudicing an adjudicative proceeding of the case in violation of Rule 3.6(a) of the Rules of Professional Conduct, and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d) of the Rules of Professional Conduct.

Based upon the foregoing Findings of Fact and Conclusions of Law, the Court makes the following:

ADDITIONAL FINDINGS REGARDING DISCIPLINE

1. By making public, unfounded allegations of criminal conduct on the part of Nunnery, a Moore County Assistant District Attorney, Crump intentionally engaged in conduct that undermines public faith in the legal system. Crump's unfounded, defamatory attacks on the integrity of the Moore County District Attorney's Office appears calculated to destroy public confidence in the Moore County District Attorney's Office and, more broadly, the justice system in Moore County.

2. Justice delayed is justice denied. Crump's misconduct resulted in this Court declaring a mistrial in R.P.'s case, Crump's subsequent withdrawal from R.P.'s case, and R.P. having to secure the services of a new attorney. As such, Crump's conduct resulted in actual, substantial harm to her client.

3. Crump refused to appear as ordered and participate in this hearing. The record reports of no evidence that Crump's non-compliance with the orders of this Court were either a good-faith mistake or the product of excusable neglect. By failing to appear pursuant to the Order to Show Cause, Crump displayed contempt for this Court, engaged in conduct demeaning to the Court; and engaged in conduct unbecoming of an officer of the court. It undermines the administration of justice when attorneys do not comply with the rules and orders of the court.

4. In addition to her failure to appear for the hearing on this matter, Crump also failed to appear as ordered for an October 31, 2022, disciplinary proceeding in Montgomery County Superior Court, and, on the morning of the date of the hearing in this matter, failed to appear as ordered for a disciplinary proceeding in Stanly County District Court. Crump's serial refusal to participate in the disciplinary process indicates to this Court that Crump is unwilling to conform her behavior to the requirements of the Rules of Professional Conduct. There being no indication that she intends to modify her behavior, Crump poses an unacceptable risk of continued harm to clients, the profession, the public, and the administration of justice.

5. Crump's law license has been suspended by the Chair of the Disciplinary Hearing Commission of the North Carolina State Bar for her willful, unjustifiable failure to participate in the disciplinary process. It undermines the administration of justice and jeopardizes

the legal profession's ability to remain self-regulating when attorneys do not comply with the rules and orders of the State Bar.

6. This hearing received coverage in the local media *outside* of Moore County. Crump's professional misconduct debases the legal profession and demeans the justice system in the eyes of the public, particularly when the misconduct becomes the subject of widespread publicity as in this case.

7. The Court has carefully considered discipline and concluded that any discipline less than suspension is insufficient discipline in this case because of the gravity of the harm to the administration of justice and to the legal profession caused by Crump - not only by her conduct in this case, but by her outright refusal to be regulated as a member of the legal profession - and the significant risk of harm to clients, the administration of justice, the profession, and the public posed by Crump if she is permitted to continue practicing law.

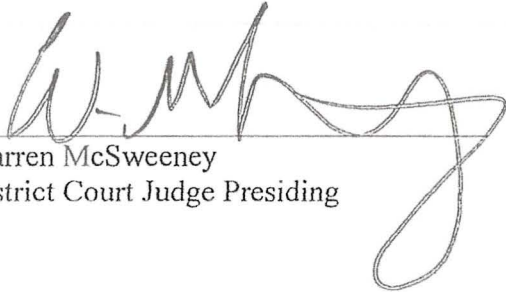
8. Any sanction less than a suspension would fail to acknowledge the seriousness of the offenses committed by Crump, would not adequately protect the public, and would send the wrong message to attorneys and the public regarding the conduct expected of members of the Bar in this State.

Based upon the foregoing Findings of Fact, Conclusions of Law, and Additional Findings Regarding Discipline, the Court enters the following:

ORDER OF DISCIPLINE

1. Brooke McIntosh Crump's license is hereby actively SUSPENDED from the practice of law for a period of two years, effective immediately upon entry of this Order.
2. The active suspension of Crump's law license imposed by this Order shall run concurrently to the discipline imposed by the Montgomery County Superior Court on December 9, 2022, in 22 CVS 220.
3. Crump shall pay attorney's fees in the amount of \$260.00.
4. After serving the suspension, Crump may apply to the North Carolina State Bar for reinstatement in accordance with the then current rules for reinstatement of suspended attorneys.

This the 23 day of, 2023.


Warren McSweeney
District Court Judge Presiding