

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
20G0532

IN THE MATTER OF)
)
R. STEVE MONKS,) REPRIMAND
ATTORNEY AT LAW)

On April 14, 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 to the respondent attorney.

A reprimand is a written form of discipline more serious than an admonition issued in cases in which an attorney has violated one or more provisions of the Rules of Professional Conduct and has caused harm or potential harm to a client, the administration of justice, the profession, or a member of the public, but the misconduct does not require a censure.

The Grievance Committee was of the opinion that a censure is not required in this case and issues this reprimand to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this reprimand.

On 25 March 2019, you filed a motion seeking an emergency *ex parte* child custody order on behalf of a domestic client. On 28 March 2019, you filed an amended motion seeking the same relief. On both of those occasions, you failed to provide the opposing party with two-hours prior notice of your intent to seek *ex parte* relief, as required by local rules of court. By failing to provide notice, you failed to comply with known local customs of courtesy or practice of the bar in violation of Rule 3.5(a)(4)(A) and knowingly disobeyed an obligation under the rules of a tribunal in violation of Rule 3.4(c). Your conduct was prejudicial to the administration

of justice in violation of Rule 8.4(d) in that your failure to give proper notice to the opposing party resulted in the custody order being set aside.


At the time you presented the proposed *ex parte* order to the court on 28 March 2019, you knew that (a) you could not prove that the opposing party received the requisite notice; and (b) the opposing party had indicated (by text to your client) that she was represented by counsel. You did not disclose either of those facts to the court in violation of Rule 3.3(d), which provides that “[i]n an *ex parte* proceeding, a lawyer shall inform the tribunal of all material facts known to the lawyer that will enable the tribunal to make an informed decision, whether or not the facts are adverse.”

In a separate domestic case, you communicated directly with the opposing party who you knew was represented by counsel in violation of Rule 4.2(a) by asking the opposing party’s adult daughter to relay to her messages about the domestic case and a related DVPO. Knowingly attempting to circumvent the protections afforded by the attorney-client relationship is prejudicial to the administration of justice in violation of Rule 8.4(d).

You are hereby reprimanded by the North Carolina State Bar for your professional misconduct. The Grievance Committee trusts that you will heed this reprimand, that it will be remembered by you, that it will be beneficial to you, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession.

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 reprimand by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this the 14th day of May, 2021.



Matthew W. Smith, Chair
Grievance Committee

MWS/lb