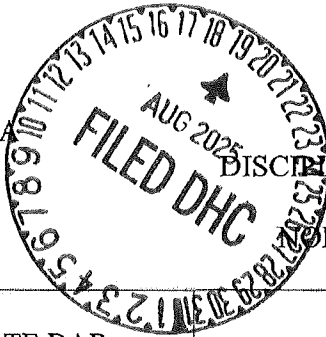


STATE OF NORTH CAROLINA  
WAKE COUNTY



BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
25 DHC 6N

THE NORTH CAROLINA STATE BAR,

Petitioner

v.

RICHARD E. BATTIS, Attorney,

Respondent

ORDER OF  
NONCOMPLIANCE  
SUSPENSION

THIS MATTER came before the undersigned Chair of the Disciplinary Hearing Commission on July 29, 2025 and August 18, 2025 pursuant to Petitioner's Petition for Order to Show Cause for Noncompliance Suspension and the Notice and Order to Show Cause for Noncompliance Suspension. Petitioner, the North Carolina State Bar, was represented by Jennifer A. Porter. Respondent, Richard E. Batts, appeared *pro se* in the matter. Respondent was present at the July 29, 2025 hearing, but was not present at the August 18, 2025 hearing.

At the July 29, 2025 hearing, Respondent stipulated to his noncompliance as set out in the Petition for Order to Show Cause for Noncompliance Suspension. Based upon the stipulations of the parties at the July 29, 2025 hearing and the evidence presented at the hearings, the Chair finds by clear, cogent, and convincing evidence the following

FINDINGS OF FACT

1. Petitioner, the North Carolina State Bar, is a state agency duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina and the Rules and Regulations of the North Carolina State Bar (Chapter 1 of Title 27 of the North Carolina Administrative Code).
2. Respondent, Richard E. Batts ("Batts"), was licensed to practice law in North Carolina in 1981 and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the laws of the State of North Carolina, the Rules and Regulations of the North Carolina State Bar and the Rules of Professional Conduct.
3. The State Bar's membership database shows the following address for Respondent: 1330 Benvenue Road, Rocky Mount, NC 27804-1803.
4. On December 14, 2024, Respondent was served with a Letter of Notice pertaining to grievance file numbered 24G0392.

5. Respondent responded to the letter of notice by letter dated December 29, 2024. In that letter, Respondent responded with details regarding one of the issues raised in the Letter of Notice, concerning the appeal taken in the grievance complainant's underlying case, but claimed lack of recollection for the other four issues raised in the Letter of Notice concerning attorney's fees, failure to timely respond to discovery requests, inaccurate revisions to their expert's affidavit, and failure to provide an investigation report to the opposing parties in discovery.

6. On February 26, 2025, the State Bar sent Respondent by certified mail a follow up letter from the State Bar with inquiries in grievance 24G0392 requesting Respondent provide documents pertinent to the four issues to which Respondent had not provided substantive responses. The State Bar asked that Respondent provide the responsive documentation no later than March 26, 2025. Respondent received this letter on March 1, 2025.

7. On March 27, 2025, Respondent requested an additional 15 days to produce the requested documents, which he described as having been sorted into seven folders that would be accessible from the cloud. The State Bar extended his deadline to April 25, 2025 and sent him a link to a folder to which he could upload the documents and/or folders.

8. On April 28, 2025, Respondent sent deputy counsel for the State Bar an e-mail noting he had only uploaded the records on appeal, the plaintiff briefs, and the appellate decisions for the two appeals in the complainant's underlying case.

9. The State Bar had not asked for records regarding the appeals. Furthermore, Respondent did not purport to have provided these documents to satisfy the State Bar's requests but rather to support a petition he stated he intended to file under the North Carolina Administrative Procedures Act concerning the document requests.

10. On April 30, 2025, the Chair of the Grievance Committee issued a subpoena to Respondent to appear at 10:00 a.m. on May 21, 2025 at the State Bar building in Raleigh, North Carolina with the records requested in the State Bar's February 26, 2025 letter.

11. Respondent did not appear at the State Bar building on May 21, 2025 and did not provide any records on that date.

12. In e-mails on May 21, 2025, State Bar counsel notified Respondent that his failure to appear and produce documents pursuant to the subpoena could be the basis for discipline as well as for a noncompliance suspension, and offered that if he wished to mitigate the consequences of having failed to appear on May 21, this appearance could be rescheduled to June 6, 2025.

13. Respondent did not respond to the State Bar's May 21, 2025 e-mail or to a subsequent e-mail on May 27, 2025 about rescheduling his appearance for June 6, 2025.

14. On June 2, 2025, the State Bar e-mailed Respondent noting his lack of response concerning meeting on June 6, 2025. The State Bar notified Respondent that State Bar counsel and an investigator would be at the State Bar building on June 6, 2025 at 10:00 am to meet with

him. The State Bar notified Respondent that if he did not appear and bring the subpoenaed documents, then the State Bar would proceed with seeking a noncompliance suspension.

15. On June 5, 2025, Respondent notified the State Bar that he did not plan to appear on June 6, 2025.

16. Respondent did not appear at the State Bar building on June 6, 2025 and did not produce the subpoenaed documents on that date.

17. The records on appeal that Respondent provided in April 2025 contain some discovery requests and responses and expert witness affidavits that may be responsive in part to the request in the second paragraph of the State Bar's February 26, 2025 letter for "[a]ny and all discovery requests and responses received by you or sent by you" in the grievance complainant's underlying case and the request in the third paragraph for "[a]ny and all affidavits prepared by you for [the complainant]'s expert witness." The records on appeal do not, however, contain all of the requested documents, which include any and all discovery requests and responses received by Respondent or sent by Respondent in the underlying case, and all affidavits (not just those filed) that Respondent prepared for the expert witness.

18. Respondent did not produce all of the discovery requests and responses requested in paragraph 2 of the February 26, 2025 letter, nor has he produced the other documentation requested in the February 26, 2025 letter.

19. On June 16, 2025, Petitioner filed its Petition for Order to Show Cause for Noncompliance Suspension with the Disciplinary Hearing Commission (DHC). The petition contained the above facts of noncompliance with the grievance process and set forth Petitioner's efforts to obtain Respondent's compliance. The petition was supported by the affidavit of State Bar investigator Paul Sugrue and by the documents attached to the affidavit.

20. The petition was served upon Respondent by mailing a copy of the petition to the last address Respondent provided to the Membership Department of the State Bar, in accordance with 27 N.C. Admin. Code 1B.0135(c)(3).

21. On June 16, 2025, the Chair of the DHC entered an order directing Respondent to show cause within 14 days of service of the Order upon Respondent why his law license should not be suspended for failure to comply with the grievance process. The Order warned Respondent that failure to comply with the grievance process or respond to the Order may result in the suspension of his law license.

22. The Order to Show Cause was served upon Respondent by mailing a copy of the petition to the last address Respondent provided to the Membership Department of the State Bar.

23. Service of the Order to Show Cause was complete upon the mailing of the Order to the last address Respondent provided to the Membership Department of the State Bar, pursuant to 27 N.C. Admin. Code 1B.0135(d)(3) and (4).

24. Respondent timely filed a response to the Order to Show Cause and the petition on June 30, 2025, and filed an amended response on July 1, 2025.

25. By order filed July 17, 2025, the hearing on grievance noncompliance was set for July 29, 2025 at 10:00 a.m.

26. Respondent appeared at the July 29, 2025 hearing.

27. At the July 29, 2025 hearing, Respondent stipulated to the noncompliance set out in the Petition for Order to Show Cause for Noncompliance Suspension, and the burden of proof shifted to him pursuant to 27 N.C. Admin. Code 1B.0135(f) to present evidence of one or more of the following: (A) that he was in compliance; (B) that he fully cured all noncompliance; or (C) that there is good cause for his noncompliance.

28. Respondent testified in direct examination at the July 29, 2025 hearing. During that direct examination, Respondent testified that at about midnight, ten hours prior to the hearing in this case beginning at 10:00 a.m. on July 29, 2025, he uploaded his entire file for the client at issue in the underlying grievance to a folder to which he gave Petitioner's counsel access.

29. Respondent believed that documents responsive to the nine document requests contained in the State Bar's February 26, 2025 letter were contained in the documents he uploaded.

30. The uploaded files numbered in the hundreds and they were organized by types of documents, not in correlation to the State Bar's document requests.

31. Respondent could not identify specific documents in what he produced that were responsive to the nine document requests made to him by the State Bar. He testified he would need time to go through and make those identifications.

32. To be compliant with the State Bar's requests for documents, it is Respondent's obligation to identify the responsive documents per document request.

33. The hearing was adjourned before Respondent rested his case, while still in the direct examination of Respondent, to allow Respondent time to identify from the client file documents he had uploaded the documents responsive to each document request in the State Bar's February 26, 2025 letter.

34. Respondent was ordered to provide a list to the State Bar containing these identifications no later than 5:00 p.m. on August 8, 2025.

35. The hearing was set to reconvene on August 18, 2025 at 10:00 a.m.

36. The order from the July 29, 2025 hearing that contained the DHC's order that Respondent provide the information identifying the responsive documents and setting the date for the hearing to reconvene was filed August 5, 2025.

37. Respondent did not provide the information identifying responsive documents as ordered by 5:00 p.m. on August 8, 2025.

38. Respondent did not appear at the hearing on August 18, 2025.

39. Counsel for Petitioner represented at the hearing that Respondent had e-mailed her at 8:50 a.m. on August 18, 2025 with a link to a folder to which he stated he was uploading documents responsive to the State Bar's February 26, 2025 letter. Counsel for Petitioner represented that the folder contained 66 documents that had numbers that appeared to correspond with the numbered paragraphs of the February 26, 2025 letter.

40. Respondent, however, did not appear and present evidence at the August 18, 2025 hearing to prove he had fully cured all noncompliance.

41. Respondent did not present evidence at the hearings in this matter proving he had provided documents responsive to the nine requests for documents in the State Bar's February 26, 2025 letter.

42. Respondent did not present evidence at the hearings in this matter that he had appeared at the State Bar, available to answer questions from State Bar counsel, as he had been required to do by the subpoena issued by the Chair of the Grievance Committee on April 30, 2025.

43. Petitioner met its burden of proof, by proving by clear, cogent, and convincing evidence that Respondent is noncompliant with the investigation of grievance file 24G0392 as defined in 27 N.C. Admin. Code 1B.0135(a).

44. Respondent did not meet his burden of proof, to prove by clear, cogent, and convincing evidence one or more of the following: (A) that he was in compliance; (B) that he fully cured all noncompliance; or (C) that there is good cause for his noncompliance.

Based upon the foregoing Findings of Fact, the Chair enters the following

#### CONCLUSIONS OF LAW

1. All parties are properly before the Chair of the Disciplinary Hearing Commission, and the Disciplinary Hearing Commission has jurisdiction over Respondent, Richard E. Batts, and over the subject matter of this proceeding.

2. Respondent is noncompliant with the investigation of grievance file 24G0392 as defined in 27 N.C. Admin. Code 1B.0135(a).

3. Respondent has not shown that he was in compliance, that he fully cured his noncompliance, or that there is good cause for his noncompliance.

4. Respondent's noncompliance is grounds for the suspension of his law license pursuant to 27 N.C. Admin. Code 1B.0135.

Based upon the foregoing Findings of Fact and Conclusions of Law, the Chair hereby enters the following


ORDER

1. Respondent, Richard E. Batts, is hereby suspended from the practice of law, effective thirty (30) days after this Order is served on him.

2. Respondent shall comply with all the wind-down provisions of 27 N.C. Admin. Code 1B.0128, as provided in 27 N.C. Admin. Code 1B.0135(h).

3. Any petition by Respondent to be reinstated to the practice of law shall be governed by 27 N.C. Admin. Code 1B.0135(i).

This the 19<sup>th</sup> day of August 2025.



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Jaye P. Meyer, Chair  
Disciplinary Hearing Commission