

STATE OF NORTH CAROLINA  
WAKE COUNTY



BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
13 DHC 30

THE NORTH CAROLINA STATE BAR,  
Plaintiff

v.

STEVEN M. CHEUVRONT, Attorney,  
Defendant

ORDER OF DISCIPLINE

This matter was heard on January 31, 2014 before a Hearing Panel of the Disciplinary Hearing Commission ("DHC") composed of Joshua W. Willey, Chair, and members Harriett Smalls and Randy A. Moreau. Plaintiff was represented by G. Patrick Murphy. Defendant, Steven M. Cheuvront ("Cheuvront" or "Defendant"), was represented by James Maxwell. Based on Plaintiff's complaint, Defendant's answer, stipulations, exhibits and evidence admitted during the hearing, the Hearing Panel hereby finds, by clear, cogent and convincing evidence, the following:

FINDINGS OF FACT

1. Plaintiff, the North Carolina State Bar ("State Bar"), is a body 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. Defendant was admitted to the North Carolina State Bar on March 21, 1998, 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. During all or part of the relevant periods referred to herein, Cheuvront was engaged in the practice of law in the State of North Carolina and maintained a law office in Morganton, Burke County, North Carolina.
4. On or about October 2012, Cheuvront agreed to represent Kristi Ann Farinella ("Farinella") who was issued citations in Burke County cases *State v. Kristi Ann Farinella*, 12 CR 703420 (expired registration, expired inspection) and 12 IF 703847

(improper passing). Farinella was referred to Chevront by her mother who had used Chevront's legal services in the past and who had referred other criminal cases to Chevront.

5. On or about February 6-8, 2013, Farinella called Chevront upset that her cases had not been resolved and complaining that she had gotten a letter from the Department of Motor Vehicles advising her of the possible revocation of her license due to her failure to appear in one of her cases.

6. On or about February 6-8, 2013, Chevront requested a deputy clerk in the Burke County Clerk of Court's Office to make copies of the citations in files 12 CR 703420 and 12 IF 703847 ("Farinella files") for him.

7. On February 8, 2013, Defendant wrote the letters "VD" on the citations in the Farinella files and forged and falsely wrote the initials of Assistant District Attorney Frank Webster ("Webster") below the letters "VD" on the citations in the Farinella files to indicate that Webster had taken a voluntary dismissal in each case.

8. After entering voluntary dismissal notations and forging Webster's initials on the citations in the Farinella files, Chevront delivered them to the clerk's office for entry in the case record. The citations were left on the desks of two different assistant/deputy clerks.

9. At the time Chevront placed Webster's initials and voluntary dismissal notations on the citations in the Farinella files, Chevront did not have the authority or consent of Webster to sign his initials to the entry of voluntary dismissals in the Farinella files.

10. At the time Chevront placed Webster's initials and voluntary dismissal notations on the citations in the Farinella files, Chevront did not have the authority or consent of Webster to enter voluntary dismissals in the Farinella files.

11. By writing voluntary dismissal notations and Webster's initials on the citations in the Farinella files and delivering the Farinella files to the clerk's office for entry in the record, Defendant engaged in unlawful criminal conduct in violation of N.C. Gen. Stat. §14-119.

12. By delivering the Farinella files to the clerk's office for entry in the record knowing they contained the unauthorized dismissal of the charges and the forged initials of Webster, Chevront engaged in unlawful criminal conduct in violation of N.C. Gen. Stat. § 14-221.2.

13. By delivering the citations to the clerk's office for entry in the record knowing that they contained unauthorized dismissals of the charges and the forged initials of Webster, Chevront engaged in obstruction of justice, unlawful criminal conduct in violation of North Carolina common law.

Based on the foregoing Findings of Fact, the Hearing Panel makes the following:

### CONCLUSIONS OF LAW

1. All parties are properly before the Hearing Panel and the Panel has jurisdiction over Defendant and the subject matter of this proceeding.
2. Defendant's foregoing actions constitute grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) in that Defendant violated the Rules of Professional Conduct in effect at the time of the conduct as follows:
  - a. By forging Webster's initials on citations in the Farinella files below the letters VD to falsely indicate Webster had entered voluntary dismissals in the Farinella files, and then delivering the same to the clerk's office for entry in the record, Chevront committed one or more criminal acts (forgery, altering court documents, obstruction of justice) that reflect adversely on his honesty, trustworthiness or fitness as a lawyer in other respects in violation of Rule 8.4(b), engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c), and engaged in conduct that is prejudicial to the administration of justice in violation of Rule 8.4(d).

Based upon the foregoing Findings of Fact and Conclusions of Law, the Hearing Panel enters the following findings of fact regarding discipline based on clear, cogent and convincing evidence:

### FINDINGS OF FACT REGARDING DISCIPLINE

1. Beginning in June 2012, Chevront was involved in a course of medical treatment which resulted in three tympanoplasty procedures on his ear. The last of these procedures was scheduled for February 11, 2013.
2. Chevront was experiencing stress and anxiety regarding the upcoming medical procedure at the time of his conduct on February 8, 2013.
3. During a telephone conversation with Webster on February 12, 2013, Chevront admitted his conduct to Webster. In a telephone conversation with Assistant District Attorney Eric Bellas ("Bellas") on February 13 and again in a face-to-face meeting with Bellas on February 18, 2013, Chevront admitted his misconduct.
4. Burke County court officials reviewed court files of prior cases handled by Chevront and determined Chevront's conduct on February 8, 2013 was an isolated incident.
5. Chevront has practiced law in Burke County since 1998. His good character and reputation for honesty was attested to by several current Burke County court officials as well as by clergy, a former elected sheriff, and colleagues in the legal profession.
6. Defendant has no history of prior discipline.

7. At the hearing, Defendant admitted his misconduct and expressed remorse.

Based on the above Findings of Fact and Conclusions of Law and the additional Findings of Fact Regarding Discipline, the Hearing Panel makes the following:

#### CONCLUSIONS REGARDING DISCIPLINE

1. The Hearing Panel has carefully considered all of the different forms of discipline available to it. In addition, the Hearing Panel has considered all of the factors enumerated in 27 N.C.A.C. 1B § .0114(w)(1) of the Rules and Regulations of the North Carolina State Bar and concludes the following factors are applicable to this case and warrant suspension of Defendant's license:

- a) Intent of the defendant to commit acts where the harm or potential harm is foreseeable;
- b) Circumstances reflecting on defendant's lack of honesty, trustworthiness, or integrity;
- c) Negative impact of the defendant's actions on the administration of justice; and
- d) Acts of dishonesty, misrepresentation, deceit, or fabrication.

2. The Hearing Panel has considered all of the factors enumerated in 27 N.C.A.C. 1B § .0114(w)(2) of the Rules and Regulations of the North Carolina State Bar and concludes the following factors are present which require consideration of disbarment: acts of dishonesty, misrepresentation, deceit, or fabrication; and commission of a felony. While these factors are present and could be a basis for disbarment, that level of discipline is not required here given the totality of the nature, facts, and circumstances of the conduct in this case.

3. The Hearing Panel has considered all of the factors enumerated in 27 N.C.A.C. 1B § .0114(w)(1) of the Rules and Regulations of the North Carolina State Bar and concludes the following factors are applicable in this case:

- a) Absence of prior disciplinary offenses in this or any other jurisdiction;
- b) The absence of dishonest or selfish motive on the part of the Defendant;
- c) Effect of personal or emotional problems on the conduct in question;
- d) Full and free disclosure to the hearing panel and cooperative attitude toward the proceedings;
- e) Remorse expressed by Defendant;

f) The Defendant enjoys a good reputation and would appear to be a person of good character; and

g) Defendant, who has practiced law since 1998, has substantial experience in the practice of law.

4. The conduct in which Defendant engaged directly reflects upon his fitness to engage in the profession of an attorney and counselor at law. His conduct also reflects negatively upon the legal profession.

5. The conduct in which Defendant engaged resulted in significant harm or potential significant harm to his client, the administration of justice and the legal profession.

6. Defendant's conduct, if continued or tolerated by the Bar, poses potential significant harm to the administration of justice and the legal profession.

7. The hearing panel has considered all other forms of discipline but concludes that any sanction less than suspension would fail to acknowledge the seriousness of the offenses committed by Defendant, would not adequately protect the public, and would send the wrong message to attorneys and to the public regarding the conduct expected of members of the Bar.

8. The hearing panel further concludes that the public will be adequately protected by suspension of Defendant's license, with the possibility of a stay for a period of time with conditions imposed upon Defendant designed to ensure protection of the public and continued compliance with the Rules of Professional Conduct.

9. For these reasons, the hearing panel finds that an order imposing discipline short of a suspension of Defendant's law license would not be appropriate.

Based upon the foregoing Findings of Fact and Conclusions of Law, and the Findings of Fact and Conclusions regarding discipline, the hearing panel enters the following:

#### ORDER OF DISCIPLINE

1. Defendant, Steven Cheurvront, is hereby suspended from the practice of law for two years, effective 30 days from service of this Order upon Defendant.

2. Defendant shall submit his license and membership card to the Secretary of the North Carolina State Bar no later than 30 days following service of this Order upon Defendant.

3. Defendant shall comply with the wind down provisions of 27 N.C.A.C. 1B § .0124 of the State Bar Discipline and Disability Rules. Defendant shall file an affidavit with the Secretary of the North Carolina State Bar within 10 days of the effective date of this Order, certifying he has complied with the wind down rule.

4. Within 15 days of the effective date of this Order Defendant shall provide the State Bar with an address and telephone number at which clients seeking return of files can communicate with Defendant and obtain such files, and Defendant shall promptly return all files to his clients upon request.

5. Defendant shall pay the administrative fees and costs of this disciplinary proceeding within 30 days of service of the statement of fees and costs upon him.

6. One year after the effective date of this Order, Defendant may seek a stay of the remaining period of suspension if he meets the conditions set out below. Defendant must be in compliance with these conditions at the time of his motion as well as at the time of the effective date of any stay of his suspension. If Defendant does apply to have the remainder of the suspension stayed, he must prove compliance with these conditions by clear, cogent and convincing evidence which establishes the following:

- a) That Defendant has complied with paragraphs 2-5 of this section of this Order of Discipline;
- b) That Defendant obtained a mental health evaluation within 60 days of the effective date of this order by a licensed and qualified psychiatrist or psychologist ("mental health professional") engaged by Defendant. This evaluation may be coordinated through the Lawyer Assistance Program. The mental health professional Defendant engages to perform this evaluation shall be approved in advance by the North Carolina State Bar Office of Counsel. Prior to the evaluation, Defendant shall sign an authorization consenting to the release of all medical records and information related to Defendant's evaluation to the Office of Counsel, and Defendant shall not revoke that release. Defendant shall simultaneously provide a copy of such signed authorization to the Office of Counsel and the mental health professional. Defendant shall direct the evaluating mental health professional to provide a written report of such evaluation and recommended treatment, if any, to the Office of Counsel within thirty (10) days of the completion of the evaluation. Such evaluation shall contain an opinion as to whether Defendant is suffering from a mental or physical condition which significantly impairs his professional judgment, performance, or competence as an attorney. All expenses of such evaluation and report shall be borne by Defendant;
- c) That Defendant has complied with all treatment recommendations of the evaluation described in paragraph (b) above. Defendant shall sign an authorization consenting to the release of any medical records and information related to Defendant's treatment to the Office of Counsel, and Defendant shall not revoke that release. Defendant shall simultaneously provide a copy of such signed authorization to the Office of Counsel and his treatment provider. Defendant shall direct his treatment provider to provide the Office of Counsel with a written report detailing Defendant's treatment plan. Defendant shall also direct his treatment provider to

provide the Office of Counsel with quarterly written reports concerning Defendant's condition and compliance with the treatment plan. Such reports shall be received by the Office of Counsel each January 1, April 1, July 1 and October 1 for the time covered by this Order of Discipline. Defendant shall also comply with any and all requests from the Office of Counsel seeking updates on the status of his ongoing treatment within fifteen (15) days of receipt of such requests. All expenses of such treatment and reports shall be borne by Defendant;

- d) That within 60 days prior to applying for a stay, the mental health professional who conducted the evaluation described in paragraph (b) above certifies, under oath, based on his or her independent and comprehensive evaluation of Defendant, that in his or her professional opinion Defendant does not currently have any mental, psychological, behavioral, cognitive, or emotional condition or disorder that impairs Defendant's ability to practice law, that impacts Defendant's ability or willingness to comply with the Rules of Professional Conduct, and/or that poses a risk of harm to the public if he engages in the practice of law;
- e) That Defendant has responded to all letters of notice and requests for information from the N.C. State Bar by the deadline stated in the communication;
- f) That Defendant has kept the State Bar Membership Department advised of his current physical home address;
- g) That Defendant paid all outstanding membership fees, Client Security Fund assessments and fees or costs assessed by the DHC or the State Bar and complied with and satisfied any outstanding CLE requirements imposed by the State Bar; and
- h) That Defendant has not violated the Rules of Professional Conduct or the laws of the United States or any state.

7. The procedures of 27 N.C.A.C 1B § .0125(b) shall govern Defendant's application for a stay of the remainder of his suspension of his law license.

8. If an order staying any period of this suspension is entered, Defendant's reinstatement during the stayed suspension will be subject to the terms, conditions and requirements of this Order of Discipline set out in paragraph 6(a) through (h) above, with Defendant's active status contingent upon his continued compliance with treatment recommendations under paragraph 6(b) and (c) above and all terms set out in paragraph 6(a) through (h) above. If during any stayed suspension Defendant fails to comply with the requirements set out in paragraph 6(a) through (h), or any other applicable condition set out in this Order of Discipline, then the stay of the suspension of his law license may be lifted as provided in 27 N.C.A.C 1B § .0114(x) of the North Carolina State Bar Discipline and Disability Rules.

9. If Defendant does not seek a stay of the suspension of his law license, or if some part of the suspension is stayed and thereafter the stay is lifted, Defendant must comply with the conditions set out in paragraph 6(a) through (h) above as well as the requirements of 27 N.C.A.C 1B § .0125(b) in order to be reinstated from the suspension to active status. In the event Defendant does not seek a stay of the suspension of his law license, the evaluation and certification required by paragraph 6(d) above must occur within 60 days of the date of filing for reinstatement.

10. The Disciplinary Hearing Commission will retain jurisdiction of this matter pursuant to 27 N.C.A.C 1B § .0114(x) of the North Carolina State Bar Discipline and Disability Rules.

Signed by the Chair with the consent of the other hearing panel members, this the 27<sup>th</sup> day of February 2014.

A handwritten signature in black ink, appearing to read 'J. Willey', with a long horizontal flourish extending to the right.

Joshua W. Willey, Chair  
Disciplinary Hearing Panel