

STATE OF NORTH CAROLINA
COUNTY OF MONTGOMERY

FILED

IN THE GENERAL COURT OF
JUSTICE

2022 DEC -9 P 12:47

SUPERIOR DIVISION

MONTGOMERY CO., C.S.C.

FILE NUMBER: 22 CVS 220

IN THE MATTER OF
BROOKE MCINTOSH CRUMP,
Attorney

mpl

ORDER

THIS MATTER was heard by the undersigned on November 1 and 2, 2022 in Montgomery County Superior Court after an Order to Show Cause issued by this Court was served upon attorney Brooke McIntosh Crump notifying her of allegations that she engaged in professional misconduct and ordering her to appear and respond to those allegations. Carmen H. Bannon and J. Cameron Lee, 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 6 June 2022, the Chief District Court Judge in Judicial District 20A filed a Petition for Order to Show Cause setting forth alleged acts of professional misconduct by Crump.
2. The Superior Court, based on the Petition for Order to Show Cause and its inherent authority to regulate the conduct of attorneys as officers of the court, issued an Order to Show Cause directing Crump to appear on 5 July 2022—or such other date to be determined by the judge appointed to hear the matter—for a hearing on whether she violated the North Carolina Rules of Professional Conduct as alleged in the Petition for Order to Show Cause.
3. The Superior Court appointed the State Bar’s Office of Counsel to investigate and prosecute the allegations set forth in the Order to Show Cause, and on 27 June 2022, Deputies Counsel Bannon and Lee filed notices of appearance in this matter.
4. Crump was served with the Order to Show Cause by personal service on 13 June 2022.
5. On 24 June 2022, Crump filed a Notice to Clerk of Removal indicating that she had removed this matter to the U.S. District Court for the Middle District of North Carolina. (M.D.N.C. file no. 1:22-CV-484, *Crump v. Nance*)

6. Pursuant to 28 U.S.C. § 1446(d), this Court took no further action in this matter while awaiting a determination by the U.S. District Court as to whether the case was properly removed to federal court.

7. On 27 September 2022, the U.S. District Court remanded this case to Montgomery County Superior Court for lack of subject matter jurisdiction.

8. On 3 October 2022, this Court issued a Notice of Hearing setting this matter for hearing on 31 October 2022 at 10:00 am. The Notice of Hearing was served on Crump by U.S. Mail to her home and business addresses and by email to her personal and business email addresses.

9. On 27 October 2022, Crump filed in the U.S. District Court a Notice of Appeal from the 27 September 2022 remand order. She did not ask the federal court to stay the remand order.

10. On 28 October 2022, Crump contacted the Montgomery County Clerk of Court to inquire whether the 31 October 2022 hearing in this case would go forward given her filing of the Notice of Appeal.

11. In response, the undersigned sent the following notice to Crump and the prosecuting attorneys: “The hearing set for Monday, October 31, 2022 at 10:00am will go forward as noticed. Please plan to appear in court Monday morning in Montgomery County. Any motions to continue or related issues can be presented at that time.”

12. On 31 October 2022, at 9:51 am, Crump filed another Notice to Clerk of Removal indicating that she had again removed this matter to the U.S. District Court for the Middle District of North Carolina. (M.D.N.C. file no. 1:22-CV-961, *Nance v. Crump*)

13. Crump did not appear as ordered in Superior Court at 10:00 am for the hearing on this matter, so the Court directed the bailiff to contact her and instruct her to be in the courtroom by 11:00 am. The bailiff left voicemail and sent a text message to Crump instructing her to appear, but she did not.

14. Around 11:30 am, the Court issued a show cause order (“the show cause for contempt”), directing Crump to appear and show cause why she should not be held in contempt for twice failing to appear in court as ordered. The court directed the Montgomery County Sheriff’s Office to personally serve Crump with a copy of the show cause for contempt. Deputies from the Montgomery and Moore County Sheriff’s Offices engaged in extensive efforts to serve Crump with the show cause for contempt. Deputies visited all of Crump’s known residential and professional addresses, as well as the residences of Crump’s mother and Crump’s in-laws, but were unable to locate Crump to personally serve her with the show cause for contempt.

15. Pursuant to 28 U.S.C. § 1446(d), this Court took no further action in this matter on 31 October 2022 while awaiting a determination by the U.S. District Court as to whether the case was properly removed to federal court.

16. That afternoon, the prosecuting lawyers filed in the U.S. District Court an Emergency Motion to Remand this action to State court. The following morning, the U.S. District Court ordered Crump to file any response to the prosecuting lawyers' Emergency Motion to Remand by 11:30 am. Crump submitted a response—wherein she made specific reference to the Montgomery County Sheriff's Office's attempts to serve her with the second show cause order¹—but it was not timely.

17. On 1 November 2022 at 11:53 am, the U.S. District Court entered an order noting “the apparent frivolous nature of the [removal] petition designed to attempt to thwart [this disciplinary] proceeding yet again” and granting the Emergency Motion to Remand. At 12:17 pm, the District Court issued a Letter of Remand to the Montgomery County Clerk.

18. At 1:00 pm on 1 November 2022, the hearing in this matter commenced.

Based upon the record in this case and the evidence and argument presented, 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 the inherent power of the judiciary to regulate the conduct of lawyers as officers of the court.

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.

Frivolous Motions to Intervene in Juvenile Cases

¹ Specifically, on page 3 of her response to the State Bar's Emergency Motion to Remand, Crump stated: “Movant plans to proceed with suspending Defendant's law license within the hour, no matter what the court says. They are proceeding on the matter as we speak, with the Sheriff having given sworn testimony under oath regarding Defendant that is false. Further, Defendant is alleging illegal acts of Movant; they are sending the Montgomery County Sheriff to her families' homes and did so in the middle of the night. They have him looking inside her office and making false claims as to the appearance of furniture. Defendant received a THREAT from a witness that she would be incarcerated and to think of her children if she did not appear in court yesterday.”

4. Under Chapter 7B of the General Statutes, foster parents are not parties to abuse/neglect/dependency actions and “may be allowed to intervene only if the foster parent has authority to file a petition to terminate the parental rights of the juvenile’s parents pursuant to G.S. 7B-1103.” N.C. Gen. Stat. § 7B-401.1(e1).

5. A foster parent only has authority to file a petition under section 7B-1103 if the minor child has continuously resided with the foster parent for a period of 18 months preceding the filing of the petition. N.C. Gen. Stat. § 7B-1103(a)(5).

6. On 21 March 2022, Crump filed a Motion to Intervene/Petition for Placement on behalf of foster parents Michela and Tyler Rush in *In re A.H.*, an ongoing juvenile abuse/neglect/dependency case in Montgomery County District Court. The 21 March 2022 motion requested that Crump’s clients be allowed to intervene in the case and that the minor child be placed with them.

7. The Motion to Intervene stated that A.H. had been placed in foster care with the Rushes in May 2021 and had lived with them until 21 December 2021. Since the child had only lived with Crump’s clients for a total of approximately 7.5 months and was no longer residing with them, there was no legal basis to file a motion to intervene on their behalf.

8. On 2 May 2022, Crump filed a document containing the following motions on behalf of foster parents Adam and Jennifer Bowles in *In re S.B.*, an ongoing juvenile abuse/neglect/dependency case in Montgomery County District Court: Motion to Intervene, Motion to Stay, Motion to Disqualify Counsel, and Motion for Montgomery County DSS to Transfer Case.

9. Crump’s 2 May 2022 motions stated that S.B. had been placed in foster care with the Bowles in December 2021 and had lived with them until 29 April 2022. Since the child had only lived with Crump’s clients for a total of approximately 4.5 months and was no longer residing with them, there was no legal basis to file a motion to intervene on their behalf, nor did they have standing to request any of the other relief sought in the motions.

10. In the 2 May 2022 motions she filed in *In re S.B.*, Crump made numerous assertions and requests for which there was no basis in law or fact, including:

- (a) The request that S.B.’s matter “be transferred to another agency.”
- (b) The request that DSS Attorney Jeannie Blake be disqualified from representing the agency in S.B.’s case.
- (c) The assertion that her clients were entitled to S.B.’s Social Security number so they could claim her as a dependent on their tax returns: A foster parent may only claim a foster child as a dependent for tax purposes if the child resided with the foster family for more than six months in a calendar year.

- (d) The assertion that Montgomery County Sheriff's Deputy Ray Dawson and Montgomery County DSS engaged in "obstruction of justice, a class H felony."
- (e) The assertion that her clients "know of no other reason why Montgomery County DSS would refuse to provide [S.B.'s social security number] unless it was possible for them to receive a financial benefit."
- (f) The assertion that "the Minor Child's removal from the Petitioners' home was not authorized or signed by a judge": The Court granted Montgomery County DSS placement authority over S.B., so the agency was legally authorized to make decisions about where the child would reside.

11. In the 2 May 2022 motions that she filed in *In re S.B.*, Crump made false and misleading statements to the Court, to wit:

- (a) In paragraph 11 of the 2 May 2022 motions, Crump falsely asserted that "the parents do not want the Minor Child to be placed with any of the Fathers' [sic] family members." This statement was false, as once paternity was established, S.B.'s father had continuously advocated that S.B. be placed with his family.
- (b) Paragraph 17 of the 2 May 2022 motions was misleading in that—by noting that Captain James Kerney was unaware of who requested or authorized Deputy Dawson's involvement in S.B.'s change of placement—it falsely implied that Deputy Dawson was supervised by or reported to Captain Kerney within the Montgomery County Sheriff's Office.
- (c) In paragraph 28 of the 2 May 2022 motions, Crump falsely asserted that "Montgomery County DSS has not held a MAPP [foster parent training] class in years." This statement was false, as Montgomery County DSS had conducted two MAPP classes during the year before the 2 May 2022 motions were filed.
- (d) In paragraph 34 of the 2 May 2022 motions, Crump asserted that DSS had not "express[ed] intent to transfer the . . . child until AFTER the Petitioners' inquired as to the . . . [c]hild's social security number." This statement is misleading, as Crump's clients were informed from the outset that kinship placements for S.B. were being explored.

"Motion in the Cause" for Disqualification of Judges

12. The North Carolina Code of Judicial Conduct provides that a judge should disqualify himself in any proceeding "in which [the judge's] impartiality may reasonably be questioned." N.C. Code Jud. Cond., Canon 3C (emphasis added).

13. Disqualification of a judge requires a showing of personal bias or prejudice against or in favor of a party. *Dunn v. Canoy*, 180 N.C. App. 30, 38 (2006).

14. Under North Carolina law, “the burden is upon the party moving for disqualification to demonstrate objectively that grounds for disqualification actually exist,” and that such showing “must consist of substantial evidence that there exists such a personal bias, prejudice or interest on the part of the judge that he would be unable to rule impartially.” *Lange v. Lange*, 357 N.C. 645, 649 (2003).

15. On 21 March 2022, Crump delivered a document labeled “Motion in the Cause” to the Montgomery County Clerk of Court. The motion, which was captioned *In Re Brooke Crump* requested that “the Honorable John Nance [and] any other district court judges under his authority with which [sic] he has communicated . . . concerning his potential bias against Attorney Crump” be recused from hearing any case in which Crump served as counsel.

16. Because the “Motion in the Cause” did not bear the caption or file number of any pending case, later that day the Clerk of Court crossed out the file stamp and returned the document to Crump’s courthouse mailbox with a note reading “This needs to be addressed to a specific case or cases.”

17. Crump asserted issues and requested relief in the 21 March 2022 “Motion in the Cause” and accompanying affidavit without basis in law and/or fact, including:

- (a) Requesting that all three District Court judges in the district be disqualified from presiding over cases in which she appeared without alleging any acts by Judge Nance that would be grounds for disqualification, or any facts even suggesting bias on the part of the other two District Court judges. At no time did Crump allege that any of the judges were biased in favor of or against a party to any matter before the court.
- (b) Asserting that disqualification was warranted based on the theory that Judge Nance had (i) formed an opinion that Crump had engaged in professional misconduct involving dishonesty; (ii) discussed his concerns about Crump’s dishonesty with other members of the bar and bench; and (c) reported the alleged misconduct to the State Bar. Assuming for the sake of argument that this theory was accurate, it would not reflect improper bias against Crump; on the contrary, it reflects a judge’s obligation to safeguard the integrity of the adjudicatory process and duty to report professional misconduct by attorneys.
- (c) Making assertions regarding Judge Nance’s purported actions and statements that were so vague as to evade meaningful rebuttal. For example, Attorney Crump insinuated that Judge Nance “cut her off from speaking because she was a woman” and stated that Judge Nance “has been known to roll his eyes when Attorney Crump speaks.” Attorney Crump also speculated that Judge

Nance would be a necessary witness in any not-yet-existent disciplinary proceeding against Attorney Crump.

- (d) Attaching a supporting affidavit which read, in its entirety: “Other attorneys have informed me that Judge Nance accused me of acts [sic] dishonesty. Further, my clients have noticed a sense of bias and that I am interrupted when speaking. Officers of the court have commented on the seeming bias against me from the local bench in this district, as well as my clients. I fear my clients are not being fairly heard due to bias. A reasonable person would question bias, if they knew some of the comments Judge Nance has made about me in my my [sic] absence. Further, Judge Nance and those under his authority will be material witnesses in any disciplinary proceedings initiated against me.” This affidavit set forth hearsay, subjective impressions, vague allegations about unspecified negative comments by Judge Nance, and speculation. It did not point to any objective, admissible evidence, let alone “substantial evidence” of “personal bias, prejudice or interest” on the part of any of the judges Attorney Crump sought to disqualify.

18. In paragraph 8 of the “Motion in the Cause,” Attorney Crump implied that Judge Nance is sexist. In support of this insinuation, she offered only the claim that an unidentified person once “asked if The Honorable John Nance cut her off from speaking because she was a woman.”

19. In a subsequent petition filed with the North Carolina Court of Appeals in *In re A.H.* (discussed below), Crump asserted that on 21 March 2022, “instead of addressing her recusal motion when [Crump] presented it to him, [Judge] Nance continued the underlying hearing and acted as if the motion for recusal didn’t happen.” Later in the petition, Attorney Crump accused Judge Nance of “ignoring [Crump]’s motion completely.” These assertions were misleading, in that:

- (a) The “recusal motion” referenced in the passages from the petition quoted above was the “Motion in the Cause” that had been rejected by the Clerk, but—by accusing Judge Nance of “ignoring” the motion or pretending it “didn’t happen”—Crump implied it was a validly filed motion properly before the trial court.
- (b) Since Crump was not counsel for any party to *In re A.H.*, even a validly filed and meritorious recusal motion would not have been properly before the court unless and until her clients’ motion to intervene was allowed.

Court of Appeals Petition

20. On 4 April 2022, Crump filed in the North Carolina Court of Appeals a Petition for Writ of Supersedeas, a Petition for Writ of Prohibition, and a Motion for Temporary Stay in *In re A.H.*, the juvenile case in which she had filed the 21 March

2022 Motion to Intervene discussed above. (The 4 April 2022 petitions and motion described in this paragraph are referred to collectively hereafter as “COA filings”)

21. Crump’s COA filings asked the Court of Appeals to enter an order “enjoining The Honorable John Nance and those serving under his supervision from presiding over [In re A.H.] and any other matters in which the undersigned appears.”

22. The Court of Appeals summarily denied Crump’s COA filings on 6 April 2022.

23. There was no legal basis for the COA filings because:

- (a) Crump was not counsel of record for any party in *In re A.H.* and therefore could not seek appellate review of the case;
- (b) The COA filings asked the appellate court to review an issue that was not presented to the trial court (i.e., a validly filed motion to recuse Judge Nance from presiding over *In re A.H.*); and
- (c) Crump did not, and could not, present any legal authority for the extraordinary proposition that all the District Court judges in her district should be recused from all of her cases.

24. Crump’s COA filings requested recusal of judges without basis in fact: They were comprised of hearsay, rumor, subjective impressions, an irrelevant aside regarding toothaches, vague allegations about Judge Nance’s “attitude” and “temperament” towards Crump, and speculation. They did not point to any admissible evidence, let alone “substantial evidence” of “personal bias, prejudice or interest” on the part of any of the judges Crump sought to disqualify

25. In paragraph 12 of the COA filings, Crump falsely asserted that “the April [2022] calendar reflects all three district court judges recus[ed] themselves” for unknown reasons from a case in which Crump served as counsel. All three judges in District 20A did not recuse from any of Crump’s clients’ cases in April 2022, and the published District 20A judges’ calendar unambiguously indicated that a visiting judge would be in the district for several days due to resident judges’ vacation and training schedules, not due to recusals.

Motion to Recuse Judge Vang

26. Brett Bean initiated a child support enforcement action (hereafter “IV-D case”) against Crump’s client Nancy Bean (Montgomery County file no. 21CVD451). Crump and her client were both served with a 30 March 2022 order in the IV-D case continuing hearing in the matter to 11 April 2022, and Nancy Bean was served with a notice of the 11 April 2022 hearing.

27. During calendar call at 9:30 am on 11 April 2022, Nancy Bean was present in court but Crump was not present.

28. Representatives of DSS involved in child support enforcement informed the Court that Crump did not intend to appear for the hearing in the IV-D case because—although her client had been served—Crump had not personally been served with notice of the hearing.

29. When the presiding judge, The Honorable Thai T. Vang, learned that Crump did not intend to appear at the hearing, leaving her client unrepresented, he directed a Deputy Clerk to summon Crump to the courtroom to discuss the matter.

30. When the Deputy Clerk notified Crump of Judge Vang's directive, she responded by saying that she intended to file a motion to recuse Judge Vang from the matter.

31. Later in the morning of 11 April 2022, Crump filed a Motion to Recuse Judge Vang accompanied by her affidavit just before she appeared in the courtroom where the IV-D case was to be heard. Because Crump's Motion to Recuse needed to be addressed before the substance of the case could be reached, the IV-D case was continued to a later date.

32. Crump asserted issues and requested relief in the 11 April 2022 Motion to Recuse and accompanying affidavit without basis in law or fact, including:

- (a) Crump ostensibly filed the 11 April 2022 Motion to Recuse on behalf of her client Nancy Bean, but the Motion to Recuse did not contain a single allegation suggesting that Judge Vang had any personal bias or prejudice against Nancy Bean.
- (b) Crump contended—without legal basis or explanation for the arbitrary time limit—that because she was “one of the main members” of Judge Vang's opponent's campaign in the 2018 election, Judge Vang “should have recused himself for a minimum of six months.”
- (c) Many of the anecdotes provided by Crump as the basis for her 11 April 2022 Motion to Recuse were unremarkable instances in which Judge Vang made a benign comment, ruled in a manner that displeased Crump, questioned Crump, or admonished Crump for tardiness. These anecdotes describe routine daily events in courtrooms across North Carolina and do not contain any cognizable allegation of bias by Judge Vang. *See, e.g.*, the following sections in the affidavit executed by Crump attached to the 11 April 2022 Motion to Recuse:
 - (i) In the section titled “State v. McIntyre, Montgomery County File No.,” Crump claims she was denied a continuance and forced to have

a trial on the matter in which her client was found guilty. Crump also claims that her motion to withdraw as counsel was denied.

- (ii) In the section titled “Mauldin v. Mauldin, Montgomery County File No. 14DVD470,” Crump recounted that Judge Vang admonished her for being late for child support court.
- (iii) In the section titled “Montgomery County Child Support v. James Valentine,” Crump alleged that in a child support matter Judge Vang questioned Crump, saying “Tell me this Mrs. Crump, ANSWER ME THIS Mrs. Crump!”
- (iv) Also in the section titled “Montgomery County Child Support v. James Valentine,” Crump alleged that when she sought an *ex parte* custody order on behalf of Dale Cook, alleging that “the children, one as young as four, were having to care for themselves and prepare their food while their mother slept[,] Judge Vang made statements like, ‘well even my girls cook noodles for themselves.’”

33. Throughout the Motion to Recuse and accompanying affidavit, Crump cited to hearsay, rumor, purported statements by unidentified people, subjective impressions, and pure speculation (which in one instance she admitted having no proof of). This pattern demonstrates that Crump lacks a basic understanding of the concepts of “factual support” and “admissible evidence.”

34. In the 11 April 2022 Motion to Recuse and accompanying affidavit, Crump made false and misleading statements to the Court, including the following statements, which were disproven by the evidence presented at the hearing:

- (a) Crump falsely asserted in the 11 April 2022 Motion to Recuse that “Judge Vang was refusing to recuse himself, even though Attorney . . . Crump asked for a recusal in a previous motion filed with the court . . . despite said allegations, he did not recuse himself from a IV-D matter involving Attorney . . . Crump’s spouse.”
- (b) In her affidavit attached to the 11 April 2022 Motion to Recuse, in the section titled “1st Baseless Grievance: ‘Craigslis Stand-In Attorney’ Personal Attack” Crump alleged that Judge Vang had reported her to the North Carolina State Bar “because of absences.” She further stated that when she met with Judge Vang in chambers, Judge Vang stated to her that he “saved me from a bar complaint” and “[t]hat statement was knowingly false.” Crump further stated “Judge Vang contacted the North Carolina State Bar and he informed other members of the court that he contacted the bar [sic] to file a grievance against me, not to save me from one.” This section of Crump’s affidavit omitted material facts and grossly mischaracterized the circumstances of an in-chambers discussion between

Judge Vang and Crump necessitated by the fact that Crump sent a lawyer who was not a member of her firm to appear in court on behalf of her court-appointed clients.

- (c) In her affidavit attached to the 11 April 2022 Motion to Recuse, in the section titled “Nephew as Prosecuting Witness,” Crump falsely claimed that she was “put on the spot in the courtroom” when Judge Vang informed counsel of a family relationship he had with the charging officer in one of Crump’s clients’ cases. In fact, during the hearing described by Crump, Judge Vang informed counsel that he did not have a familial relationship with the charging officer, whose last name also happened to be Vang.
- (d) In her affidavit attached to the 11 April 2022 Motion to Recuse, in the section titled “State v. Collin Auty,” Crump alleged that Judge Vang “failed to avoid impropriety” because an unidentified person purportedly overheard Attorney Jeannie Blake call Crump a “mouthy cunt” while having lunch with Judge Vang. Crump further stated that Attorney Blake “recently confirmed to me that such a lunch and conversation occurred but apologized for her behavior and comment. She and I now have a positive working relationship and understanding as officers of the court.” These statements regarding Attorney Blake were false: Attorney Blake did not make the vulgar and derogatory comment described by Crump, nor did the two have anything approaching a “positive working relationship and understanding” at the time Crump submitted the affidavit.
- (e) In her affidavit attached to the 11 April 2022 Motion to Recuse, in the section titled “Sherri Allgood and Tonya Troublefield,” Crump alleged that Judge Vang discussed the case of *Wyn Dozier v. Sherri Allgood and Tonya Troublefield* (a civil superior court matter), and said that Crump “forged her client’s signature on her answer.” Crump further stated “Judge Vang does not have authority over a superior court matter, [sic] accused me of dishonesty again.” This section of the affidavit is misleading because it omits material facts tending to show that Crump engaged in misconduct in connection with the Allgood/Troublefield matter, as addressed in more detail in paragraph 36, below.
- (f) In her affidavit attached to the 11 April 2022 Motion to Recuse, in the section titled “Hitt,” Crump alleged that Judge Vang failed to perform his duties impartially when he refused to sign a consent order in a child custody matter (Montgomery County file no. 20-CVD-299). Crump claimed without explanation “I have reason to believe that if the Plaintiffs were not lesbians, and if Judge Vang was not biased, the consent order would have been signed.” This section of the affidavit is misleading because it omits material facts about why the consent order was invalid, as described in more detail in paragraph 35, below.

- (g) In her affidavit attached to the 11 April 2022 Motion to Recuse, in the section titled “Amber Sellers,” Crump alleged without basis that Judge Vang engaged in improper *ex parte* communications concerning pending proceedings. She further contended that Judge Vang “sanctioned me on a motion to compel without even reviewing the discovery being compelled” after accusing Crump of forging her client’s signature. This statement was false: Judge Vang did not accuse Crump of forging a signature. In addition, this section of the affidavit is misleading because it omits material facts regarding Crump’s noncompliance with discovery obligations, as described in more detail in paragraph 37, below.

Other Misconduct by Crump

35. In the *Hitt* custody matter referenced in paragraph 34(f), above, when Judge Vang declined Crump’s request to enter the order, Crump accused him without basis of being biased against her clients due to their sexual orientation. Crump then presented the same consent order regarding custody to Chief District Judge John Nance, who also declined to enter it: When Judge Nance asked the *pro se* defendant whether she understood the terms of the consent order, she said she did not, and did not remember signing anything. Judge Nance also determined that the defendant had not been properly served with the complaint and that the consent order presented by Crump falsely stated that the identity of the child’s father was unknown.

36. In the case of *Wyn Dozier v. Sherri Allgood & Tonya Troublefield* (referenced in paragraph 34(e), above), Crump notarized Allgood’s signature on the verification of her discovery responses on 8 May 2021. On 28 June 2021, Crump filed what purported to be a verified Answer on behalf of Allgood. The verification page attached to Allgood’s Answer was actually an altered copy of Allgood’s 8 May 2021 verification, with the dates on both the signature and the notarization whited-out and modified.

37. In the *Amber Sellers* matter referenced in paragraph 34(g), above, Crump received discovery requests on 12 October 2020 and two follow-up emails from opposing counsel in December 2020 but did not provide discovery or respond to the emails. In January 2021, opposing counsel filed a Motion to Compel Discovery and Motion for Sanctions, which Judge Vang heard in March 2021. When she arrived at the hearing, Crump delivered to opposing counsel discovery responses that had been verified by her client on 27 January 2021. In an effort to determine why the responses were not delivered to opposing counsel until the March hearing date, Judge Vang questioned the client to confirm that she had in fact verified the discovery responses in January. During the hearing, Crump initially falsely denied having received the discovery requests or the emails.

38. In her affidavit attached to the 11 April 2022 Motion to Recuse, in the section titled “*State v. Pratt, Montgomery County File No. 19-CR-50695*,” Crump

alleged that during her client's trial on charges of sexual battery, Judge Vang did not allow her "to introduce evidence that the prosecuting witness has accused other individuals of rape and the charges were dismissed and/or defendants were found not guilty." The incident referenced by Crump in this section of her affidavit does not demonstrate judicial bias, but it did involve misconduct by Crump, in that:

- (a) Her attempt to elicit testimony regarding prior sexual conduct by the alleged victim without first seeking leave of the court is specifically prohibited by North Carolina's Rape Shield Statute, which provides: "Before any questions pertaining to such evidence are asked of any witness, the proponent of such evidence shall first apply to the court for a determination of the relevance of the sexual behavior to which it relates." N.C. Gen. Stat. § 8C-1, Rule 412(d); and
- (b) After Judge Vang sustained multiple objections to Crump's line of questioning, she persisted in asking about the alleged victim's sexual history, thereby failing to yield gracefully to the Court's ruling in violation of Rule 12 of the North Carolina General Rules of Practice for Superior and District Court.

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 N.C. Gen. Stat. § 84-28(b)(2) in that Crump violated the Rules of Professional Conduct in effect at the time of her actions as follows:

- (a) By filing motions to intervene that had no basis in law in *In re A.H.* and *In re S.B.*, Crump failed to competently represent her clients in violation of Rule 1.1 and asserted issues without legal basis in violation of Rule 3.1;
- (b) By including in the motions she filed in *In re S.B.* numerous assertions and requests for relief unsupported by fact and/or law, Crump failed to competently represent her clients in violation of Rule 1.1 and asserted issues without factual or legal basis in violation of Rule 3.1;
- (c) By making spurious allegations in the motions she filed in *In re S.B.* of felonious conduct against those she viewed as opposing her clients' wishes, Crump used means in representing a client that had no substantial purpose other than to embarrass or burden a third party in violation of Rule 4.4(a);

- (d) By making false and misleading statements to the Court in the motions she filed in *In re S.B.*, Crump made false statements of material fact to the tribunal in violation of Rule 3.3(a)(1) and engaged in conduct involving dishonesty, deceit, or misrepresentation in violation of Rule 8.4(c);
- (e) By making assertions in her 21 March 2022 “Motion in the Cause” and accompanying affidavit that were unsupported by law and/or fact, Crump asserted issues without factual or legal basis in violation of Rule 3.1;
- (f) By suggesting without basis in her “Motion in the Cause” that Judge Nance is sexist, Crump made a statement concerning the integrity of a judge with reckless disregard for its truth or falsity in violation of Rule 8.2(a);
- (g) By implying in a subsequent petition to the Court of Appeals that the “Motion in the Cause” was a properly filed motion to recuse, and that Judge Nance had “ignored” said motion, Crump made false statements of material fact to the tribunal in violation of Rule 3.3(a)(1) and engaged in conduct involving dishonesty, deceit, or misrepresentation in violation of Rule 8.4(c);
- (h) By requesting recusal of judges in her COA filings without offering evidence suggesting personal bias, prejudice, or interest on the part of the judges, Crump asserted issues without factual or legal basis in violation of Rule 3.1;
- (i) By falsely asserting in her COA filings that all three district court judges in District 20A had recused from one of her cases for unknown reasons, Crump made a false statement of material fact to the tribunal in violation of Rule 3.3(a)(1) and engaged in conduct involving dishonesty, deceit, or misrepresentation in violation of Rule 8.4(c);
- (j) By making assertions that were unsupported by law and/or fact in her 11 April 2022 Motion to Recuse and accompanying affidavit, Crump asserted issues without factual or legal basis in violation of Rule 3.1;
- (k) By lacking basic understanding of the concepts of “factual support” and “admissible evidence,” Crump failed to act competently on behalf of clients in violation of Rule 1.1;
- (l) By making false and misleading statements in her 11 April 2022 Motion to Recuse and accompanying affidavit, Crump made false statements of material fact to the tribunal in violation of Rule 3.3(a)(1) and engaged in conduct involving dishonesty, deceit, or misrepresentation in violation of Rule 8.4(c);
- (m) By submitting to the Court in the *Hitt* matter a consent order that falsely stated the identity of the child’s father was unknown, Crump made a false statement of material fact to the Court in violation of Rule 3.3(a)(1);

- (n) By accusing Judge Vang, without factual basis, of bias against litigants in the *Hitt* matter based on their sexual orientation, Crump made a statement with reckless disregard as to its truth or falsity concerning the integrity of a judge in violation of Rule 8.2(a);
- (o) By forging a verification and attaching it to a court filing in *Dozier v. Allgood*, Crump committed a criminal act reflecting adversely on her honesty, trustworthiness, or fitness as a lawyer in violation of Rule 8.4(b), engaged in conduct involving dishonesty, deceit, or misrepresentation in violation of Rule 8.4(c), and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d);
- (p) By failing to timely produce discovery responses in the *Amber Sellers* matter, Crump failed to make a reasonably diligent effort to comply with a legally proper discovery request by an opposing party in violation of Rule 3.4(d)(2);
- (q) By initially claiming to the Court in the *Amber Sellers* matter that she had not received the discovery requests or follow-up emails regarding discovery, Crump made false statements of material fact to the tribunal in violation of Rule 3.3(a)(1) and engaged in conduct involving dishonesty, deceit, or misrepresentation in violation of Rule 8.4(c);
- (r) By being ignorant of the Rape Shield Statute while representing a client at trial on sex offense charges, Crump failed to competently represent her client in violation of Rule 1.1; and
- (s) By violating Rule 12 of the General Rules of Practice by failing to yield to the Court's rulings in *State v. Pratt*, Crump knowingly disobeyed an obligation under the rules of a tribunal in violation of Rule 4.4(c).

Based upon the foregoing Findings of Fact, Conclusions of Law, and evidence and arguments presented at the hearing, the Court makes the following

ADDITIONAL FINDINGS OF FACT REGARDING DISCIPLINE

1. Crump frequently either does not appear in court on time, or does not appear at all, when her client's cases are calendared. Crump's absenteeism results in cases being unnecessarily continued, causing unnecessary delay, expense, and inconvenience for parties, counsel, and the court.

2. Crump's serial failure to attend to client matters or truthfully respond to her clients' reasonable requests for information resulted in significant, foreseeable harm to Crump's clients, who relied upon Crump to protect their legal rights and interests.

3. Many of Crump's clients were litigants in domestic cases. Clients in domestic cases are often experiencing emotional turmoil and have concerns about their financial futures, living arrangements, and the well-being of their children. As a result, they may be distressed, anxious, and not necessarily capable of making dispassionate decisions. This makes litigants in domestic cases a particularly vulnerable segment of the population.

4. Juvenile abuse, neglect, and dependency cases by definition involve families in crisis, so litigants in those cases are vulnerable for the same reasons as domestic litigants. Children who are the subject of these proceeding are among the most vulnerable people in our society. Crump's involvement in juvenile cases tended to needlessly prolong court proceedings, thereby delaying the comfort and stability of permanent placement for children who were separated from their families.

5. Although no prior disciplinary action has been taken against Crump, the pattern of misconduct exemplified by the specific instances set forth in this order began in 2020 and continued through the trial of this disciplinary case. During that period, Crump not only engaged in a pattern of repeated similar acts of misconduct, but also engaged in a wide variety of misconduct.

6. In addition to the misconduct described above, Crump has been sanctioned in at least two cases for violating Rule 11 of the Rules of Civil Procedure, and in at least one other case, the Court found that she intentionally provided vague and evasive discovery responses.

7. Societal order depends in large measure on respect for the rule of law and deference to the decisions of our courts. To maintain this respect and deference, litigants, witnesses, jurors, and the general public must have faith in the integrity and impartiality of our system of justice.

8. Crump intentionally engaged in conduct that foreseeably undermines public faith in the legal system, including making allegations of judicial bias as a regular practice and publishing false and unfounded allegations of corruption and malfeasance on social media. In a seemingly endless stream of Facebook posts between March and August of this year, Crump accused Deputies Counsel Bannon and Lee of engaging in a conspiracy with members of the judiciary and the Montgomery County Bar to silence her and accusing Montgomery County DSS and several people associated therewith of child trafficking. In service of the latter, Crump recorded a telephone conversation with DSS attorney Jeannie Blake without Blake's consent and subsequently posted a heavily edited version of the recording on Facebook claiming that the recording substantiated her allegations of child trafficking. Crump's unwarranted attacks on judges' impartiality and the basic integrity of the court system and governmental agencies appear calculated to destroy confidence in the judicial process.

9. Crump refused to appear and participate in this case as ordered by the Court. Nothing in the record tends to show that Crump's non-compliance with orders of this Court was a good faith mistake or the result of excusable neglect. It undermines the administration of justice when attorneys do not comply with the rules and orders of the court.

10. During the pendency of this matter, the Disciplinary Hearing Commission of the North Carolina State Bar suspended Crump's law license indefinitely for her willful, unjustified failure to comply with the grievance 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.

11. An attorney's duty to persuasively advocate for her client is qualified by her duty of candor towards the tribunal. Accordingly, lawyers must always be honest and forthright with the tribunal. It is unacceptable for a lawyer to be anything less than completely candid with the court. As indicated in conclusions of law (d), (g), (i), (l), (m), and (q) above, on multiple occasions, Defendant made false statements to the tribunal in violation of her fundamental obligation as an officer of the court.

12. Attorneys as officers of the court have a duty to avoid conduct that undermines the integrity of the adjudicative process. When an attorney makes false statements to the court, it erodes judges' and lawyers' ability to rely on another attorney's word, causing significant harm to the profession and the administration of justice.

13. In representing clients, Crump often elevates form and procedure over substance or prioritizes gamesmanship over resolution of disputes. This approach tends to prolong litigation, thereby creating a significant risk of increased costs for the parties, and the risk that justice for litigants may be delayed or denied.

14. The disparagement and accusations by Crump set forth in conclusions of law (c), (f), and (n) above are part of a pattern of conduct in Crump's professional life: She persistently accuses lawyers, judges, and others who disagree with her of unethical behavior, prejudice, criminality and/or dishonesty based on unreasonable and unsupported beliefs, speculation, supposition, and assumption. Crump's regular practice of making such unfounded accusations and *ad hominem* attacks causes significant harm to the legal profession and denigrates the profession in the eyes of the public. None of her allegations have been substantiated.

15. Consistent with this pattern, Crump has made incendiary and unsupported allegations against opposing counsel and adverse witnesses in this disciplinary case. Crump has accused opposing counsel of illegally recording a May 2022 conversation between she and her then-attorney, recently alleging in a filing that Deputies Counsel Bannon and Lee had engaged in violations of the Wiretap Act.

Crump has accused members of the Montgomery County district court bench of sexism and of prejudice against the LGBTQ+ community and, on multiple occasions, has accused the director of Montgomery County DSS, DSS attorney Jeannie Blake, and Montgomery County Sheriff's Office reserve deputy Ray Dawson of running a child trafficking ring and engaging in felony obstruction of justice.

16. Crump's tendency to prolong and complicate adversarial proceedings, coupled with her proclivity for baselessly accusing his adversaries of wrongdoing, interferes with opposing counsel's ability to effectively and efficiently represent their clients' interest.

17. There has been substantial local media coverage of Crump's conduct, including news stories about, among other things, Crump's specious filings in *In re: A.H.* and *In re: S.B.*, her motions to recuse Judges Nance and Vang, her in-court behavior, and her willful refusal to participate in these proceedings or even appear before this court as ordered. Indeed, in one story, the Montgomery Herald published the text of the Petition for Order to Show Cause and the resulting order in their entirety. Publicity surrounding a lawyer's dishonesty and accusations of judicial bias debases the legal profession and demeans the justice system in the eyes of the public.

18. Crump's conduct caused significant harm to public perception of the profession by reinforcing the negative stereotype that lawyers are antagonistic and combative, demeaning the integrity of the judicial process, and diminishing the public's expectation that attorneys will conduct themselves with dignity and adhere to the Rules of Professional Conduct.

19. Crump has demonstrated utter disdain for regulation of the legal profession, referring to this case as "that ode to Brooke Crump," "bullshit allegations," "a little legal ditty," "a small-town witch-hunt," an attempt at a "backdoor disbarment," and "that delightful little proceeding in Montgomery County."

20. There is no indication that Crump has taken ownership of her misconduct or its consequences. She has not acknowledged violating the Rules of Professional Conduct, expressed remorse, or shown any insight regarding her lack of professionalism.

21. Although Crump is relatively inexperienced in the practice of law, her inexperience does not excuse her failure to act with basic competence on behalf of clients. Additionally, members of the bench and bar attempted to mentor and advise Crump, but she rejected those efforts. On at least two occasions, Crump characterized supportive advice from other members of the legal community as persecution or threat.

22. Crump's approach to the practice of law is totally at odds with the professional standards of North Carolina lawyers.

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

ADDITIONAL CONCLUSIONS OF LAW REGARDING DISCIPLINE

1. As guidance regarding the imposition of discipline, the Court considered the factors enumerated in 27 N.C.A.C. 1B § .0116 of the Discipline and Disciplinary Rules of the North Carolina State Bar.

2. The following factors from § .0116(1), which are to be considered in imposing suspension or disbarment, are present in this case:

(B) intent of the lawyer to commit acts where the harm or potential harm is foreseeable;

(C) circumstances reflecting the lawyer's lack of honesty, trustworthiness, or integrity;

(E) negative impact of the lawyer's actions on client's or public's perception of the profession;

(F) negative impact of the lawyer's actions on the administration of justice;

(H) effect of the lawyer's conduct on third parties; and

(J) acts of dishonesty, misrepresentation, deceit, or fabrication.

3. The following factors from § .0116(2), which require consideration of disbarment, are present in this case:

(A) Acts of dishonesty, misrepresentation, deceit, or fabrication; and

(B) Impulsive acts of dishonesty, misrepresentation, deceit, or fabrication without timely remedial efforts.

4. The following factors from § .0116(3), which are to be considered in all cases, are present in this case:

(A) the absence of prior disciplinary offenses;

(C) dishonest or selfish motive;

(E) indifference to making restitution;

(F) a pattern of misconduct;

(G) multiple offenses;

(M) bad faith obstruction of the disciplinary proceedings by intentionally failing to comply with rules or orders of the Court;

(O) refusal to acknowledge the wrongful nature of conduct;

(R) vulnerability of victim; and

(S) degree of experience in the practice of law.

5. The factors identified above which are aggravating in nature outweigh the factors which might tend to mitigate Crump's misconduct.

6. Crump's persistent pattern of misconduct up through and including her actions in connection with this disciplinary proceeding indicate that Crump is either unwilling or unable to conform her behavior to the requirements of the Rules of Professional Conduct. Crump refuses to acknowledge the wrongfulness of her conduct and there is no indication that she intends to modify her behavior. Accordingly, if Crump were permitted to continue practicing law, she would pose an unacceptable risk of continued harm to clients, the profession, the public, and the administration of justice.

7. The Court has considered all forms of discipline available to it and concluded that admonition, reprimand, censure, or suspension would not be sufficient discipline in this case because of the gravity of the harm to the administration of justice and to the legal profession caused by Crump 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 disbarment 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.

9. Crump exhibits escalating misconduct and a wholly unrepentant attitude. Accordingly, the protection of the public requires that Crump be required to demonstrate rehabilitation and reformation before she may be permitted to resume practicing law. Disbarred lawyers are required to make such a showing.

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

ORDER OF DISCIPLINE

1. Brooke McIntosh Crump is hereby DISBARRED from the practice of law, effective immediately upon entry of this Order.

2. Crump shall surrender her license and membership card to the Secretary of the North Carolina State Bar no later than 30 days following service of this order upon her.

3. Crump shall not practice law in North Carolina until her license is restored by the North Carolina State Bar pursuant to its procedures for reinstatement of disbarred lawyers, which are currently set forth in 27 N.C.A.C. 1B, § .0129.

This the 5 day of November, 2022.

A handwritten signature in black ink, appearing to read 'W. Robert Bell', written over a horizontal line.

W. Robert Bell
Superior Court Judge Presiding

FILED

STATE OF NORTH CAROLINA
COUNTY OF MONTGOMERY

IN THE GENERAL COURT OF JUSTICE
2022 DEC -9 P SUPERIOR COURT DIVISION
22-CVS-220

MONTGOMERY CO., C.S.C.

IN THE MATTER OF
BROOKE MCINTOSH CRUMP,
ATTORNEY

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing ORDER has been served by depositing a copy in the United States mail in a properly addressed, postage prepaid envelope, by electronic mail transmission or by otherwise indicated to the following parties:

MONTGOMERY COUNTY
CLERK OF SUPERIOR COURT
108 E. MAIN STREET
TROY, NC 27371

✓ BY HAND DELIVERY

BROOKE MCINTOSH CRUMP
P.O. BOX 396
MOUNT GILEAD, NC 27306

✓ BY U.S. MAIL
✓ BY EMAIL TO:
brooke@laketillerylaw.com and
mcintoshcrump@icloud.com

CARMEN H. BANNON
CAMERON LEE
STATE BAR OFFICE OF COUNSEL
N.C. STATE BAR
P.O. BOX 25908
RALEIGH, NC 27611

✓ BY U.S. MAIL
✓ BY EMAIL TO:
cbannon@ncbar.gov
clee@ncbar.gov

This the 9th day of December, 2022.

Stephanie Hinson
Stephanie Hinson
Superior Court Manager
(704) 986-7095