

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
21G0070

IN THE MATTER OF)
)
MICHELE L. ENGLISH,) REPRIMAND
ATTORNEY AT LAW)

On October 7, 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.

You undertook to serve as sponsoring local lawyer for Donnya Banks, an Illinois lawyer who undertook to represent plaintiffs in multiple claims in Wake County Superior Court and before the N.C. Industrial Commission (NCIC) arising from a prison riot (collectively “the actions”). You did not educate yourself about the responsibilities of a lawyer who sponsors pro hac vice admission. Pursuant to N.C. Gen. Stat. § 84-4.1(5), as sponsoring attorney you were required to appear at all court proceedings in all cases and you were required to ensure that the pro hac vice requirements, including filing the registration statements and paying required fees,


were satisfied. You and Banks filed pleadings in the Wake County actions alleging negligence by the state. Jurisdiction over such claims is exclusively in the Industrial Commission. You did not initially appear at hearings in any of the proceedings. After you learned that you were obligated to be present for hearings, you began attending hearings in the cases. You submitted information for registration with the State Bar in some, but not all, of the actions. The State Bar notified you by email on February 27, 2020 that the information you submitted for registration was incomplete and explained what you must do to cure the deficiencies. You forwarded the information to Banks and asked her to cure the deficiencies but took no action yourself to cure the deficiencies and did not follow up with the State Bar to ensure the deficiencies had been cured. You had no further communication with the State Bar until November 22, 2021, when the State Bar again contacted you about the need to cure the deficiencies. You again forwarded the information to Banks and asked Banks to cure the deficiencies but took no action yourself to cure the deficiencies. The deficiencies were finally cured by Banks on or about January 25, 2022.

By failing to comply with the pro hac vice requirements, you failed to act with reasonable diligence and competence, in violation of Rules 1.1 and 1.3, and engaged in conduct prejudicial to the administration of justice, in violation of Rule 8.4(d). By filing complaints and amended complaints in Wake County Superior Court alleged negligence by the state, over which that court lacked jurisdiction, you failed to act with diligence and competence, in violation of Rules 1.1 and 1.3, and brought claims that lacked a basis in law and fact, in violation of Rule 3.1.

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 19th day of April, 2022.



Matthew W. Smith, Chair
Grievance Committee

MWS/lb