

NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
22G0075

IN THE MATTER OF

LEE W. BETTIS, JR.,
ATTORNEY AT LAW

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REPRIMAND

On April 20, 2023, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by W. R. 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 represented L.B. in a custody action against her husband, W.R. One of the issues in the custody action that you were assisting L.B. with in late 2021 was restoring her visitation rights that a May 2021 court order had eliminated.

While the custody action was ongoing, L.B. and her partner, S.B., asked you to represent L.B. in a domestic violence action against W.R. You declined. S.B. (a non-lawyer) appeared in court on January 10, 2022, to present the domestic violence action by L.B. against W.R. on an ex parte basis. Despite having declined the representation, you appeared in the courtroom during S.B.'s presentation of the matter. After S.B. presented the matter to the court, either S.B. or court personnel asked if you would sign S.B.'s filings, which were unsigned.

The filings included a complaint and affidavits as to the status of L.B.'s two minor children. Though you continued to believe you did not represent L.B., you signed the filings. You signed the affidavits under oath as the affiant and listed your relationship to each child as "attorney." Before you signed the filings, you did not seriously review their contents or inform yourself of what they asserted. The filings represented that the children had resided with L.B. since June 2021 and that L.B. and W.R. shared joint legal and physical custody. The filings also omitted disclosure of the custody action in response to explicit prompts. These representations were false. Moreover, you would have known the representations to be false had you read them.

By signing pleadings and affidavits containing statements you knew to be false, with awareness that you did not know what representations you were submitting to the court, much less whether they were true, you violated Rule 8.4(c). By signing the filings without any serious review and on behalf of a party you claimed not to represent, you violated Rule 8.4(d). Additionally, by filing an action without knowledge of what the allegations were, you brought an action without awareness of a nonfrivolous basis in law and fact for doing so, in violation of Rule 3.1.

Despite signing the pleadings, you did not disclose to the court during the ex parte hearing: (1) the existence of the related custody matter, (2) your personal knowledge of the matters asserted in the filings, (3) S.B.'s relationship to the matter, or (4) your relationship to S.B. and L.B. In so doing, you failed to inform the tribunal of all material facts known to you that would enable the tribunal to make an informed decision, in violation of Rule 3.3(d).

The court granted L.B. an ex parte protective order, but later vacated the order due to the manner by which it was procured. After the court vacated its ex parte order, you advised L.B. to consent to a dismissal of her remaining domestic violence action with prejudice, which she did. Before you advised L.B. to consent to the dismissal, you did not investigate whether her domestic violence allegations had merit. A significant factor in your advice to L.B. was the critical response you perceived from colleagues around the courthouse regarding your role in the ex parte proceedings and your belief that you and L.B. should distance yourselves from that matter. By continuing to advise L.B. about the domestic violence matter, despite your personal interest in avoiding criticism and embarrassment from the ex parte proceedings in that matter, you engaged in a conflict of interest, in violation of Rule 1.7(a)(2).

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 30th day of May, 2023.



Kevin G. Williams, Chair
Grievance Committee

KGW/lb