

STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
20 DHC 21

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

JUDITH L. BIRCHFIELD, Attorney,

Defendant

ORDER OF
DISBARMENT

This matter came before the undersigned Chair of The Disciplinary Hearing Commission pursuant to 27 N.C. Admin. Code 1B.0121(d) upon an affidavit of surrender of license executed by Judith L. Birchfield, on 22 December 2020 and filed in the offices of the North Carolina State Bar on 22 December 2020.

Based upon the pleadings and the record, the undersigned makes the following:

FINDINGS OF FACT

1. Plaintiff, the North Carolina State Bar (hereafter "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 promulgated thereunder.

2. Defendant, Judith L. Birchfield ("Ms. Birchfield" or "Defendant"), was admitted to the North Carolina State Bar in 1993, 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. On 16 October 2020, the North Carolina State Bar filed a Complaint against Defendant, alleging that she committed violations of the Rules of Professional Conduct. The State Bar's complaint is incorporated by reference herein.

4. The conduct set out in the State Bar's complaint constitutes violations of Rule 3.3(a)(1) and (3) and Rule 8.4(b), (c) and (d) of the Rules of Professional Conduct, among others, and as such constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2).

5. Defendant has indicated her consent to disbarment by filing an affidavit of surrender with the Disciplinary Hearing Commission. The affidavit meets all requirements set forth in 27 N.C. Admin. Code 1B.0121(a)(1), (2), (3), (4) and (d).

Based upon the foregoing Findings of Fact, the undersigned makes the following

CONCLUSIONS OF LAW

1. 27 N.C. Admin. Code 1B.0108(a)(6) provides that the Chairperson of the Disciplinary Hearing Commission has the power and duty to enter orders disbarring members by consent.

2. Defendant's affidavit meets all of the requirements set forth in 27 N.C. Admin. Code 1B.0121(a)(1), (2), (3), (4) and (d) and the facts upon which the affidavit is predicated warrant Defendant's disbarment.

3. Defendant has admitted that the material facts and allegations upon which the State Bar's complaint, incorporated herein by reference, is predicated are true. The Chair finds that the misconduct alleged in the complaint has been established.

4. Defendant's conduct constitutes grounds for discipline under N.C. Gen. Stat. § 84-28(b)(2) in that Defendant violated North Carolina Rules of Professional Conduct including, but not limited to, Rule 3.3(a)(1) and (3) and Rule 8.4(b), (c), and (d).

Based upon the foregoing Findings of Fact and Conclusions of Law, the undersigned Chair of the Disciplinary Hearing Commission enters the following Order:

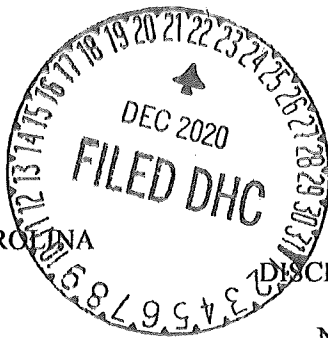
1. The surrender of the license of Judith L. Birchfield is hereby accepted.
2. Judith L. Birchfield is DISBARRED from the practice of law in North Carolina.
3. Ms. Birchfield shall comply with the provisions 27 N.C. Admin. Code 1B.0128 of the State Bar Discipline and Disability Rules and shall surrender her law license and permanent membership card to the Secretary of the North Carolina State Bar along with the affidavit required by 27 N.C. Admin. Code 1B.0128(d) of the State Bar Discipline and Disability Rules.
4. The administrative fees and costs of this action are taxed against Ms. Birchfield.
5. Within ten days of the date of this Order, Ms. Birchfield shall provide the State Bar with an address and telephone number at which clients seeking return of files can communicate with Ms. Birchfield and obtain such files. Ms. Birchfield shall promptly return all file materials to her clients upon request.
6. If Ms. Birchfield fails to fully comply with 27 N.C. Admin. Code 1B.0128, she shall reimburse the State Bar for all expenditures made by the State Bar to protect Ms. Birchfield's clients. Such expenditures may include, but are not limited to, storage facility fees, rent payments, moving expenses, charges for secure disposal of client files, postage or other mailing expenses, and compensation paid to a court-appointed trustee and/or the trustee's assistant for time and travel associated with the trusteeship. The State Bar shall send an invoice for such expenditures to

Ms. Birchfield at her last known address of record with the North Carolina State Bar upon entry of an Order discharging the trustee which Ms. Birchfield shall pay within thirty days of the date the State Bar mailed the invoice.

This the 4 day of January, 2020. *D.C.P.*

A handwritten signature in cursive script, appearing to read "Donald C. Prentiss".

Donald C. Prentiss, Chair
Disciplinary Hearing Commission



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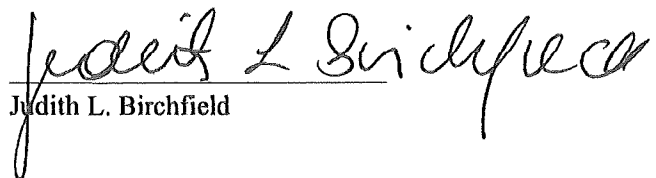
Defendant

AFFIDAVIT OF SURRENDER
OF LAW LICENSE

Judith L. Birchfield, being first duly sworn, deposes and says as follows:

1. I desire to resign and hereby tender my license to practice law in North Carolina.
2. My resignation is freely and voluntarily rendered. It is not the result of coercion or duress. I am fully aware of the implication of submitting my resignation and have had the opportunity to consult with counsel.
3. I am aware that there is a pending complaint against me in the Disciplinary Hearing Commission alleging that I violated the Rules of Professional Conduct.
4. I acknowledge that the material facts upon which the pending complaint is predicated are true.
5. I am submitting my resignation because I know that I cannot successfully defend against these pending disciplinary charges.

Respectfully submitted, this the 22nd day of December 2020.


Judith L. Birchfield

State of Oregon
County of Deschutes

I, Stan Richard Parrish Notary Public of the County of Deschutes, State of Oregon, certify that Judith L. Birchfield personally appeared before me this day, was sworn, attested that the foregoing Affidavit is true and accurate of her own personal knowledge, and executed the foregoing Affidavit.

This the 22nd day of Dec, 2020.

Stan Parrish
Notary Public

(print name) Stan Richard Parrish

My commission expires: 4-14-24

