

STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE

DISCIPLINARY HEARING COMMISSION

OF THE

NORTH CAROLINA STATE BAR

08 DHC 6

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

SHERRY M. MORRIS, Attorney,

Defendant

FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
ORDER OF DISCIPLINE

This matter was heard before a hearing committee of the Disciplinary Hearing Commission composed of Theodore C. Edwards, II, Chair; and members Robert F. Siler and Johnny B. Freeman on November 21, 2008. William N. Farrell represented the North Carolina State Bar. Cindy Huntsberry represented Sherry M. Morris. Based upon the admissions in the Answer, the stipulations of fact in the Pre-Hearing Order, and the evidence presented at the hearing, the hearing committee finds that the following has been established by clear, cogent, and convincing evidence:

FINDINGS OF FACT

1. Plaintiff, the North Carolina 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, Sherry M. Morris, (hereinafter "defendant"), was admitted to the North Carolina State Bar on March 19, 1994, and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the rules, regulations and Revised Rules of Professional Conduct of the State of North Carolina State Bar and the laws of the State of North Carolina.

3. During all or a portion of the relevant periods referred to herein, defendant was actively engaged in the private practice of law in the City of Benson, Johnston County, North Carolina.

4. On or about the year 1992, defendant and Ronald D. Pressley (hereinafter "Pressley"), while both were law students at North Carolina Central University School of Law, began what would become a long-term intimate relationship.

5. Pressley graduated from law school in 1995 and sat for the July 1995 Bar Exam.

6. Pressley's 1995 application for a license to practice law was set for a full hearing before the Board of Law Examiners of the State of North Carolina (hereinafter "the Board"), in January 1996.

7. Defendant was subpoenaed to testify and did testify before the Board in January 1996 regarding their relationship, criminal charges involving Pressley, and matters relating to Pressley's character and general fitness.

8. Following the January 1996 hearing the Board denied Pressley's application to practice law.

9. On February 1, 1996, defendant gave birth to a child that was fathered by Pressley.

10. Between 1996 and 2001, defendant and Pressley continued their relationship.

11. Pressley was frustrated and angry over the Board's decision in 1996 to deny him a law license.

12. Pressley blamed defendant for "testifying against him" and believed defendant's disclosures to the Board in 1996 regarding their relationship and the criminal charges were the reasons his application for a law license was denied.

13. Between 1996 and 2001, Pressley did not visit with his child regularly, although defendant asked him to do so. Pressley repeatedly stated he "resented" the birth of the child and stated he thought that was one of the reasons he was denied his license in 1996.

14. Pressley repeatedly explained to defendant that once he had his law license and that burden was lifted from him, he would be able to have a normal relationship with their child and be the father he had not been.

15. Pressley continuously expressed to defendant that any future decision by the Board would weigh heavily on her testimony and that her testimony must support him to ensure a favorable decision for him from the Board.

16. Pressley was adamant that disclosure of their on-going intimate relationship to the Board would be fatal to his reapplication.

17. Prior to the hearing, defendant and Pressley discussed the testimony they would both give at the hearing related to their ongoing and intimate relationship. Pressley was concerned that admitting that their intimate relationship was continuing would hurt his chances to have his application approved.

18. Defendant and Pressley agreed that if the Board asked about the current status of their relationship, they would both falsely testify that the sexual relationship had ended.

19. At the hearing on October 17, 2001, as had been anticipated, defendant was asked, under oath, about the current status of her relationship with Pressley.

20. Defendant untruthfully testified that their intimate relationship had ended and had ended years earlier.

21. In October 2001, the relationship between defendant and Pressley had not ended.

22. Following the October 17, 2001 hearing before the Board, Pressley's application to stand the Bar Exam was approved, but he was unsuccessful on the examination.

23. Pressley next applied to stand the February 2002 Bar Exam, but again was unsuccessful. He next applied to stand the July 2002 exam and was again noticed to appear before the full Board.

24. Various lawsuits between defendant and Pressley delayed the actual hearing on Pressley's application to stand the July 2002 exam. When these lawsuits were finally resolved, the hearing on Pressley's July 2002 application was set for October 17, 2007.

25. Prior to the October 2007 hearing, defendant advised the attorney for the Board that she had given untruthful testimony to the Board during her testimony at the October 17, 2001 hearing.

26. On October 17-18, 2007, defendant appeared before the Board and testified that her testimony before the Board in October 2001 had been untruthful concerning her relationship with Pressley at that time.

27. Defendant self-reported her misconduct to the Bar by phone on or about October 19, 2007 and by letter dated October 22, 2007.

Based on the foregoing Findings of Fact, the Committee enters the following:

CONCLUSIONS OF LAW

1. All parties are properly before the Hearing Committee of the Disciplinary Hearing Commission, and the Committee has jurisdiction over defendant and the subject matter of this proceeding.

2. Defendant's conduct, as set forth above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) in that defendant violated the Revised Rules of Professional Conduct as follows:

(a) By giving untruthful testimony to the Board of Law Examiners of the State of North Carolina, defendant:

(i) knowingly made a false statement of material fact in violation of Rule 8.1(a) of the Revised Rules of Professional Conduct;

(ii) engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation in violation of Rule 8.4(c) of the Revised Rules of Professional Conduct; and

(iii) engaged in conduct that is prejudicial to the administration of justice in violation of Rule 8.4(d) of the Revised Rules of Professional Conduct.

In addition to the foregoing Findings of Fact and Conclusions of Law, the evidence presented and the arguments of counsel, the Hearing Committee hereby makes the following:

FINDINGS REGARDING DISCIPLINE

1. Defendant's misconduct is aggravated by a dishonest or selfish motive.

2. Defendant's misconduct is mitigated by the following factors:

(a) Absence of a prior disciplinary record.

(b) Personal or emotional problems, to wit: problems and pressures arising from defendant's personal relationship with Pressley and her desire to provide for their child.

(c) Full and free disclosure to the hearing committee.

(d) Character or reputation.

(e) Remorse.

(f) Voluntary self reporting of the misconduct to the State Bar.

3. Defendant has significantly harmed the Board of Law Examiners, the public, the legal profession, and the administration of justice.

4. This committee has considered lesser alternatives and finds that a Censure or Reprimand would not sufficiently protect the public, the legal profession, or the administration of justice because of the gravity of the harm caused by the conduct of defendant. No discipline short of suspension can maintain the reputation of the legal profession and instill the public's trust in the legal profession and the administration of justice.

5. Entering an order imposing lesser discipline than a suspension would fail to acknowledge the seriousness of the misconduct engaged in by defendant and would send the wrong message to attorneys and the public regarding the conduct expected of members of the Bar of this State.

6. However because of the unique facts of this case, which are unlikely to ever be repeated, the self reporting of the misconduct, the very strong mitigation, and the lack of any disciplinary record, the committee does not find that the protection of the public, profession, and the administration of justice requires an active suspension.

Based on the foregoing Findings of Fact, Conclusions of Law and the Findings Regarding Discipline, the Hearing Committee enters the following:

ORDER OF DISCIPLINE

1. The law license of Sherry Morris is hereby suspended for two (2) years beginning 30 days from service of this order upon Morris. The suspension is stayed for a period of two (2) years after its effective date so long as Morris complies with the following conditions:

- (a) Defendant will not violate the Revised Rules of Professional Conduct or the laws of the United States, this state or any state during her suspension;
- (b) Defendant will keep the North Carolina State Bar Membership Department advised of her current business and home address in writing within 10 days of any change;
- (c) Defendant will respond to all communications from the North Carolina State Bar by the deadline stated in the communication;

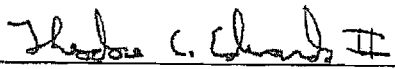
(d) Defendant will pay all Membership dues, fees and costs, as well as Client Security Fund assessments and comply with all Continuing Legal Education (CLE) requirements on a timely basis during the stay of the suspension; and

(e) Defendant will pay the costs of this proceeding within thirty (30) days of service upon her of the statement of costs from the Office of Secretary.

2. If defendant fails to comply with any one or more of the conditions referenced in Paragraph 1 above, then the stay of the suspension of her law license may be revoked as provided in 27 N.C. Admin. Code 1, Subchapter B, § .0114(x) of the North Carolina State Bar Discipline and Disability Rules. If the stay is revoked the period of active suspension will be two years.

3. The Disciplinary Hearing Commission will retain jurisdiction of this matter pursuant to 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0114(x) of the North Carolina State Bar Discipline and Disability Rules throughout the period of the stayed suspension.

Signed by the Chair with the consent of the other hearing committee members, this the 19th day of December, 2008.


Theodore C. Edwards, II, Chair
Disciplinary Hearing Committee