

NORTH CAROLINA
WAKE COUNTY

BEFORE
THE GRIEVANCE COMMITTEE
OF
THE NORTH CAROLINA STATE BAR
24G1483

IN THE MATTER OF)
)
SAMMY DAVIS WEBB,) CENSURE
ATTORNEY AT LAW)

On April 24, 2025, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by M.A. The grievance was assigned to a Subcommittee, which thoroughly reviewed the results of the State Bar staff's investigation of this matter.

Pursuant 27 N.C. Admin. Code 1B.0113(a), 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."

Having found probable cause exists in your matter, the Grievance Committee next considered what level of discipline is most appropriate based on all the facts, the nature of the misconduct, the actual or potential injury caused, and any aggravating or mitigating factors. After further discussion and deliberations, the Grievance Committee determined the conduct before it merited discipline at the level of censure.

A censure is a written form of discipline issued when an attorney is determined to have violated one or more provisions of the Rules of Professional Conduct and has caused significant harm or potential significant harm to a client, the administration of justice, the profession or a member of the public, but the protection of the public does not require suspension of an attorney's license.

As Chair of the Grievance Committee of the North Carolina State Bar, it is my duty to issue this censure, which is based on the following conduct:

On August 27, 2024, you were appointed by the court to represent M.A. on multiple criminal charges. M.A. asked you multiple times to file a motion to set a bond or a motion to reduce bond. You did not respond to any of these requests. M.A. authorized you to speak with his fiancée about his case. She texted and called you numerous times, particularly asking you to file a bond reduction motion, but you did not respond until she sent you a text indicating that she would pay you for your legal services if needed. You texted her back stating that you would accept a fee of \$15,000, of which \$4000 would be a retainer and the balance of \$11,000 would be paid monthly. You texted her several more times asking if she had been able to raise the money to pay your fee. When she indicated that she had not been able to raise the money to pay for your legal services, you stopped responding to her. You first communicated with M.A. on December 16, his first court appearance after you were appointed to represent him. You filed a motion to set a bond on December 27. M.A. was in jail from August 27 until December 16 with no communication from you.

IDS Rule 1.9(e) (“Outside Compensation Prohibited”) provides: “Once counsel has been appointed to represent a person in a case subject to this part, counsel shall not accept any fees for the representation other than that awarded by the court or the IDS Director. If a third party contributes funds to non-counsel services, counsel shall place the funds in trust and account to the third party and the IDS Director about the use of the funds.” The commentary to Rule 1.9(e) includes this explanation: “The comment to Rule 1.9(e) was amended effective September 15, 2006 to clarify that, to avoid any potential for overreaching or the appearance of impropriety, an appointed attorney cannot subsequently accept fees as retained counsel from the client or the client’s family.”

You engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d) by attempting to obtain payment of a legal fee from M.A.’s fiancée and by failing to communicate with your client from August 27 until December 16. You violated Rule 8.4(a) by attempting to charge and collect an illegal or clearly excessive fee in violation of Rule 1.5(a). You violated Rule 1.3 by failing to act with reasonable diligence. You violated Rule 1.4(A)(2)-(4) by failing to reasonably consult with M.A about the means by which his objectives were to be accomplished, failing to keep him reasonably informed about the status of his case, and failing promptly to comply with his reasonable requests for information.

Accordingly, you are hereby censured by the North Carolina State Bar for your professional misconduct consisting of the cited violations of the Rules of Professional Conduct. The Grievance Committee trusts that you will heed this censure, recognize the errors you made, and hereafter embrace and adhere to the high ethical standards of the legal profession to which you committed when you took your oath. This censure should serve as a strong reminder and inducement for you to weigh carefully your responsibility to the public, your clients, your fellow attorneys and the courts, and to comport yourself as a respected member of the legal profession whose conduct may be relied upon without question.

If you accept this censure, it will be forwarded to the Clerk of the Superior Court in the county where you practice for entry upon the judgment docket and to the Clerks of the North Carolina Supreme Court and Court of Appeals, the United States District Courts of North Carolina, the United States Court of Appeals for the Fourth Circuit and the United States Supreme Court for entry in their minutes. The censure will be maintained as a record in the judgment book of the North Carolina State Bar and a copy will be sent to the complainant. Please review carefully the details set forth in the formal Notice of Censure attached.

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 censure by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this 20th day of May, 2025.


Charles Gordon Brown, Chair
Grievance Committee

CGB/jms