

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
14G1190

IN THE MATTER OF)
)
John J. Miller, III,) CENSURE
ATTORNEY AT LAW)
)

On July 16, 2015, 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.

A censure is a written form of discipline more serious than a reprimand, issued in cases in which an attorney has 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 misconduct does not require suspension of the attorney's license.

The Grievance Committee believes that a hearing before the Disciplinary Hearing Commission is not required in this case and issues this censure to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this censure.

From 2008 to 2013, you worked for The Seideman Law Firm ("TSLF"), first as a salaried employee and then as an "independent contractor." You provided North Carolina residents with legal services on behalf of TSLF. TSLF is not a North Carolina firm and is not permitted to provide or offer to provide legal services in North Carolina. Additionally, in 2013, you agreed to be a participating attorney in the Veritas prepaid legal services plan and provided services to plan customers during a period when the plan was not registered with the North Carolina State Bar.

By accepting fees from TSLF out of a portion of the fees TSLF charged North Carolina clients, you shared a fee with a nonlawyer in violation of Rule 5.4(a). By working with TSLF to provide legal services

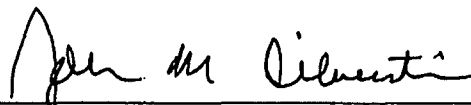
to North Carolina residents, you assisted another entity in the unauthorized practice of law in violation of Rule 5.5(f) (formerly 5.5(d)). Finally, by providing legal services on behalf of an unregistered prepaid legal services plan and failing to conduct a reasonable investigation so as to develop a good faith belief in the plan's compliance, you violated Rule 7.3(d)(2) (B) and (D).

In determining that a censure was appropriate in this case, the Committee took into account the harm that necessarily results whenever attorneys aid unregistered, out-of-state entities in the unauthorized practice of law, particularly when money exchanges hands, court appearances are made, and legal forms are drafted or filed on behalf of others. The Committee also considered the length of time you worked for TSLF, the significant harm that occurred as a result of your relationship with TSLF, and the amount of money you earned through your association with TSLF.

You are hereby censured by the North Carolina State Bar for your violation of the Rules of Professional Conduct. The Grievance Committee trusts that you will ponder this censure, recognize the error that you have made, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession. This censure should serve as a strong reminder and inducement for you to weigh carefully in the future your responsibility to the public, your clients, your fellow attorneys and the courts, to the end that you demean yourself as a respected member of the legal profession whose conduct may be relied upon without question.

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 14~~th~~ day of August, 2015.



John M. Silverstein, Chair
Grievance Committee
The North Carolina State Bar