

Alan G. Phillips, J.D.
Attorney and Counselor at Law

[REDACTED]

March 11, 2019

Governor Roy Cooper
North Carolina Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: URGENT: Misconduct at the NC State Bar

Honorable Governor Cooper:

I am a North Carolina attorney in good standing with the North Carolina State Bar, seeking your help with a serious ethical problem that has implications for the entire North Carolina justice system. For over a year, there have been several outstanding complaints filed with the North Carolina State Bar Grievance Committee against attorneys at the North Carolina State Bar, alleging an ongoing pattern of misconduct concerning the deliberate mishandling of disciplinary proceedings. Instead of promptly referring these complaints out to a non-conflicted entity for assessment as required by law, the Bar attorneys have engaged in additional misconduct to suppress the complaints against themselves.

As required by the North Carolina Rules of Professional Conduct Rule 8.3(a), I filed three complaints against NC State Bar attorneys in September 2017, December of 2017, and March of 2018. My complaints were supported by legal analyses from two independent legal experts, and due to subsequent misconduct, I now have documents proving that State Bar attorneys created their own facts and law on three separate occasions—once in a disciplinary proceeding, and twice subsequently in attempts to prevent investigation of the original complaints. As skepticism of my assertions here would be understandable, I have attached documentary proof so you can see for yourself. Meanwhile, other complaints against State Bar attorney(s) were filed independently of mine. Those complaints, too, have been wrongfully ignored or dismissed.

When I first recognized an ongoing pattern of misconduct, I conducted my own preliminary investigation, and quickly determined that my experience was not an isolated instance. My passive investigation has turned up nine other attorneys claiming to have been disciplined or disbarred based on false facts. But most disturbing of all were two attorneys who represent other attorneys for a living—they, too, confirmed that they've seen this in their practices. "They get the facts wrong," as one attorney carefully put it, with a clear tone of distress in the attorney's voice.

Last month, a Wake County Superior Court Judge entered an order indicating that State Bar attorneys may assess complaints filed against other State Bar attorneys. In this particular instance, that means that NC State Bar attorneys may assess complaints against their own superiors at the Bar. This ruling ignores both common sense and well-

established law. A concurring opinion in *Boyce v. NC State Bar*, 814 S.E.2d 127 (N.C. App. 2018) cites an ethics complaint that was referred out to the Georgia Bar due to a much smaller conflict-of-interest, an attorney who had represented the State Bar years previously.¹ So, the problem appears to be systemic, and will, therefore, require intervention to be properly addressed. That's why I'm writing to you and other NC officials (recipient list attached).

Attorney disciplinary proceedings are about protecting the public (*see Boyce*). So, upon seeing complaints against NC State Bar attorneys unlawfully suppressed, I believed I had an ethical duty to inform the public, and so formed a non-profit corporation, Bar Watch, Inc. I have published the attached documentation on the Bar Watch website,² and have reached out to NC attorneys and the general public to call their attention to this matter. I also set up two petitions calling for a proper, independent outside investigation of complaints against NC State Bar attorneys. As of the date on this letter, the non-attorney petition has over 26,000 signatures and the attorney petition has over 3,100 signatures, and petition numbers are still increasing. Finally, the first Press Release went out recently to NC media, and some media interest has already been expressed.

I can't explain the entire story in a cover letter, so would be happy to discuss the matter further. Meanwhile, I implore you to review the attached documents, to see for yourself that there is a serious problem that requires your immediate attention. This would not constitute improper interference with the Wake County lawsuit, as lawsuits concern claims of the parties, while ethics complaints are about protecting the public. The public needs protection now, and the scope of this matter far exceeds that of the lawsuit or my complaints, as there appears to be a years-long history of wrongful attorney discipline with an unknown number of innocent attorney-victims. That question needs to be put to rest, one way or the other, as soon as possible.

I'm not asking you to pass judgment; I'm only asking you to review the attached documents to confirm that a prompt investigation is substantially warranted, and then, to please exercise promptly your authority to initiate such an investigation, to ensure the public's safety, and to reassure NC Bar membership and the general public that all attorneys must and will be held to the same ethical standards, including NC State Bar attorneys—that no attorneys are above the law.

Thank you for your kind and prompt attention to this urgent matter. Please let me know how I may assist you further.

Sincerely,

Alan G. Phillips
NC State Bar No. 30436

Attachments: Recipient List, Evidence of NC State Bar Attorney Misconduct

¹ *NC State Bar v. Alan Phillips*, 18 CVS 5645 (Wake County)

² <https://BarWatchOnline.org>