



Director's Story, Part 2: 2017 Grievance Complaint Against Attorney Phillips

NOTE: NC State Bar employee-attorneys and/or officers are not above the law! Sign one of our petitions now: Petition for Attorneys (<https://www.change.org/p/investigate-the-nc-bar>), Petition for Non-Attorneys (<https://www.change.org/p/no-attorney-is-above-the-law>).

--

Failing in her public efforts to convince someone else to complain against Attorney Phillips, the complainor filed a second complaint against Phillips in May of 2017, which matter is still open. This second investigation and current Bar lawsuit have been pursued by a single State Bar investigator—there has been no committee involvement in over a year of prosecution by a Bar attorney who is a named complainant in Phillips' complaint (<https://barwatchonline.org/directors-story-part-3/>) against NC State Bar attorneys and officers. The investigating attorney's ongoing defiance of this blatant conflict of interest is disturbing. Both matters must be addressed by outside, independent entities, to resolve the conflicts of interest. The NC State Bar Grievance Committee attorneys and two Bar Presidents have directly refused to acknowledge and address these conflicts of interest.

This second investigation is focusing solely on language on Attorney Phillips' website, which indicates that Phillips advises clients, attorneys, legislators and activists nationally, which Phillips insists he can do, as long as he advises about federal law or works with a local attorney. The Bar is not saying that Phillips' website's language violates any rules, or must be removed or revised.

The second investigation has no actual allegation of misconduct as required by NC Administrative Code (27 NCAC § 01B.0107 (1) and (3) (<http://reports.oah.state.nc.us/ncac/title%2027%20-%20state%20bar/chapter%2001%20-%20rules%20and%20regulations%20for%20the%20north%20carolina%20state%20bar/subchapter%2001>)). Phillips is not accused of violating any rules. Instead, the Bar appears to be using the prior Letter of Warning to justify a demand that Phillips turn over years of his clients' files so the Bar investigator dig around to see if he can find a problem, which would amount to an unlawful "fishing expedition," a fundamental due process violation. The prior Letter of Warning could only apply to the penalty stage of a subsequent investigation if such investigation found a separate and new violation; it cannot be used to justify subsequent investigations. Each investigation must have its own allegation of misconduct.

In the absence of any actual allegation of misconduct, Phillips:

1. Provided a detailed description of everything that he does in his practice. The Bar investigator found no problems with this;
2. Consulted a NC legal expert who found no ethical violations, but whose recommendations to bolster disclaimers Phillips promptly and fully implemented; and
3. Has steadfastly refused to breach attorney-client confidentiality by handing over private clients files (which Phillips' clients support 100%), in what Phillips maintains is an unlawful investigation attempting to coerce him into violating his clients' attorney-client confidentiality.

The year following initiation of this second Grievance Complaint involved information requests, subpoenas, motions, two orders from each of two Bar Presidents, and motions challenging the Bar's investigation and Bar Presidents' orders. Rather than disciplining Attorney Phillips for his refusal to hand over his clients' files, the Bar investigator filed a civil lawsuit seeking an order that Phillips hand over client files. Should such order be entered, Phillips could face a threat of jail for civil contempt should he continue to refuse to hand over client files.

--

We are funded solely by your donations (<https://barwatchonline.org/donations/>).

[Home](#) [Mission](#) [The Proof](#) [Director's Story](#) [Complaints](#) [Contact](#)

Donations

We are Funded by Your [Donations \(https://BarWatchOnline.org/donations/\)](https://BarWatchOnline.org/donations/), Only.

[Contact Us Here \(https://BarWatchOnline.org/contact/\)](https://BarWatchOnline.org/contact/).

Thank You for Visiting Us!

Copyright ©2017 [ThemeFuse \(https://themefuse.com\)](https://themefuse.com). All Rights Reserved