



Director's Story, Part 4: NC State Bar Lawsuit 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>).

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The State Bar investigator pursuing the May 2017 investigation of Phillips filed suit against Attorney Phillips on May 7, 2018, on behalf of the Bar. The suit demands injunctive relief in the form of a court order requiring Phillips to turn over years of his clients' files, so the Bar investigator can dig through them to see if he can find any ethical violations. Presumably, the suit was filed because Phillips' failure to abide by such an order, if one is entered, could land him in jail for up to a year for civil contempt.

Phillips contends that the lawsuit is unlawful for these reasons:

1. The underlying investigation lacks the legally required "allegation of misconduct";
2. The NC State Bar attorneys have a blatant conflict of interest due to the unaddressed complaints against Bar employee-attorney(s) and/or officers;
3. The demand for client files amounts to an unlawful "fishing expedition"—the Bar attorney-investigator wants to dig around through hundreds of clients' personal, private files to see if he can find any wrongdoing on Phillips' part, despite no legitimate basis for suspecting any wrongdoing in

the first place; or, just as likely, to get a list of states' in which the clients reside, to see if he can engage multiple other state bars in their retaliatory witch hunt.

4. The Bar keeps changing their strategy. First, they wanted to go straight to court. Then, they decided to allow a response first. Finally, they chose to serve discovery. But the Bar attorneys have ignored the blatant conflict of interest—they are representing themselves despite complaints against them by Phillips, and complaints against them by others addressing the Letter of Warning, which Letter the Bar unlawfully claims give them the right to review 100's of client files (it doesn't; a new allegation is needed for the current underlying investigation). Indeed, the entire lawsuit is illegal, since there was no "allegation of misconduct" as required by law in the underlying investigation in the first place.

5. Will the court rubber-stamp the Bar's demand, or acknowledge the conflict of interest and/or the lack of required allegation of misconduct? We'll see...

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