



The North Carolina State Bar
Office of Counsel

217 E. Edenton Street (27601)
Post Office Box 25908
Raleigh, North Carolina 27611
Telephone (919) 828-4620
Fax: (919) 834-8156
Web: www.ncbar.com

February 19, 2018

Alan Guthrie Phillips
14 Miekko Drive
Candler, NC 28715

Re: Grievance Inquiry | 17G0464

Dear Mr. Phillips:

The Grievance Committee acknowledges receipt of a complaint you sent containing allegations against [REDACTED]

[REDACTED] You assert that these attorneys engaged in the unauthorized practice of law in connection with the Grievance Committee's issuance to you of a letter of warning. You also assert that there is evidence showing that these attorneys engaged in professional misconduct by investigating a complaint filed against you, issuing you a subpoena, or ruling on your motion to quash. However, you have provided neither evidence nor authority to support these contentions. Accordingly, the Grievance Committee will not open grievance files.

Sincerely,

***Scroll down to see
comments below...***

[REDACTED] Counsel
A. Root Edmonson, Fern Gunn Simeon, David R. Johnson, Jennifer A. Porter, Margaret T. Cloutier,
Carmen Hoyme Bannon, Brian P.D. Oten, Leānor Bailey Hodge, Barry S. McNeill, Mary D. Winstead,
G. Patrick Murphy, Susannah B. Cox, Joshua T. Walthall, Maria J. Brown, Regina Jay Wheeler - Deputy Counsel
Peter G. Bolac - Trust Account Compliance Counsel

What's Wrong with This Letter?

Background:

1. The above letter was in response to Phillips' Amended Complaint against State Bar Attorneys, which complaint was required by NC ethical rules.
2. The comments below do not address the letter's mischaracterization of Phillips' complaint or the substance of Phillips' complaint.

Ethical Violations:

1. General conflict of interest: State Bar attorneys can't assess complaints against themselves; this would have to be conducted by an outside Committee or other independent parallel process.
2. Specific conflict of interest: This letter's author participated in an investigation of Attorney Phillips that was in process at the time this letter was written.
3. Invented rule #1: "have provided neither evidence..." Evidence is not required to open an investigation, only an "allegation of misconduct." 27 NCAC §§ 01B.0107 (1) and (3).
4. Invented facts: "have provided neither evidence..."
 - (a) Phillips' complaint concerns alleged mismanagement of two state bar grievance investigations; the Bar already *has* most of the evidence.
 - (b) Phillips provided additional *compelling* evidence in the form of legal analyses from two legal experts and personal testimony.
5. Invented rule #2: "nor authority..." Legal authority is not required to open an investigation, only an "allegation of misconduct." 27 NCAC §§ 01B.0107 (1) and (3). If legal authority was required, only attorneys could complain against attorneys.
6. Policy or Rule Violation: An investigated attorney may review the complaint against him/her at the discretion of the investigating attorney. However, State Bar attorneys have read Phillips' complaint despite there being no proper investigation at all, let alone an investigating attorney assigned to this matter.
7. Failure to Respond: Attorney Phillips' initial complaint, sent by certified mail on September 11, 2017, *never got a response*. NC Administrative rules require a timely response.
8. Untimely response: Attorney Phillips' first amended complaint, sent by certified mail on December 27, 2017, received the above response nearly two months later.
9. Miscited reference: The above letter's "Re:" line cites the Grievance Inquiry number of the then-current investigation of Phillips, but this letter was about Phillips complaint against State Bar attorneys, which has not been assigned a Grievance Inquiry number.