

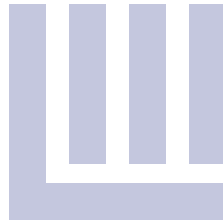


CLE MANUSCRIPT

PUT INTO PRACTICE:

Risk Management Tips for Your Firm

Fall 2023 and Winter 2024 Series



AGENDA

8:30 – 9:00

Registration

9:00 – 10:00

Meditation and Mindfulness for Lawyers: Science or Self-Help Snake Oil

Will Graebe; Lawyers Mutual

Wellness experts and self-help gurus are making extraordinary claims about the potential benefits of meditation and mindfulness. This presentation will define the practices of meditation and mindfulness and explore the differences between the two and take an honest look at the potential benefits. We will examine the neuroscience behind these practices, delving into concepts like neuroplasticity, negativity bias, amygdala hijack, and the parasympathetic nervous system. We will then explore specific mindfulness practices that have the potential to improve your overall well-being and your effectiveness as a lawyer. Mindfulness and meditation are only two wellness practices among many that can be used by lawyers to improve mental and physical health and performance. We will look briefly at how mindfulness can be combined with other wellness practices to optimize resilience and flourishing.

10:00 – 10:15

Break

10:15 – 11:15

Technology Tips to Improve Your Practice

Erik Mazzone; Lawyers Mutual and Ketan Soni; Soni Brendle, PLLC

Technology always seems to move fast and this last year has overdelivered on that score. Artificial Intelligence has begun its march into all the familiar technologies that lawyers rely on making this feel like a Brave New World indeed. The presenters in this fast-paced CLE will provide tips to help you understand and harness the technology advances available to lawyers in large firms and small, and along the way help you power up your practice, ratchet down your risk, and crank up your client communication tools. The session will help you keep abreast of the benefits and risks of the dizzying array of technology solutions available for your firm and make sure you are meeting your duty of technology competence under RPC 1.1[8].

11:15 – 11:30

Break

11:30 – 12:30

Avoiding the Big, Bad State Bar: How Attorneys Can Stay Out of Trouble

Joshua Walthall; Boerema Blackton, LLP

Most lawyers are afraid of the State Bar. This is understandable: the Bar doesn't exist to throw parades and hand out candy; they disbar people. Moreover, most folks don't know how the Bar operates or what types of issues get them in serious trouble, including the unauthorized practice of law and trust accounting issues. Let's remedy that. This CLE will make you less afraid of the North Carolina State Bar by explaining (1) how to avoid being prosecuted for violations of the Rules of Professional Conduct, (2) how the Bar works, and (3) what to do if you are the object of an ethics or misconduct prosecution.



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PRESENTERS

WILL GRAEBE

Will Graebe came to Lawyers Mutual in 1998 as claims counsel. In 2009, Will became the Vice President of the Claims Department and served in that role until 2019. After a two-year sabbatical, Will returned to Lawyers Mutual as claims counsel and relationship manager. In his role as claims counsel, Will focuses primarily on claims related to estates and trusts, business transactions and real estate matters. Will received his J.D. from Wake Forest University School of Law and his undergraduate degree from Stetson University. Prior to joining Lawyers Mutual, will worked in private practice with the law firm of Pinna, Johnston & Burwell.



ERIK MAZZONE

Erik graduated from Boston College Law School. After graduating, he worked in the litigation department of large corporate law firms in Boston and Raleigh. He then shifted to practice in an innovative, technology-forward family law firm in Raleigh. As an attorney and later as managing shareholder, Erik helped to steer the firm through years of double-digit revenue growth as well as geographic and personnel expansion from one office with four attorneys to three offices with a multi-disciplinary client services team of nearly twenty lawyers, accountants, and mental health professionals.



In 2008, Erik became the founding Director of the Center for Practice Management at the North Carolina Bar Association. He served in that capacity for nine years, during which he helped hundreds of North Carolina lawyers with law firm start up, technology, marketing and management. He organized, spoke and taught at countless CLE programs on legal technology and law firm management, and was a frequent presenter at law schools, bar associations, law firm retreats, and conferences across the US and Canada. At the NCBA, Erik served for the last five years as Senior Director of Membership Experience. In that role, he led the integration, reorganization and management of the member-facing and revenue-producing departments of the NCBA: continuing education, membership, Center for Practice Management, membership services, communities and the lawyer referral service.

Erik is excited to return to his first vocational passion: providing practice management consulting and coaching for lawyers. Erik formed Mazzone Works LLC in 2022 to serve institutional and individual clients and he can be reached through his website, ErikMazzone.com.



KETAN SONI

Ketan Soni was born in Charlotte, North Carolina and raised in the bitter cold and wind of the Chicago suburbs with the only comfort coming from the joy of being a Cubs fan. After giving the Midwest a final chance by attending the University of Illinois, Champaign-Urbana, he fled back to the warm embrace of the Carolinas to attend law school at Wake Forest University School of Law.

Ketan started practicing divorce and family law with a law firm in Raleigh before finally landing back where it all started in Charlotte to open up a branch office. In 2020, Ketan opened [Soni Brendle, PLLC \(www.nclawattorneys.com\)](http://www.nclawattorneys.com), with Andrew Brendle after developing a mediation practice over the past 10 years, which let him tap into the need to develop every imaginable and un-imaginable spreadsheet possible, including one for counting the number of spreadsheets that one has created in the past.



In the 2020s, Ketan continues representing clients in divorce and advancing Dispute Resolution (when appropriate) as a desirable alternative to the court system, including mediating and arbitrating for his colleagues. Ketan frequently trains other mediators either to become certified or to maintain certifications with qualified training programs. Ketan also teaches Continuing Legal Education classes in addition to hosting free programs for his colleagues in an effort to raise the bar for the profession. Ultimately this lets Ketan create more spreadsheets (because that's what the spreadsheets told him to do).

JOSHUA WALTHALL

Joshua is an experienced trial attorney who focuses his practice on representing lawyers, physicians, nurses, dentists, land surveyors, engineers, real estate agents, accountants, and other professionals in legal proceedings before administrative licensing boards. He assists clients in navigating issues related to highly regulated professions, including the unauthorized practice of law and issues before the Board of Law Examiners. Joshua also provides confidential, practical advice to lawyers and law firms facing professional ethics dilemmas, including Bar or criminal investigations, employee theft, unfair competition and business practices, firm dissolutions, and other risk management. Joshua can also audit or investigate trust account records and provide guidance on how to correct trust accounting errors and maintain best practices.



Prior to joining the firm, Joshua worked at the North Carolina State Bar for nearly a decade, primarily prosecuting attorney misconduct. He has experience handling cases from pre-litigation and grievance stages through trial before several tribunals, including the Disciplinary Hearing Commission, North Carolina Superior Court, the North Carolina Business Court, and the North Carolina Court of Appeals. In addition to managing extensive discovery projects and investigations, Joshua has experience with trust account compliance issues both at trial and in financial audits. And as a former advisor to the Authorized Practice Committee of the State Bar, Joshua has experience assessing alternative business structures and handling unauthorized practice of law cases, prepaid legal services applications, interstate law firm matters, and regulatory complaints involving real estate agents, clerks, translators, business owners, out-of-state lawyers, technology companies, document drafting services, debt negotiation businesses, and financial professionals.



MEDITATION AND MINDFULNESS FOR LAWYERS: SCIENCE OR SELF-HELP SNAKE OIL

Will Graebe; Lawyers Mutual



Meditation and Mindfulness for Lawyers: Science or Self-Help Snake Oil

William S. Graebe, Claims Counsel/Relationship Manager
Lawyers Mutual Liability Insurance Co. of NC



2023 Lawyer Mental Health Survey by The American Lawyer (law.com)

- 38% of lawyers said that they felt depressed.
- 65% of lawyers reported physical or mental overwhelm or fatigue.
- 67% of lawyers reported that personal relationships had suffered as a result of their work.
- 71% of lawyers said they had anxiety.





“Don’t just do something. Sit there.”



Our Wandering Minds

Harvard Study on Mind Wandering

- Study found that people spend 47% of their waking hours thinking about something other than what they are doing.
- The study found that people are generally less happy when their minds were wandering.
- Killingsworth and Gilbert, *Science*, Vol. 330, p. 932 (2010)





Downsides of a Life on Autopilot

- Excessive mind wandering can lead to rumination, depression symptoms, obsessive thoughts, and anxiety.
- Mistakes are more likely when we're not focused on the present task. And focus can be important!
 - Example of the email and the grieving widow.
- You miss out on the joy and beauty of what is happening right in front of you every minute of every day.



But wait Not all mind wandering is bad

- New research suggests that some mind wandering can serve important functions in our performance and well being.
- A study published in the Proceedings of the National Academy of Sciences shows increase in brain alpha waves, which indicates a state of relaxation.
- Mind wandering has been shown to increase creativity.
- See Moshe Bar, *Mindwandering: How it can improve your mood and boost your creativity* (2022).

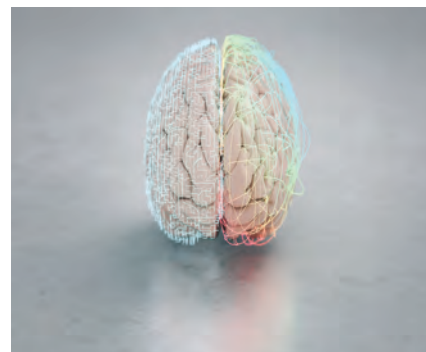




Brain Basics: Autonomic Nervous System

Network of nerves that controls the automatic functions of your body needed to survive.

- Two Divisions: Sympathetic and Parasympathetic
 - **Sympathetic Nervous System:** Deals with emergencies (fight, freeze, flight) by readying the body and its systems. An overactive sympathetic nervous system can harm our physical and mental health.
 - **Parasympathetic Nervous System:** Maintains bodily systems when you are at rest.



Brain Basics: The Limbic System

Limbic system is responsible for mediating and processing emotions and memory.

- **Amygdala:** Responsible for receiving external stimuli and determining whether it is a threat. If danger is detected, it sends a signal to the hypothalamus.
- **Hypothalamus:** When distress signal received, the hypothalamus activates the sympathetic nervous system to trigger the adrenal glands to secrete hormones to create a fight, freeze or flight response. Heart rate, breath rate, and blood pressure increase. If perceived threat continues, cortisol is released, and body stays on high alert until threat passes.





Brain Basics: Neurons and Neuronal Connections

The human brain has approximately 86 billion neurons (brain cells). Each of these neurons is connected to as many as 10,000 other neurons.

- When neurons connect or communicate with one another, it forms a synaptic connection or neural pathway.
- Everything that we do, think or feel is enabled by the communications sent between the billions of neural networks in our brains and bodies.
 - Example: When one learns a new word, a new neural connection is formed.
 - Example: When a baby learns to walk, neural pathways are formed. With more and more experience, these pathways are strengthened.



Brain Basics: Neuroplasticity

Definition: The ability of the brain to change through the creation of new neural connections and/or the growth of new neurons.

- Neuroplasticity peaks in childhood but continues throughout life.
- Neuroplasticity can occur not only through experiential stimulation but also by focusing attention.
 - “Where attention goes, neural firing flows and neural connection grows.” Dan Siegel
- Piano Exercise: Two groups practiced five finger piano piece. One group actually played and the other just imagined playing. Both groups showed growth to the brain’s motor cortex that corresponds with finger movement. Just thinking about something can change your brain.





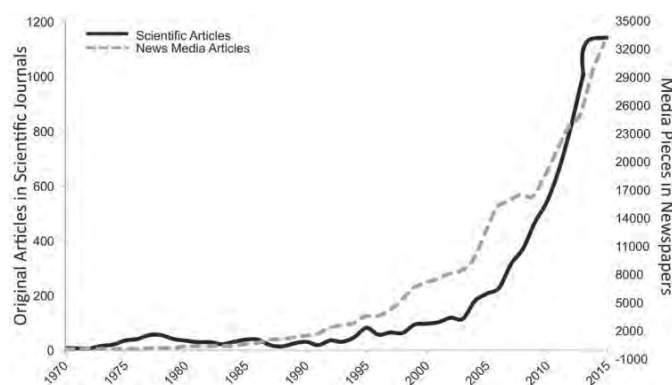
Brain Basics: Negativity Bias

Definition: The tendency to pay more attention to and dwell on dangers, threats, and negative events and experiences.

- Cause: Research suggests that it is a natural adaptive evolutionary function that developed thousands of years ago in response to constant threats to human survival. Our brains evolved to scan constantly for threats and danger.
- Negativity bias can be beneficial but can also have deleterious effects on our mental health and well-being.
- We have the power to rewire our brains away from negativity bias to a neutral state or to positivity bias.



Exponential Growth: Scientific Studies/News Articles



Van Dam NT, van Vugt MK, Vago DR, et al. Mind the Hype: A Critical Evaluation and Prescriptive Agenda for Research on Mindfulness and Meditation [published correction appears in *Perspect Psychol Sci.* 2020 Sep;15(5):1289-1290]. *Perspect Psychol Sci.* 2018;13(1):36-61. doi:10.1177/1745691617709589





Defining Meditation

A practice or training of the mind through focusing the mind on an object (focused attention meditation) or on whatever thoughts, sensations, or feelings arise (open monitoring meditation).

- Focused Attention Meditation: A practice where one focuses attention on an object like the breath. When the mind wanders, the attention is brought back to the object. In addition to the breath, the focus can be a physical object or a mantra or phrase that is repeated.
- Open Monitoring Meditation: A practice where one allows thoughts, physical sensations, emotions, sounds, and smells to arise freely and then pass without any resistance or judgment.
- Other Specific Meditation Practices: There are other, more specific, meditation practices such as loving kindness meditation. In loving kindness meditation, the practitioner focuses on positive thoughts for oneself and others. Studies have found that a regular practice of loving kindness meditation can increase a person's level of compassion for oneself and others.



Breath Centered Focused Attention Meditation Instructions

1. Sit in a comfortable position with your spine straight.
2. Let your eyes close and take a few deep breaths.
3. Feel the weight of the body on the floor or chair and notice any physical sensations without judgment.
4. Begin to notice your breath. Don't try to control it. Just let it occur naturally and notice the sensation of the breath in the nostrils and throat and the movement of the chest and abdomen.
5. Allow your attention to stay on the breath. Maybe you count your breaths from 1 to 10 and then repeat.
6. As thoughts, physical sensations or other distractions enter your mind, just notice them without judgment and bring your attention back to the breath until the next thought or distraction comes. Then bring your attention back to the breath.
7. Do not judge, resist or cling to any thoughts, distractions, or sensations. Just notice and return to the breath.





Open Monitoring Meditation Instructions

1. Sit in a comfortable position with your spine straight.
2. Let your eyes close and take a few deep breaths. Then let your breath follow its natural rhythm.
3. Feel the weight of your body on the floor or chair and notice any physical sensation where your body is touching the floor or chair or any other object or article of clothing.
4. Begin to notice any sounds. Effortlessly let the sound(s) rise and fall.
5. Now notice any smells without judging or assigning any value or meaning to such smells.
6. Next, notice any physical sensations, pains or discomfort in your body. Do not judge but just notice.
7. Start to notice, with a neutral sense of curiosity, any thoughts as they arise. Freely let these thoughts arise and pass.
8. Notice now if you are feeling any emotions. Let those emotions rise up without any judgment or resistance.
9. When you are ready, take some small movements with your hands and feet and let your eyes open.



Tips for People Who Find Meditation Difficult

Meditation is not the same for everyone. For some people, it is harder to sit still and just be quiet. If that is you, try these things:

- Find another activity that takes you out of your head (gardening, running, knitting, fishing, painting, hiking, swimming, yoga, etc.).
- Try walking meditation.
- Use guided meditations.
- Play relaxing music while you sit.
- Be patient, stop trying so hard, and let go of expectations.





Benefits of Meditation

Scientific studies have shown that the average trained meditator:

- has a higher perceived quality of life than 70% of nonmeditators;
- feels less anxiety than 75% of nonmeditators;
- feels less depressed than 63% of the general population;
- has higher immune functioning than nonmeditators; and
- has greater empathy than 79% of nonmeditators.
- See Paul Verhaeghen, *Presence: How mindfulness and meditation shape your brain mind and life* (2017).



Risks of Meditation Practices

- A number of case reports and observational studies have reported isolated instances of meditation-related or meditation induced psychosis, mania, anxiety, and other forms of clinical deterioration or adverse effects.
- If a person is under the treatment of a psychiatrist, therapist, or physician, those professionals should be consulted before engaging in meditation practices as a form of therapy.

See, Van Dam NT, van Vugt MK, Vago DR, et al. Mind the Hype: A Critical Evaluation and Prescriptive Agenda for Research on Mindfulness and Meditation [published correction appears in *Perspect Psychol Sci.* 2020 Sep;15(5):1289-1290]. *Perspect Psychol Sci.* 2018;13(1):36-61. doi:10.1177/1745691617709589





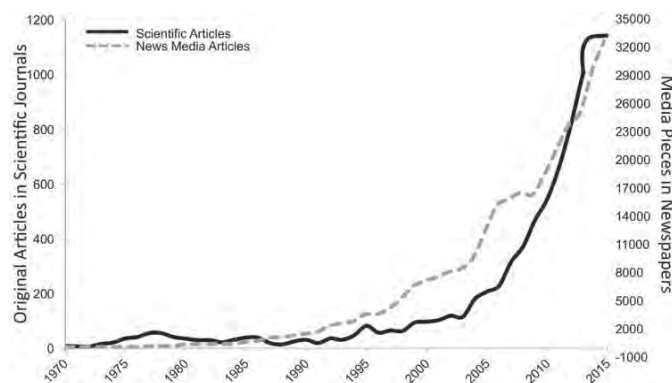
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7. Do not judge, resist or cling to any thoughts, distractions, or sensations. Just notice and return to the breath.





Defining Mindfulness

- To be mindful is simply to be consciously aware of what is happening in the present moment.
- Mindfulness practice is paying attention, on purpose and without judgment, to what is happening in the present moment.
- Nonjudgmental attention: this is a key element of mindfulness practice. We observe what is happening without describing it as good or bad.
- We observe the present circumstances and our thoughts, feelings and physical sensations that arise in response to those circumstances.
- Mindfulness Based Stress Reduction: An eight-week mindfulness training program designed by Jon Kabat-Zinn to alleviate symptoms of depression, anxiety, stress, PTSD and chronic pain.



Mindfulness Based Stress Reduction Program

- Eight-week course that teaches meditation and mindfulness practices.
- Weekly group sessions (2.5 hours) and daily homework (45 minutes/day).
- A one-day retreat at the end of the course (7-hour mindfulness practice).
- Formal teachings of mindfulness meditation, body scan technique and yoga postures.





State Mindfulness vs. Trait Mindfulness

- State mindfulness is practiced in mindfulness meditation.
- Trait mindfulness measures one's ability to be mindful in each moment of our daily life. Trait mindfulness can be increased with practice, techniques, and training.



Benefits of Trait Mindfulness

We have seen the benefits of mindfulness meditation above. There are also scientifically validated benefits to increased trait mindfulness:

- Less anxiety and depression symptoms.
- Less rumination.
- More positive response to stress.
- Greater self-awareness and emotion regulation.
- Greater self-compassion.
- See Paul Verhaeghen, *Presence: How mindfulness and meditation shape your brain mind and life* (2017).





Daily Mindfulness Practices

- In addition to meditation practices, there are numerous methods and practices that can be used to experience the benefits of mindfulness. By engaging in these practices on a regular basis, we can improve our physical and mental health, as well as our productivity and efficiency.
- Every minute of every day presents an opportunity to be mindful. This thought can seem overwhelming. The goal is not to be mindful 100% of the time. The goal is simply to increase the number of times in a day that you are present with your thoughts and experiences.



Jill Bolte Taylor's 90 Second Rule

- When a person has a reaction to something in their environment that creates a fight, freeze or flight response (limbic response), there is a 90 second chemical process that occurs in the body.
- When this happens, we have a choice. We can respond in the heat of that moment and allow our emotions to dictate our response, or we can wait 90 seconds for those chemicals to dissipate and then mindfully respond to the situation by integrating the emotional centers as well as the rational centers of our brain.
- This practice requires you to be present and stop in the face of the triggering event.





Marinating on the Positive

- Because of our innate negativity bias, we tend to focus on the negative and often get stuck in repetitive negative thoughts. Negative thoughts tend to be sticky.
- Neuroscientist Rick Hanson suggests a mindfulness practice whereby we look for positive experiences during our days. When we experience something positive, Hanson recommends stopping and really noticing the positive aspects of that experience. Then, sit with that experience for an extended period and take time to savor it.
- When we do this, we are rewiring our brains to focus on the positive and decrease our negativity bias.



Question Your Thoughts

- Mental suffering is the result of thoughts we have about our experiences.
- When we mindfully notice that we are having negative thoughts about ourselves or an experience, we can stop and ask these three questions:
 1. Is it true (Am I a failure as a lawyer because I made a mistake?)
 2. Am I certain it is true? What evidence do I have to support that thought?
 3. How would I feel if I didn't have that thought?
- When we do this, we can stop the repetitive negative thought pattern and reduce our suffering.





The Power of the Breath

- Think of a stressful circumstance (approaching deadline, difficult client, marital disagreement, health concern, your cable and internet provider, etc.). Let yourself feel the weight of that circumstance. Now take a slow, deep breath in and long slow breath out.
- When we take a deep breath or several deep breaths, this signals our brain to activate the parasympathetic nervous system. Our heart rate and breathing slow and blood pressure decreases. If the stressful thought returns, simply return to the deep breath.
- By mindfully practicing deep breathwork in the face of stress, our brains rewire to respond differently to stressful situations.



Change Your Perception of Your Circumstances

“IT IS NOT WHAT HAPPENS TO YOU, BUT HOW YOU REACT TO IT THAT MATTERS.” -EPICTETUS

- Painful events occur every day in our lives. It has been said that pain is inevitable, but suffering is optional.
- When a painful event occurs, mindfully observe that event without judgment. Simply notice what you are feeling (physical pain, anger, embarrassment, disappointment).
- Stop and ask yourself whether this is actually a negative experience. Is there a way to reframe it as neutral or positive?
- Then, mindfully notice if you are creating additional suffering by adding to the event. Are you piling on? If so, mindfully stop the additional thoughts that are magnifying your suffering.





Body Scan Instructions

1. Sit or lie down in a comfortable position.
2. Let your eyes close and take a few deep breaths.
3. Feel the weight of the body on the floor or chair and notice any physical sensations without judgment.
4. Scan your body and notice any particular physical sensations or pain without judgment.
5. Bring your attention to your feet and any sensations or tingling you feel in your feet.
6. Now let your attention travel up your legs feeling any sensations in your ankles, calves, knees and thighs.
7. Move your attention to your stomach and notice if there is tightness. Can you allow it to soften?
8. Now move your attention up to your chest and down your arms and notice any tightness in those areas and invite a sense of relaxation.
9. Then shift your focus to your back and shoulders and then your neck, releasing any tension in those areas.
10. Move your attention to your face and head. Soften your jaw and relax the muscles in your face.
11. Now notice your whole body and take a deep breath in, and, as you exhale, relax your entire body.
12. Slowly open your eyes and gently rotate your head, taking in the space where you are.



Practice Mindfulness at Work

- Being mindful during your workday can be hard. Our brain's normal default mode is to get lost in thoughts about all we have to accomplish in our day.
- You can use a vibrating alarm on your phone to remind you to come back to the present moment and be mindful of what is happening. Maybe you use that alarm to remind you to take a few deep breaths to calm your nervous system. Or maybe you use the alarm to do a quick 2-minute meditation.
- When a stressful event occurs at work, try using the STOP method:
 1. Stop what you are doing.
 2. Take a breath.
 3. Observe what is happening without judgment and notice what you are feeling.
 4. Proceed with what you were doing.





Levering Technology for Mindfulness

Basic Mindfulness Apps

- Headspace App (Offers hundreds of guided meditations. Free trial and then \$12.99/month or \$69.99/year)
- Calm App (Offers introductory mindfulness course and guided meditations. Free trial and then \$14.99/month or \$69.99/year)
- The Mindfulness App (Good for beginners. Introductory course and guided meditations. Free or premium version for \$54.99/year)

Daily Mindfulness Reminder Apps

- Mindfulness Bell App (Reminders at random times or specified intervals. Free.)
- Lotus Bud Mindfulness Bell App (Random mindfulness reminders throughout the day. Free.)
- Zazen Suite App (Mindfulness reminders at pre-selected intervals. Free.)

Reminder Gadgets

- Fitbit Bracelet (Eight silent alarms in a day.)
- MeaningToPause Bracelet (Vibrates every 60 to 90 minutes.)



Mindful Eating and Daily Hygiene

- The practice of paying full attention, without judgment, to every aspect of the eating experience,
 - This includes the taste, smell, and texture of food, and any physical or emotional sensations you have while eating. (Example: eating an orange.)
 - Studies have shown that mindful eating may assist with weight loss, healthier food choices, and better digestion.
- Mindfully brushing your teeth, showering and brushing your hair.
 - When you're brushing your teeth, notice the taste of the toothpaste, the sensation of the bristles, and the minty scent of the toothpaste.
 - When showering, notice the rejuvenating feel of the water and the scent of the soap and shampoo.





Resources

Books

- Moshe Bar, *Mindwandering: How it can improve your mood and boost your creativity* (2022)
- Rick Hanson, *Buddha's Brain: The Practical Neuroscience of Happiness, Love & Wisdom* (2010)
- Jack Kornfield and Daniel Siegel, *Mindfulness and the Brain: A Professional Training in the Science and Practice of Meditative Awareness* (2012)
- Daniel Siegel, *Aware* (2018)
- Eckhart Tolle, *The Power of Now* (2000)
- Jon Kabat-Zinn, *Wherever You Go There You Are* (2000)
- Sam Harris, *Waking Up* (2014)
- Paul Verhaeghen, *How Mindfulness and Meditation Shape Your Brain* (2017)
- Dan Harris, *10% Happier* (2014)
- Jill Bolte Taylor, *My Stroke of Insight* (2009)

Articles

- Charity Scott, *Mindfulness in Law: A Path to Well-Being and Balance for Lawyers and Law Students*, 60 Ariz. L. Rev. 635 (2014)



Contact, Visit and Follow

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TECHNOLOGY TIPS TO POWER YOUR PRACTICE

Erik Mazzone; Lawyers Mutual
and
Ketan Soni; Soni Brendle, PLLC



Technology Tips to Power Your Practice

Erik Mazzone | Lawyers Mutual | erik@lawyersmutualnc.com

Ketan Soni | Soni Brendle | ketan@nclawattorneys.com



Sifely Smart Biometric Lock (X Lock model or any lock)



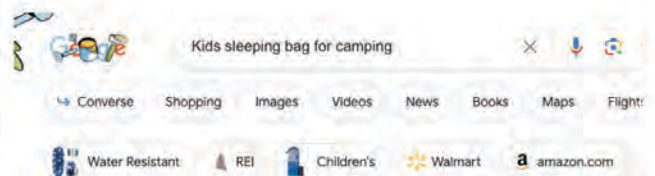
Search Labs



SGE, generative AI in Search

Supercharge your search to find what you're looking for in faster, easier ways. Get AI-powered overviews to quickly get the gist of a topic and easily follow up. Let AI do the heavy lifting for you.

Always turned on. It will only appear when you search?



Generative AI is experimental. Info quality may vary.

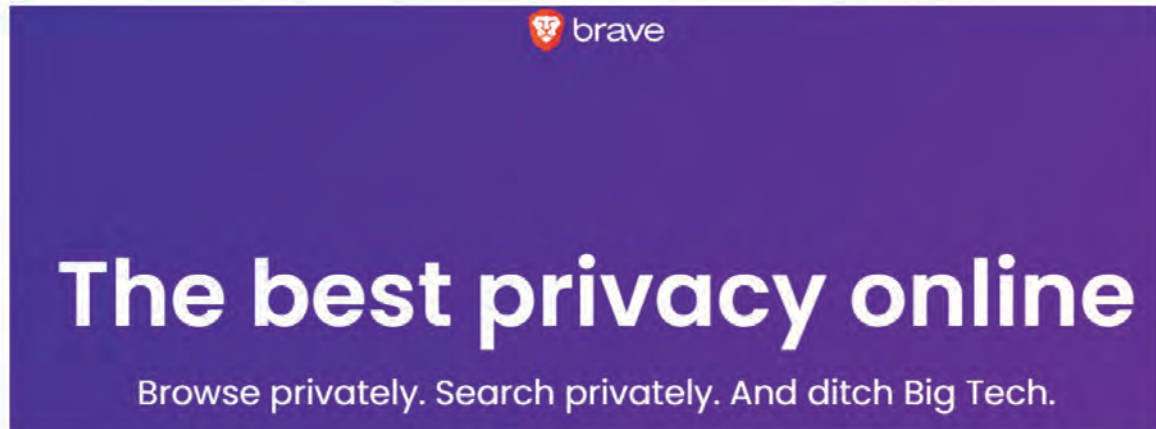
When choosing a sleeping bag for kids, you can consider things like:

- Temperature rating: The temperature rating of a sleeping bag is important to consider, especially if you plan on camping in the winter.
- Fill power: Fill power is a measure of how fluffy a down feather is. The higher the fill power, the more warm air it can trap and hold close to the body.
- Shape Mummy bags are the most thermally efficient, but can feel restrictive to some people. Rectangular bags offer more room to move around, but may not be as warm.

Here are some popular options:



Brave Browser



recast

Save time "reading" news

Recast tells you everything that's in an article in way less time than it would take to read.

Lower screen-time

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45m convo → 3m convo

Tim Ferriss Has Changed His Mind on What Success Looks Like

by GQ
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★ The Password Game

Please choose a password

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29

✗ Rule 9

The roman numerals in your password should multiply to 35.

✓ Rule 8

Your password must include one of our sponsors:



✓ Rule 7



0:00.00





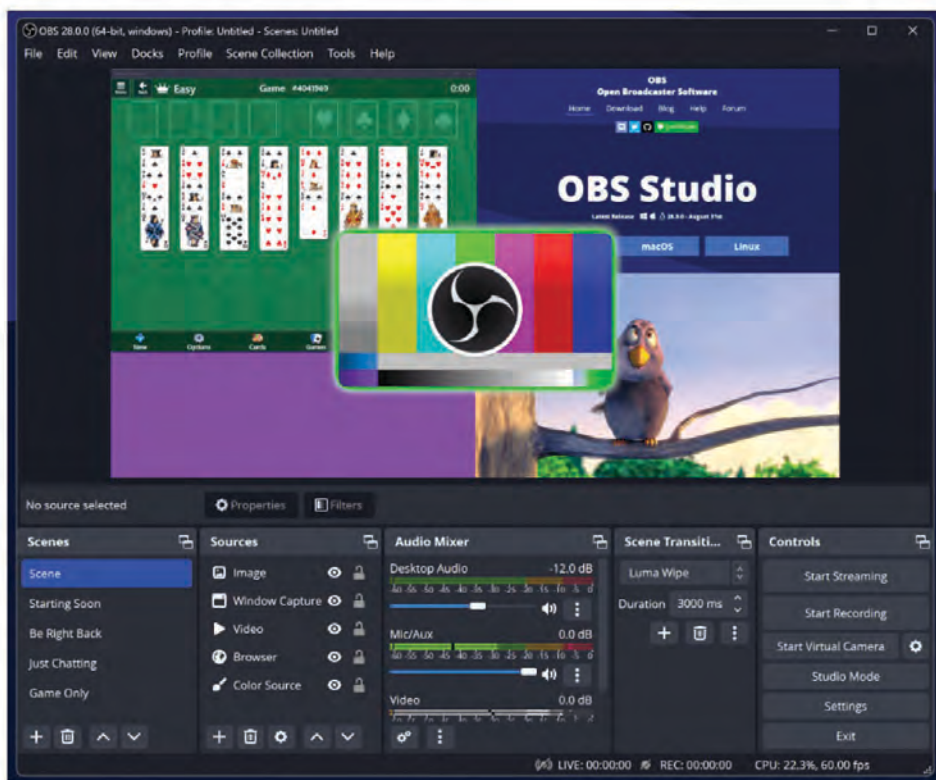
Say "hello" to a different messaging experience. An unexpected focus on privacy, combined with all of the features you expect.

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Ketan Soni

Full Day Mediation

7 hr

Click the calendar on the right to see Ketan's availability for a full-day mediation. Pick your "start" time.

Select a Date & Time

September 2022



Tuesday, September 20

SUN	MON	TUE	WED	THU	FRI	SAT
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

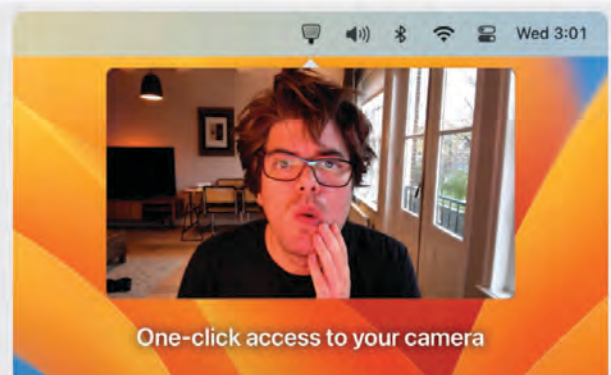
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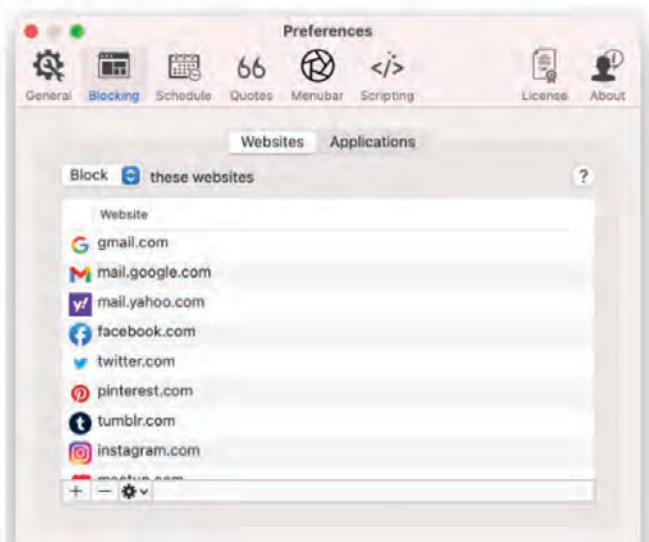


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Focus is the simplest way to block distractions and craft your perfect productivity routine!





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| 24 answered questions

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Eligible for Return, Refund or Replacement within 30 days of receipt

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Brand: Minlu

Connector Type: USB Type C, Micro USB, Lightning

Cable Type: USB, Lightning

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Special Feature: Fast Charging, Data Transfer, Retractable, High Speed

Maintain and manage your firm's finances all in one place

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Law Firm Banking

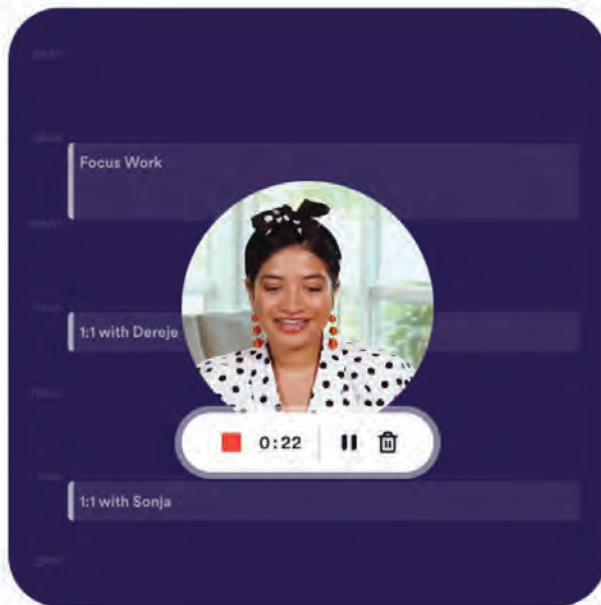
Designed with attorney insights, Nota is a no-cost, cloud-based platform that provides business banking solutions for attorneys managing solo and small law firms.¹





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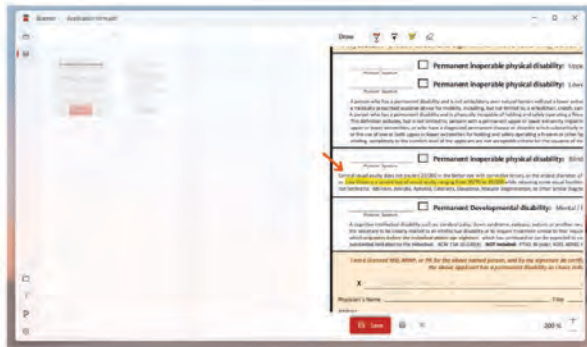
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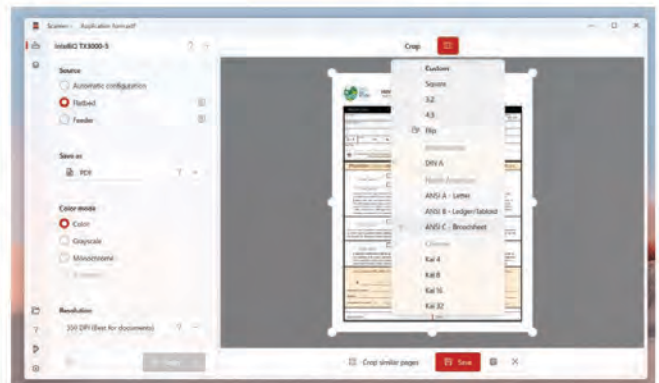
Disable Read Receipts for LinkedIn Messages
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Scanner - Quick and Easy Document Scanning

Simon Knuth

★★★★★ 477 | Utilities & tools





Mobile HotSpot



Inseego MiFi X Pro 5G UW

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We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Article. I.
Section. 1.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section. 2.

Your text is likely to be written entirely by AI

The nature of AI-generated content is changing constantly. As such, these results should not be used to punish students. While we build more robust models for GPTZero, we recommend that educators take these results as one of many pieces in a holistic assessment of student work. See our [FAQ](#) for more information.

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Article.

I.

Section.



UI (Unifi) Internal Security and Gateway



';--have i been pwned?

Check if your email address is in a data breach

emazzone@gmail.com

pwned?

Oh no — pwned!

Pwned in 30 data breaches and found 1 paste (subscribe to search sensitive breaches)

Facebook Twitter GitHub Donate

Breaches you were pwned in

A "breach" is an incident where data has been unintentionally exposed to the public. Using the 1Password password manager helps you ensure all your passwords are strong and unique such that a breach of one service doesn't put your other services at risk.

Android Forums: In October 2011, the Android Forums website was hacked and 745k user accounts were subsequently leaked publicly. The compromised data included email addresses, user birth dates and passwords stored as a salted MD5 hash.

Compromised data: Dates of birth, Email addresses, Homepage URLs, Instant messenger identities, IP addresses, Passwords

bitly: In May 2014, the link management company Bitly announced they'd suffered a data breach. The breach contained over 9.3 million unique email addresses, usernames and hashed passwords, most using SHA-1 with a small number using bcrypt.

Compromised data: Email addresses, Passwords, Usernames

cafe press: In February 2019, the custom merchandise retailer CafePress suffered a data breach. The exposed data included 23 million unique email addresses with some records also containing names, physical addresses, phone numbers and passwords stored as SHA-1 hashes. The data was provided to HIBP by a source who requested it be attributed to "JimScott.Sec@protonmail.com".

Compromised data: Email addresses, Names, Passwords, Phone numbers, Physical addresses

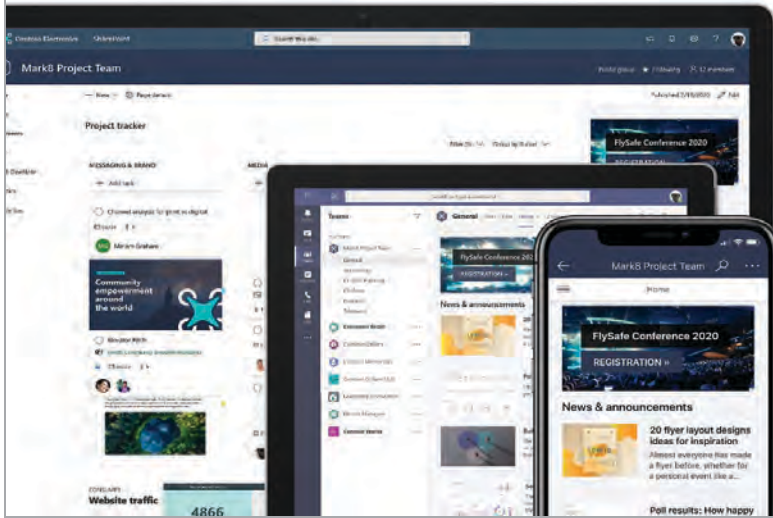


Better use of Sharepoint

SharePoint

Sign in

See plans and pricing



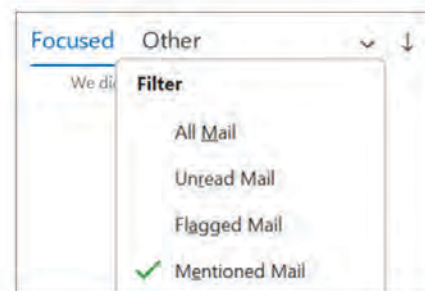
Simple sharing and seamless collaboration software

SharePoint in Microsoft 365 empowers teamwork with dynamic and productive team sites for every project team, department, and division. Share files, data, news, and resources. Customize your site to streamline your team's work. Collaborate effortlessly and securely with team members inside and outside your organization, across PCs, Macs, and mobile devices.

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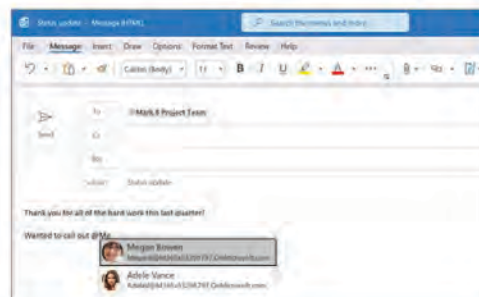
Use @mentions to get someone's attention

Outlook for Microsoft 365, Outlook for Microsoft 365 for Mac, Outlook 2021, [More...](#)



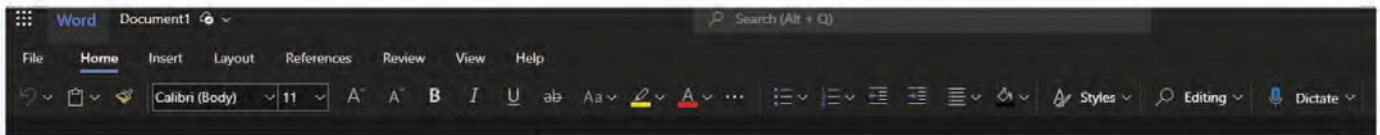
3. You can delete a portion of the mention, for example, everything other than the person's first name.

Thank you for all of the hard work this last quarter!
Wanted to call out @Megan for all of her input and expertise.





Microsoft Dictate



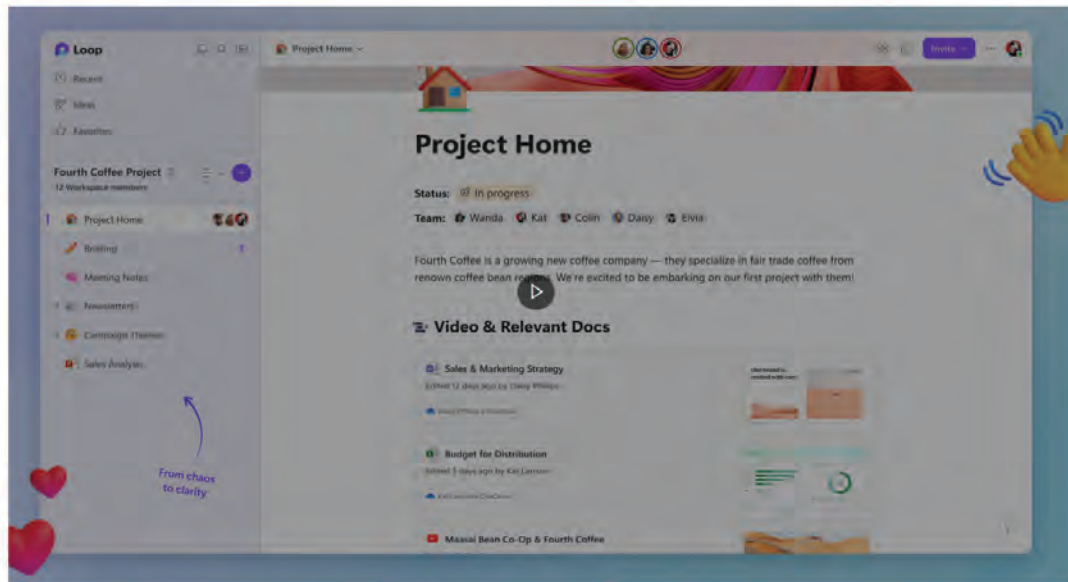
The secret to finishing things? Following up

Meet the world's simplest email reminder
and personal followup assistant.





Microsoft Loop: Project Management



SECURITY

Kill switch & Always-on VPN

A kill switch in all our apps ensures your IP address is never exposed if the VPN connection is interrupted. Always-on VPN instantly reconnects you.



SECURITY

Encryption

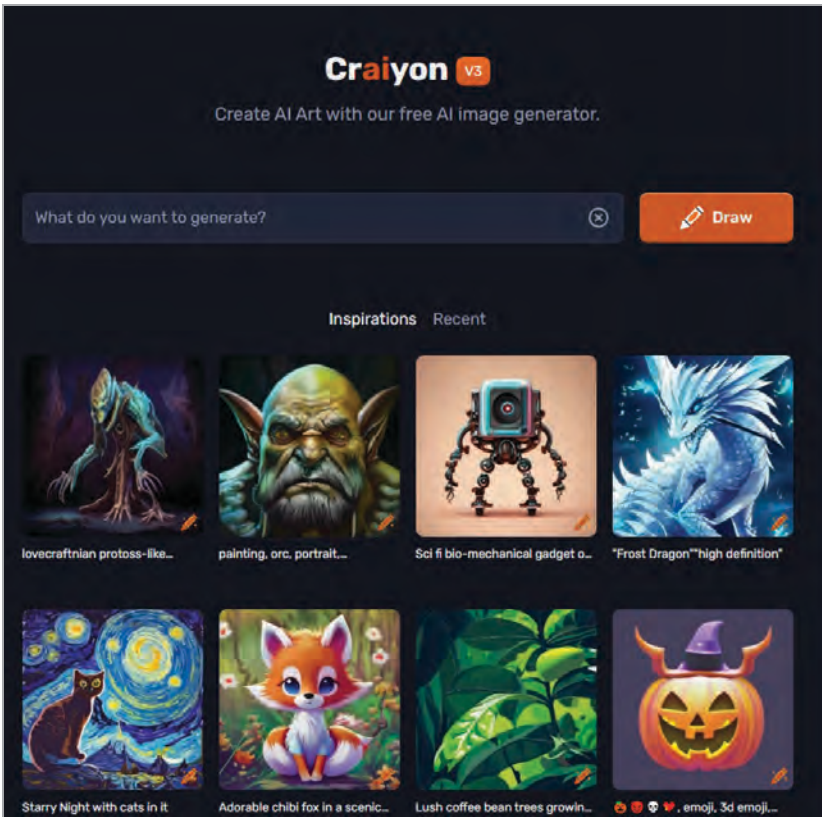
Our VPN protocols use proven open source encryption standards such as AES-256 and ChaCha20 at their strongest settings.



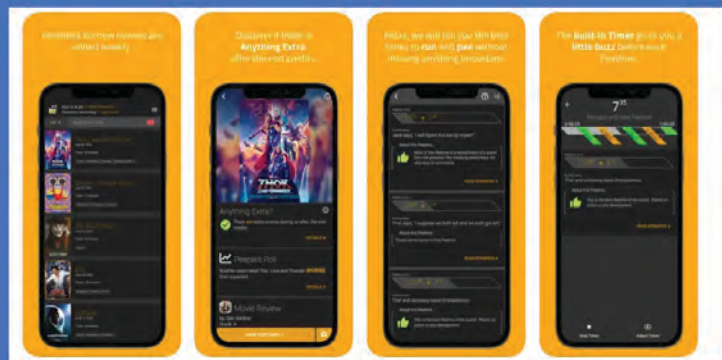
SECURITY

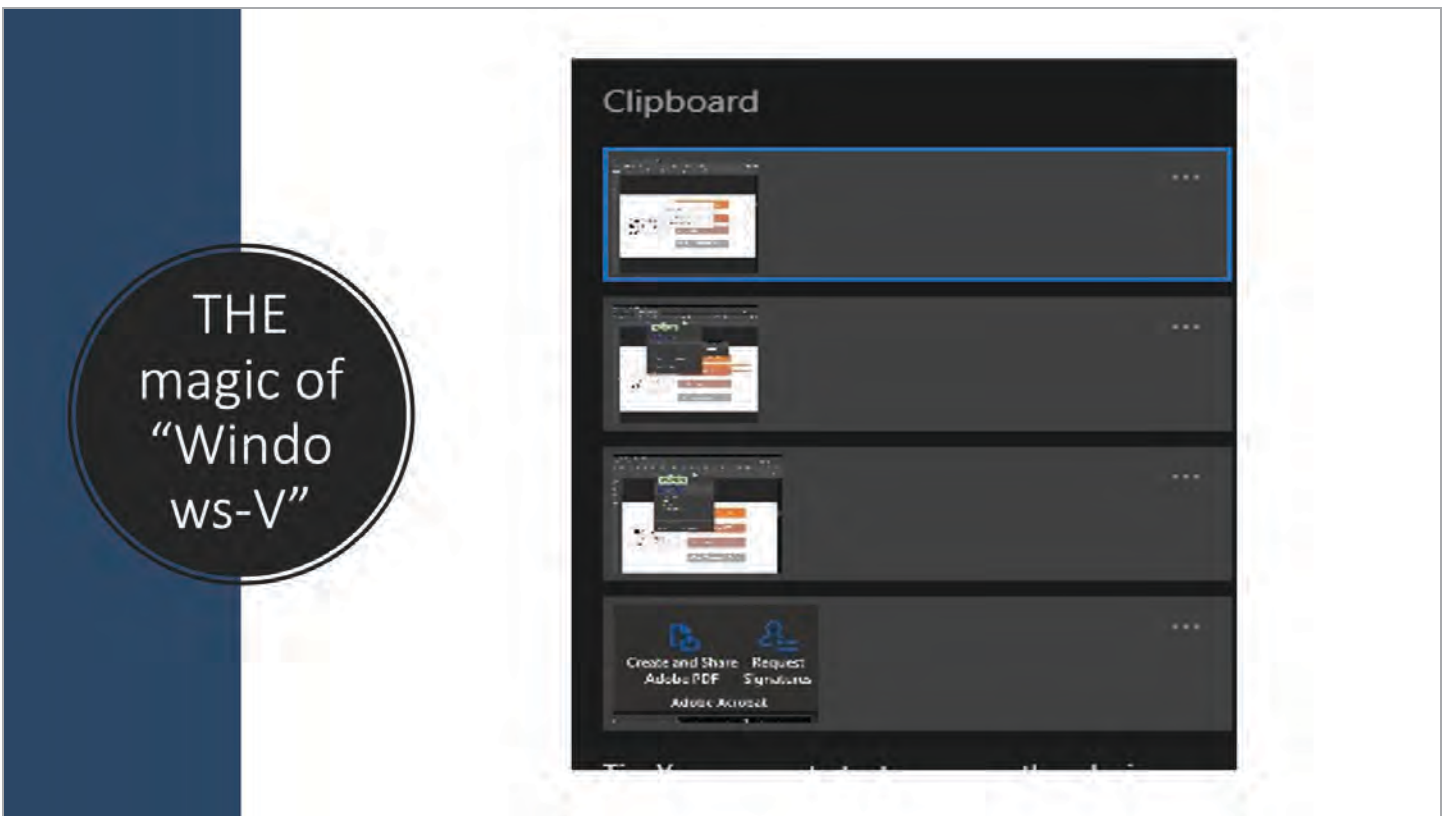
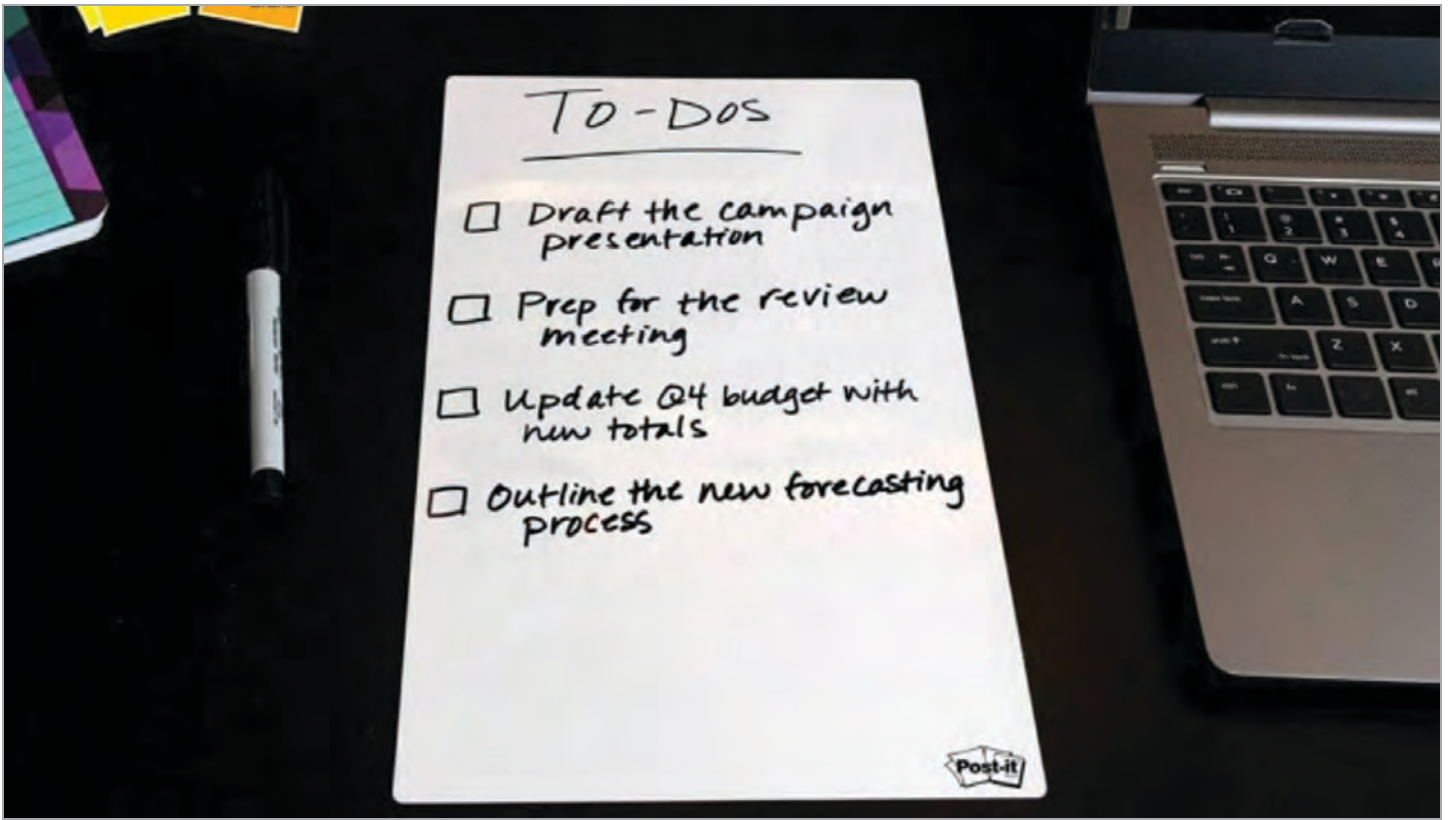
Two-factor authentication

Secure your Proton Account. Defeat hackers by proving your identity with two-factor authentication.



CRAIyon: Generate Images From Text















YubiKey 5 Series
YubiKey 5 NFC
\$50 USD

In this category

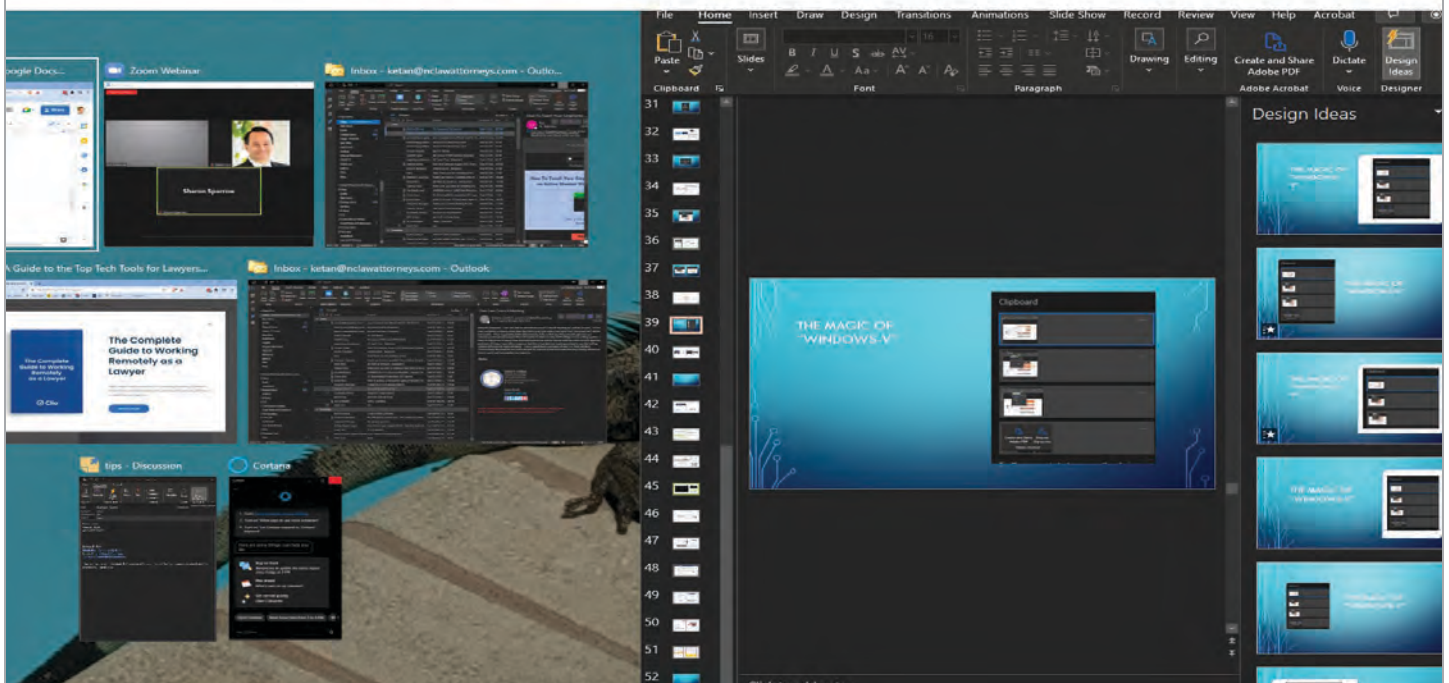
 YubiKey 5 NFC \$50 USD USB-A, Near Field Communication (NFC)	 YubiKey 5C NFC \$55 USD USB-C, Near Field Communication (NFC)
 YubiKey 5C \$55 USD USB-C	 YubiKey 5 Nano \$60 USD USB-A
 YubiKey 5C Nano \$65 USD USB-C	 YubiKey 5Ci \$75 USD USB-C, Lightning



Works with Yubico Authenticator



Windows Button and Arrow Key



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Tools for better thinking

Collection of thinking tools and frameworks to help you solve problems, make decisions and understand systems.


ALL

SYSTEMS THINKING

DECISION MAKING

PROBLEM SOLVING


COMMUNICATION



Minto Pyramid

COMMUNICATION


Make your communication more efficient and clear.



Situation-Behavior-Impact

COMMUNICATION

Give clearer feedback to others without judgement.



Concept map

SYSTEMS THINKING

Understand relationships between entities in a concept or system.



1. Renogy 72000mAh Power Bank



✓ **Capacity:** 72000 mAh / 266 Wh

✓ **Dimensions:** 9" x 4.9" x 1.7"

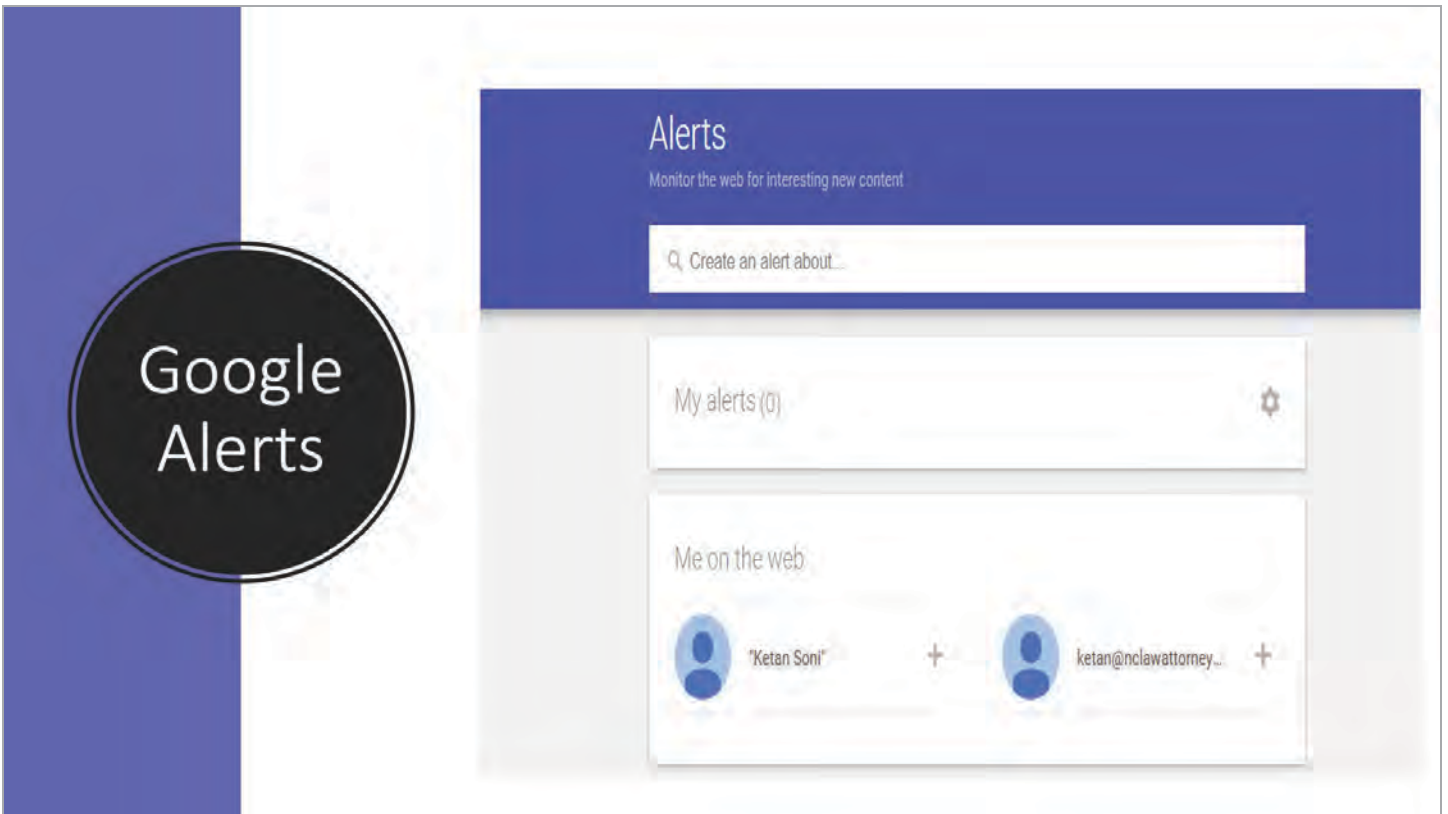
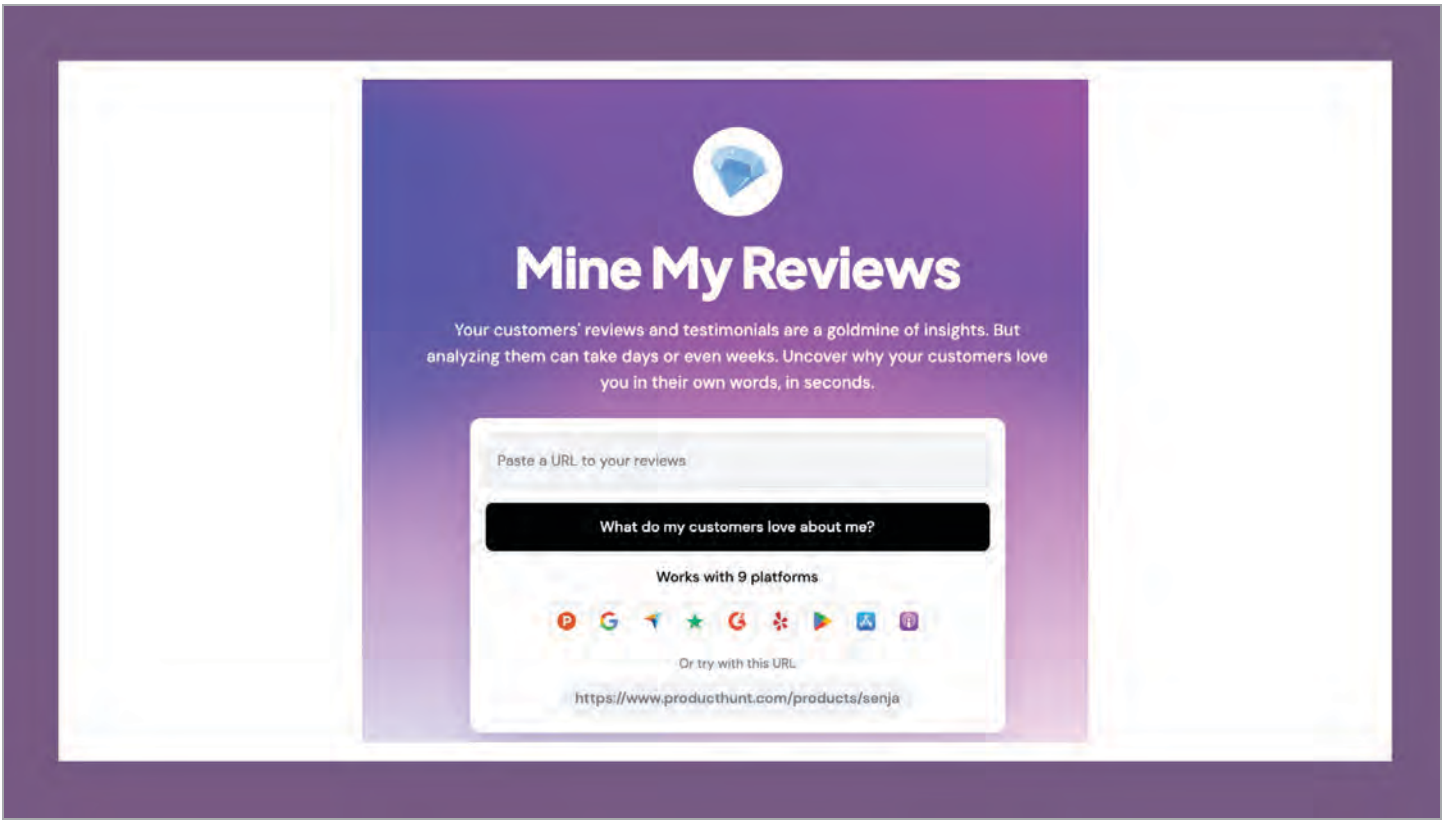
✓ **Weight:** 52.8 oz/1496 g

✓ **Ports:** 1 USB Type-A, 2 USB Type C, 1 DC, 1 car lighter


✓ **Charging Time:** 4 Hours


✓ **Price:** ~\$200 (actual price might vary)

✓ **mAh/\$ ratio:** 361







 **Mail Track**

Features


F

Know when your emails are opened

Sending a follow-up email just after the first one was opened increases your reply rate by 80%.

Add the famous read receipt in your Gmail

Namecheap: get a real domain name!



NEW

Domains

NEW

Hosting

NEW

WordPress

NEW

Email

NEW

Marketing Tools

NEW


Security

TRY ME

Transfer to Us

Help Center

Account

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Make more online, for less

Register

Transfer

Beast Mode

Search

.COM only \$5.98* .NET only \$11.98



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ko-fi.com/watchedwalker and 4 more links

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1,090,412 views • 3 years ago

Walking London's West End on a rainy Saturday night, full of lively downtown city atmosphere, capturing the ambience of Covent Garden, Leicester Square, Piccadilly Circus, Oxford Circus, Oxford Street, Carnaby Street and Soho.

Recorded in Oct 2019

Sat night...

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Blogger



John Patzakis, Esq.

@patzakis

Tweets from
@patzakis



SEPTEMBER 24, 2023 - 2:04 PM

An Estimated 500,000 Litigation Matters Involved Social Media Evidence in the Past 12 Months

By John Patzakis

As we have mentioned many times, nearly every litigation matter involves social media evidence. If your case does not feature such important evidence, it is likely because you are not looking for it. By analogy, Taylor Swift's music is all around us, but you won't hear it unless you tune into it on the radio or your streaming music site of choice. Similarly, you have put some effort to tune into the torrential rivers of social media evidence.



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SLIDESAI.IO - [HTTPS://WWW.SLIDESAI.IO/](https://www.slidesai.io/)

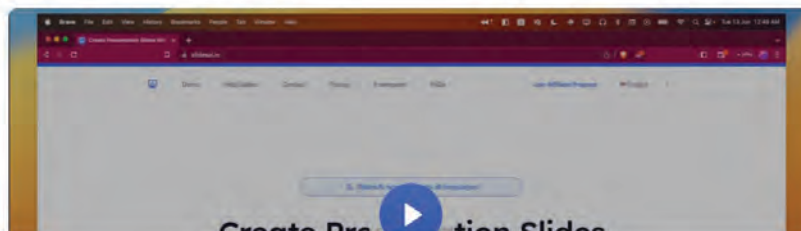
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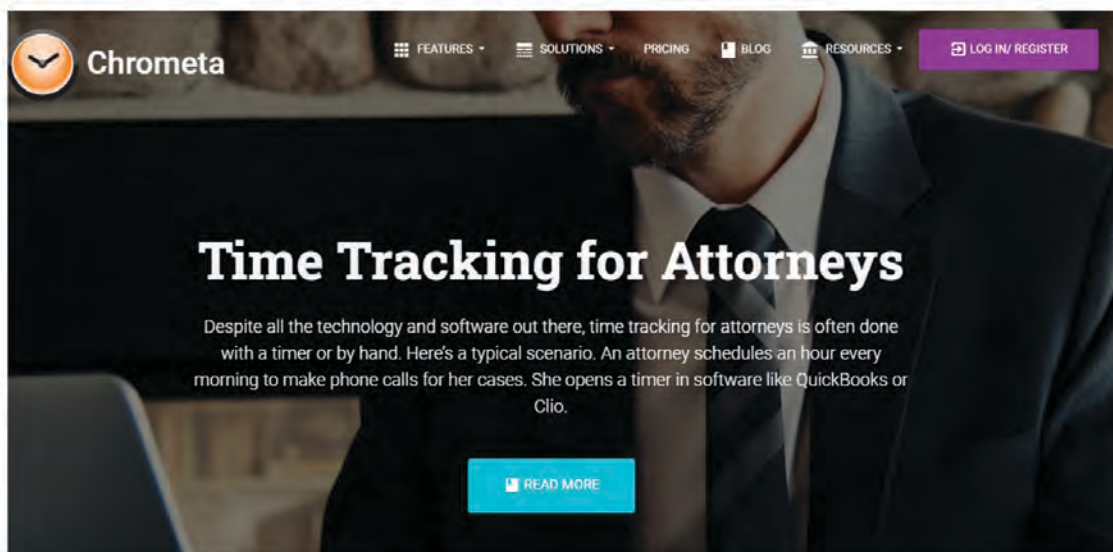
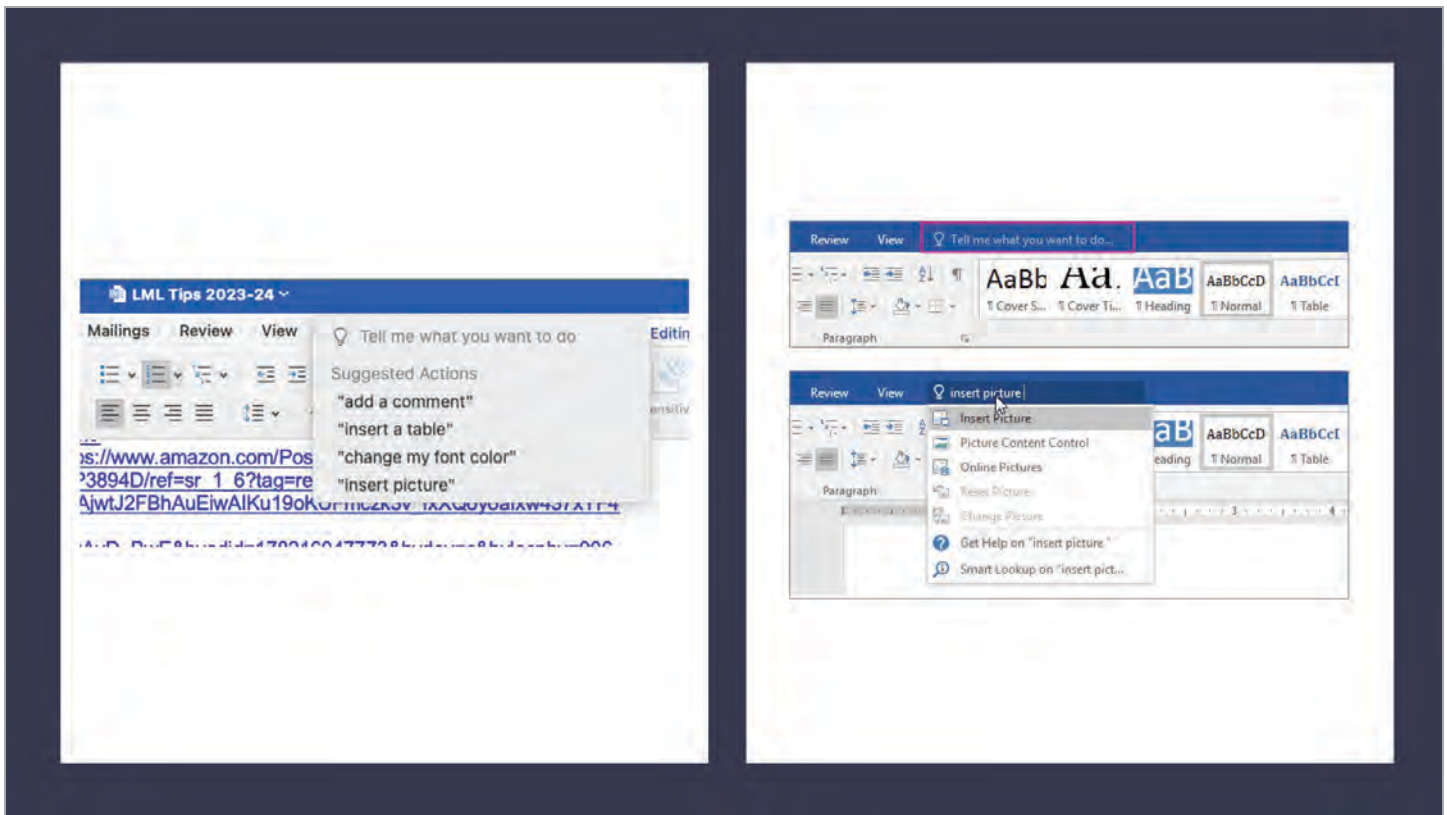
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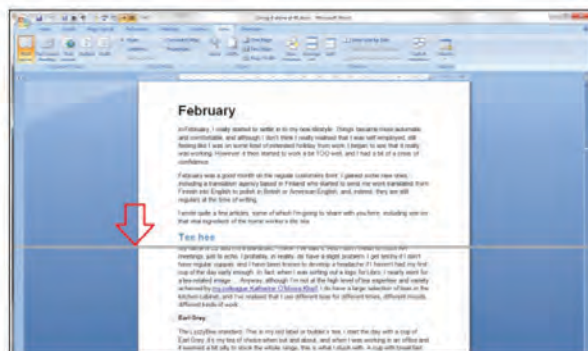
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Chrometa: Time Tracking



Resume Example Library

Cloneable resume examples

Cover Letter Example Library New

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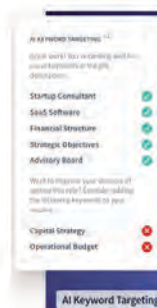
Resignation Example Library

Cloneable resignation letter examples








Rezi Resume Templates

Check out our 8 resume formats

The way the world makes resumes.
The smartest **GPT-powered** resume
builder.





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-  Instagram
-  LinkedIn
-  Mastodon
-  Pinterest
-  Shopify
-  TikTok
-  Twitter
-  YouTube

 **buffer**

**Grow your audience on
social and beyond**



Create an awesome
profile picture
for free



Profile Pic Maker.



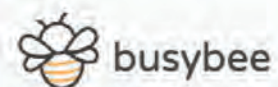
MS Word Templates



Always Online. Always **"Productive"**

Stop worrying about your boss keeping tabs on your online status.

Stay Active
Without **Beeing** Active



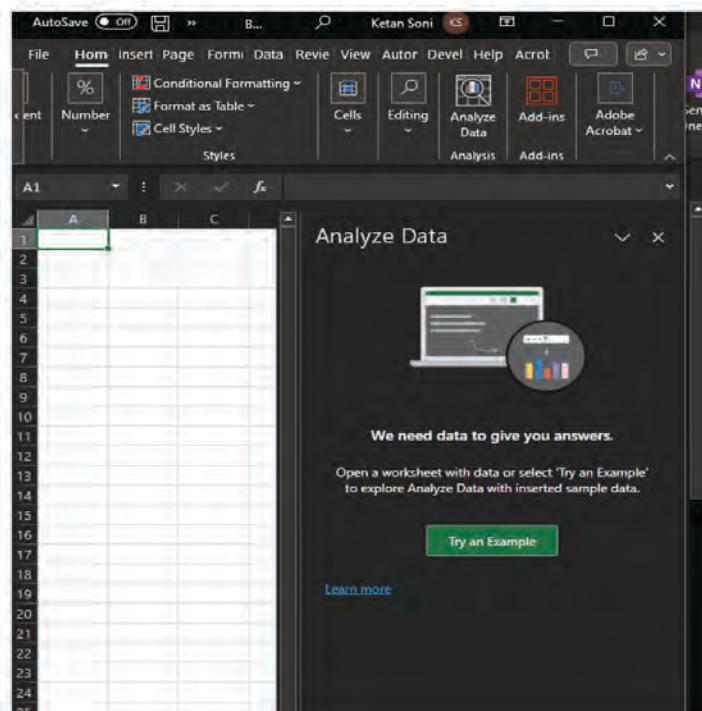


Microsoft Power Toys

- * Always on Top
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- * More!



Excel: Analyze Data





THANK YOU



AVOIDING THE BIG, BAD STATE BAR: HOW ATTORNEYS CAN STAY OUT OF TROUBLE

Joshua Walthall; Boerema Blackton, LLP



UPL, Money, and the State Bar

Joshua T. Walthall

Partner | Boerema Blackton, LLP

Former Deputy Counsel | North Carolina State Bar

Today's Agenda

1. Common Misconduct
 - A. Unauthorized Practice of Law
 - B. Trust Accounting
2. What happens if we engage in misconduct?
 - A. The Grievance Process
 - B. What to do and what not to do
 - C. The Disciplinary Hearing Commission



UPL: A Definition

- Unauthorized Practice is mainly defined by statute
 - G.S. 84-2.1
 - Drafting or selecting legal documents (contracts, deeds, wills, trusts, and court pleadings) for others
 - Appearances before courts and tribunals on behalf of others
 - Negotiating the legal rights of others on their behalf

Definition

- G.S. 84-4 prohibits individuals who are not licensed from engaging in the practice of law
 - Cannot advertise as an attorney or as able to provide others with legal services
- G.S. 84-5 prohibits business entities other than law firms from engaging in the practice of law
 - A business entity may not provide legal services to its customers even if the services are performed by an attorney
- G.S. 84-8 criminalizes UPL



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File N

**I AM an Article III, Preamble Citizen within the meaning
of the Organic Constitution...You have no authority
regarding this separate Body Politic**

My personal Savior is the Lord God Almighty. My citizenship is in Heaven. As God is Sovereign, I too, am Sovereign. The only direction I am to take is the Covenant of Truth. The Bill of Rights at the 1st Amendment and the Bible are my direction and standard for competent counsel. I AM an Article III, Preamble Citizen within the meaning of the Organic Constitution – the God inspired, original Constitution and it's restraints on government for the protection of life, liberty and property. Public Law 97-280 declares the Bible as the true word of God. I AM of Empire Washitaw de Dugdahmoundyah Mu'ur Nation. I am Grand Sheikess of The Moorish Holy Temple of Science of the World which is a Religious Society domiciled in North Carolina and is a separate Nation State. You have no authority regarding this separate Body Politic.

**Furthermore, you are guilty of copyright
infringement and are hereby invoiced
\$795,000,000,000 (\$795 billion) United States silver
dollars due and payable in full . . .**

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Without Dishonor, Without Recourse, Without Prejudice.

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Sasha Jenkins · Charlotte, NC Online Yard Sales

23 mins ·

Need Absolute Divorce

\$85

Charlotte


Let go that bad or unhappy marriage. I Will prepare paperwork to take to courthouse to file. Cost is 85.00 firm thanks. I am not a lawyer but know how to prepare paperwork correctly. Will also go to help you file @ courthouse if needed. Note: When you file you have to pay 225.00 to file. I Am just preparing for 85.00 Thanks



I, Steven Glenn: Johnson, do hereby declare and affirm that I am “duly authorized to practice law in the courts of North Carolina...”

I, Steven Glenn: Johnson, do hereby declare and affirm that I am “duly authorized to practice law in the courts” of North Carolina as required by Article IV Section 22 of the North Carolina Constitution as a condition of eligibility to run for the office of Justice of the Supreme Court, Judge of the Court of Appeals, Superior Court Judge and District Court Judge. I further affirm that I am duly authorized to practice law by virtue of the fact that I possess the “*property right*” to “practice law” in the courts of North Carolina. This property right is inherent to my being an American Citizen and being possessed of the right to work in this “right to work state”: North Carolina.



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grants
CONRAD Layton
A
NORTH Carolina Law License
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I'm an attorney. Why should I care about UPL?

- You are either unemployed, underemployed, or unhappily employed.
- You're looking over Craigslist for a new job.
- You find one.



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CL raleigh > jobs > legal/paralegal

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Appearance Attorney - Of Counsel (NC)

Nonprofit Alliance of Consumer Advocates (N.A.C.A.) & Consumer Defense Law Group. PC looking for an 'Of Counsel' - appearance Attorney to assist with a few clients in North Carolina with a Large pipeline of potential Clients for a long term relationship. Experience with Civil Litigation & B.K's a huge plus but willing to train the right person. Please send resume and an appearance fee schedule. Great for newly admitted or experienced veteran who doesn't want to increase overhead but increase revenue. We can do majority of the work for you as well as obtain the ready to be engaged Client! You can view a few of our results at <http://nacalaw.org/index-7.htm>

Principals only. Description, please don't contact this info poster
do NOT

Nonprofit Alliance of Consumer Advocates (N.A.C.A.) & Consumer Defense Law Group. PC looking for an 'Of Counsel' - appearance Attorney to assist with a few clients in North Carolina with a Large pipeline of potential Clients for a long term relationship. Experience with Civil Litigation & B.K's a huge plus but willing to train the right person. Please send resume and an appearance fee schedule. Great for newly admitted or experienced veteran who doesn't want to increase overhead but increase revenue. We can do majority of the work for you as well as obtain the ready to be engaged Client! You can view a few of our results at <http://nacalaw.org/index-7.htm>

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- The business or out-of-state firm asks you to sign, review, and/or file documents drafted by someone else, on behalf of North Carolina clients.
- They tell you that they will give you \$100.00 per document.
- You will never need to speak with the client or draft a document or advertise your services – the firm handles all that.
- You're so excited; you check out their website first.



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- You're confused about why they would have a UPS mailbox as an office, but they tell you this is normal and that it keeps costs down.
- They ask you to sign an "of counsel" partnership agreement.
- You're excited to be made a partner before you've even started your first day at the firm.

OF COUNSEL AGREEMENT

This Agreement is made on and is effective as of _____, 2012, between BROWNSTONE ASSOCIATES, P.A., a professional association ("Firm") and _____ ("Lawyer"), an individual. The parties mutually desire that Lawyer establish an "Of Counsel" relationship with the Firm. Accordingly, the parties have agreed to the terms and conditions by which that relationship shall be governed, to wit:

requiring or requesting Lawyer's services and expertise. As Of Counsel, Lawyer is not required to contribute capital to the Firm, nor will he have any voting rights at any Firm meetings. Lawyer will not share in any profits or be liable for any losses of the Firm, including any malpractice liability not arising from his acts or omissions. Lawyer will not be responsible for client maintenance or communication unless directed by the Firm. He will not be the billing attorney on clients the Firm originates and assigns to Lawyer. Lawyer agrees that he shall have no ownership interest in the work in process, accounts receivable, assets, or goodwill of the Firm. Lawyer will have no responsibility for the collection of fees or costs for services rendered



- The contract is a bit worrisome to you, but you need the money, the people asking you to sign are attorneys after all, and a few of your friends have done the same sort of work, so you sign the agreement and immediately get your first few cases.
- The firm sends you a document already drafted that they want you to review, sign and file.

Case # 13-1022	District 4B	
NORTH CAROLINA COURT OF APPEALS		

STATE OF NORTH CAROLINA,)	
)	
Respondent-Appellee,)	
)	
v.)	From: Onslow County
)	Case # 10-CRS-52727
COREY DINAN,)	
)	
Defendant-Appellant.)	

BRIEF FOR DEFENDANT-APPELLANT		

BROWNSTONE, P.A.		
[REDACTED] Esq.		
Attorneys for Defendant-Appellant		
400 North New York Avenue, Suite 215		
Winter Park, Florida 32789		
(o) 407-388-1900		
(f) 407-622-1511		
North Carolina Bar No. 2 [REDACTED]		
[REDACTED]@brownstonelaw.com		



Uh-oh

- Brownstone is not licensed or authorized to provide legal services in this state.
- You may be licensed, but if Brownstone is the one doing the work, charging the clients and paying you, Brownstone is practicing law in this state.
- Thus, Brownstone is engaged in the unauthorized practice of law.
- What does that mean for you? What are you doing?
- You're now aiding in the unauthorized practice of law.

Common red flags

- Beware of legal jobs posted on craigslist.org; some are legitimate, many are not.
- Beware of firms offering debtor defense services, foreclosure assistance, post-conviction representation, or loan modification services; some are legitimate, many are not.
- Beware of firms with addresses that are mail store drop boxes or virtual offices.
- Beware of firms that have little or no interview or screening process and seek to hire quickly.
- Beware of firms that mandate you accept certain clients and deny you the ability to exercise independent judgment in accepting or rejecting work.
- Beware of firms that do not let you speak to the clients.



Unauthorized Practice of Law

- Lessons:

- (1) multistate law firms need to be registered with the State Bar,
- (2) even with registered interstate law firms, NC attorneys need to do all the legal work in NC matters, and
- (3) you should know everything about the firm hiring you, the clients you're representing, and what's going on with the money

Trust Accounting

... is the worst



	A	B	C	D	E	F	G
1	General Trust Account Ledger		Start Date: March 15, 2022			Beginning Balance: \$1.00	
2	Date	Check or Transaction Number	Description	Withdrawal or Payment	Deposit	Balance	Client
3	3/15/2022					\$ 1.00	
4	3/16/2022	68130E7FB7D3	Client paid retainer via Gravity Legal		\$ 4,000.00	\$ 4,001.00	Jane Bingley
5	3/16/2022	5524	Client paid retainer by personal check		\$13,856.00	\$17,857.00	Elizabeth Bennett
6	3/16/2022	1123	Client paid retainer by cashier's check		\$ 2,627.00	\$20,484.00	Fitz Darcy
7	3/19/2022	Office Check: 1982	Expert Fee	\$ 10,000.00		\$10,484.00	Elizabeth Bennett
8	3/22/2022	10260130120005	Legal fees	\$ 2,500.00		\$ 7,984.00	Fitz Darcy
9	3/25/2022	Office Check: 1983	Filing Fees	\$ 125.00		\$ 7,859.00	Jane Bingley
10	3/16/2022	45	Client paid retainer by personal check		\$54,388.00	\$62,247.00	Charles Wickam
11	3/27/2022	E Check Transfer	Legal fees	\$ 3,875.00		\$58,372.00	Jane Bingley

	A	B	C	D	E	F	G
1	Client Ledger: Jane Bingley			Matter: Civil Suit Against Acme, Inc			
2	Date	Check or Transaction Number	Description	Withdrawal or Payment	Deposit	Balance	
3	3/16/2022	68130E7FB7D3	Client paid retainer via Gravity Legal		\$14,000.00	\$ 14,000.00	
4	3/25/2022	Office Check: 1983	Filing Fees: Wake County Superior Ct.	\$ 125.00		\$ 13,875.00	Jane Bingley
5	3/27/2022	E Check Transfer 20967	Legal fees	\$ 3,875.00		\$ 10,000.00	Jane Bingley
6	4/1/2022	Office Check: 1991	Expert Witness: Scott Pilgrim	\$ 4,500.00		\$ 5,500.00	Jane Bingley
7	4/12/2022	ACH Transfer 489274	Professional Evaluation: Romona Flowers	\$ 5,000.00		\$ 500.00	Jane Bingley
8	5/2/2022	Office Check: 2003	Return remaining funds to client	\$ 500.00		\$ -	Jane Bingley



Three-way reconciliation

- Step 1: Add up client ledger balances, write total in appropriate spot.
- Step 2: Compare “Total of Client Ledger Balances” with “General ledger balance”
- They should match!

Three-way reconciliation

- Step 3: Fill in “Ending Balance per bank statement” with running balance as of last day covered by bank statement
- Step 4: Enter pending deposits made to the trust account (you’ve made the deposit, but it hasn’t shown up on the bank statement yet)
- Step 5: Subtract total outstanding checks (checks you’ve sent or written, but it hasn’t shown up on the bank statement yet)



Three-way reconciliation

Step 6:

- Compare the following:
 - The adjusted bank balance:
 - Ending Bank Statement Balance
 - PLUS All outstanding Deposits
 - MINUS All outstanding checks
 - = Adjusted Balance
 - The General Ledger total
 - The total of all Client Ledgers

(Attach a list of clients with corresponding balances)

Do any clients show a negative balance? ☐ Yes ☐ No If yes, attach explanation and corrective action.

2. General ledger/checkbook register balance as of _____ \$ _____
(Attach copy of general ledger/checkbook register)

Bank Statement Reconciliation

3. Account Balance as of _____ (per appended bank statement) \$ _____

Plus: Deposits in transit (deposits made to the account through end of month yet not reflected on bank statement) + _____

Number of deposits in transit _____
(attach list of outstanding deposits)

Less: Outstanding (uncleared) checks (checks issued through end of month not reflected in bank statement) - _____

Number of outstanding checks _____
(attach list of outstanding checks)

4. Subtotal _____

5. Other Adjustments (describe and attach supporting documentation)

6. Adjusted Trust Account Bank Balance (as of end of report month) \$ _____

7. The balance on line #6 ☐ agreed ☐ did not agree with the balances reflected in lines #1 and #2. If different, attach explanation and corrective action.

Reconciliation prepared by: _____



Final Comparison

- The total of all client ledgers, general ledger, and adjusted bank balance should all match.
 - If they match, you are done. Save all records.
 - If they do not match, go back and find error, or call me.
- All reconciliations must be signed and dated by a lawyer.
- Lessons: keep good records, do monthly reconciliations

WHAT HAPPENS IF I MESS UP?

The State Bar and The Grievance Process



The Birth of a Grievance

- Grievances come from:
 - Clients/former clients
 - Spouses of clients
 - Opposing parties
 - Other attorneys
 - Judges
 - “Officious intermeddlers”
 - State bar
- Concepts of “standing” and “mootness” don’t apply, & grievances can’t be withdrawn.
- Average 1200-1400 grievances per year



GRIEVANCES: INITIAL REVIEW

- Limitations Rule: 6 years, w/ exceptions for
 - Conviction of felony
 - Allegation of felonious conduct
 - Misconduct that a court has determined was intentional
- May decline to investigate allegations:
 - Of IAC
 - That plea was not knowing/voluntary
 - That lawyer’s advice/strategy was inadequate/ineffective

(Unless MAR has been granted)



Processing Grievances

- Handled by NCSB Office of Counsel:
 - ❖ Katherine Jean, Counsel
 - ❖ ~16 Deputy Counsel
 - ❖ ~12 Investigators
 - ❖ ~14 Paralegals & Administrative Staff
 - ❖ 2 Public Liaisons
 - ❖ 2 Fee Dispute Facilitators

GRIEVANCES: PRELIMINARY EVALUATION

- Grievance is assigned to one of the Deputy Counsel
- Assuming the facts are true, but no Rule violation is apparent, Counsel sends report to Chair recommending dismissal
- If the facts indicate a possible Rule violation, Counsel sends Letter of Notice to attorney



Examples: Dismissal by Chair



CONFLICT of Interest # Innocence (CRIMINAL) More Forthcoming

NOTE: In the space below, tell us what your complaint is about. Be sure to include all facts that you want the State Bar to consider, including names, dates, and places. Use additional sheets if necessary. Attach copies (not originals) of any papers that support your complaint.

I. Improvised Ethical Destruction = Conflict of

In disciplinary process states clear, consent to drive together, collect more at agent having power to compel or constrain appealing forcibly to the mind or reason convincing.

Used knowledge of law against me in divorce.

RESPONDENT-LAWYER NOTIFICATION: THE LETTER OF NOTICE



The North Carolina State Bar
Grievance Committee

Michael J. Robinson, Clerk
217 East Eden Street (2nd floor)
Raleigh, NC 27601
Phone: 919/828-4620
Fax: 919/828-4621

This is to advise that a grievance alleging misconduct on your part as an attorney was received in this office from the above-named individual. To assist you in preparing a response to this letter, I am enclosing the "Substance of the Grievance". It is not a pleading of any sort but is simply a summary of what appears to be the basis of the grievance.

Under 27 N.C. Admin. Code, Chapter 1, Subchapter B, Rule .0112(c) of the Discipline and Disability Rules of The North Carolina State Bar, you are required to respond to this letter within 15 days of its receipt. Such response must be a full and fair disclosure of all of the facts and circumstances pertaining to your alleged misconduct. If you fail to respond within 15 days, the Chairman of the Grievance Committee may proceed under Rule .0112(f) of the rules.

receipt. Such response must be a full and fair disclosure of all of the facts and circumstances pertaining to your alleged misconduct. If you fail to respond within 15 days, the Chairman of the Grievance Committee may proceed under Rule .0112(f) of the rules.

Under Rule .0112(d), a copy of your response may be provided to the complaining party unless you object thereto in writing. Please note your objection in your written response to the grievance.

IF YOU WISH TO DISCUSS THIS MATTER, PLEASE CONTACT CARMEN H. BANNON, THE STAFF ATTORNEY ASSIGNED TO YOUR FILE AT 919/828-4620.

Please give this matter your immediate attention.

Sincerely yours,

Katherine E. Jean
Counsel

KEH:jc
Enclosure








NOT



What to do if you get a Letter of Notice



-  **Request more time if you need it**
-  **Don't assume NC SB believes allegations are well-founded**
-  **Explain and provide relevant documents**
-  **Don't attack the client/complainant**
-  **Don't unload on the State Bar**



Examples: "What Not to Do"



I am aware of RPC210 and CPR100. Just because these opinions were issued in the past does not mean that they are realistic or that they are, in fact, followed by real property practitioners in actual practice.

2. We must adhere to the rules of the NC State Bar, who makes rules that do not account for the reality of the practice, and, when furnished with information, do not have staff who understand the practice or the process we deal with everyday.

If I had faith in your process, I would say that I hope & expect this grievance to be immediately dismissed because it is totally without merit. As I have little faith in your process, I can only hope you would inform me of your decision before I retire.

1. Did you enter into a written or oral fee agreement with Mr.

Ms. , to everything you are asking there is nothing to say orally because this is not a love affair with my clients, it is a matter of professional work and I am tired of answering all of these shit questions. I am telling you very clearly and openly that I have not done anything wrong and for each of your questions my answer will be the same.



WHAT NOT TO DO!

Henry Babb, Chair Grievance Committee
NC Bar

208 Fayetteville Street Mall

P. O. Box 25908

Raleigh, NC 27611

(919) 828-4620

(919) 834-8156 fax

John B. McMillan, Chair

NC State Bar, Grievance Committee

208 Fayetteville Street Mall

P. O. Box 25908

Raleigh, NC 27611

(919) 828-4620

(919) 834-8156 fax

Sent via US Mail & Fax.

CORRECTED COPY

Re: your file number

Mr. Babb,

Your premise of th

Re: File Number

Mr. McMillan,

I most respectfully respond that, the grievance filed against me is bullshit.

DENIAL WILL NOT HELP





INVESTIGATION

- Complaint
- Response to Letter of Notice
- And sometimes:
 - Financial audit
 - Examination of court file
 - Witness interviews
 - Etc.



THE GRIEVANCE COMMITTEE

- Oversees investigations of grievances
- Meets quarterly in conjunction with NCSB Council Meetings
 - Meetings are closed
- Votes on appropriate resolution



Possible Grievance Resolutions



- ❏ Referral to Another Agency
 - ❏ Lawyer Assistance Program
 - ❏ Law Enforcement
 - ❏ Another Committee at the State Bar
- ❏ Dismissal with Letter of Caution
- ❏ Dismissal with Letter of Warning
- ❏ Admonition
- ❏ Reprimand
- ❏ Censure
- ❏ Referral to DHC for disciplinary hearing
 - ❏ One of two ways to arrive at the DHC



Disciplinary Hearing Commission

What is the DHC?

- Independent Commission charged solely with deciding attorney discipline cases
- A 3-member hearing panel decides each case
- Two phases
- Trials similar to superior court bench trial
- Rules of Evidence & Civil Procedure apply
- Only DHC or court can suspend or disbar a lawyer
- Appeal directly to COA: No Superior Court review, as in other administrative tribunals
- Two ways to end up before the DHC:
 - By a direct referral from the Grievance Committee
 - By rejecting written discipline issued by Grievance Committee

Possible Outcomes at the DHC

Not public,
if issued by
Grievance
Committee

- *Dismissed*
- *Letter of Caution/Letter of Warning*
- *Admonition*
- **Reprimand or Censure**
- **Stayed Suspension (Probation)**
- **Active Suspension**
- **Disbarment**
- **Transfer to disability inactive status**





UPL, Money, and the State Bar

Joshua T. Walthall

Partner | Boerema Blackton, LLP

Former Deputy Counsel | North Carolina State Bar



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