

Plaintiff, complaining of Defendant, alleges and says:

- 1. Plaintiff, the North Carolina State Bar ("State Bar"), is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar (Chapter 1 of Title 27 of the North Carolina Administrative Code).
- 2. Defendant, Steven B. DeCillis ("Defendant"), was admitted to the North Carolina State Bar in 1994 and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the laws of the State of North Carolina, the Rules and Regulations of the North Carolina State Bar and the Rules of Professional Conduct.
- 3. During all or part of the relevant periods referred to herein, Defendant was engaged in the practice of law in the State of North Carolina and maintained law offices in Henderson, Vance County, North Carolina and Warrenton, Warren County, North Carolina.

## Upon information and belief:

- 4. On or about April 6, 2010, E.P.V. retained Defendant to represent her in connection with a wreck she was involved in on or about March 19, 2010.
- 5. On August 27, 2010, Defendant filed a personal injury complaint on E.P.V.'s behalf against L.T.H.
- 6. In May of 2011, L.T.H retained Defendant to represent her on two separate legal matters unrelated to the personal injury lawsuit.
- 7. In May of 2011, when Defendant undertook to represent L.T.H. on two separate legal matters, the personal injury lawsuit Defendant had filed on behalf of E.P.V. was still pending.

- 8. On or about June 10, 2011, L.T.H. retained Defendant to advise her in a third legal matter unrelated to the personal injury lawsuit.
- 9. In June of 2011, when Defendant undertook to represent L.T.H. by advising her in a third legal matter, the personal injury lawsuit Defendant had filed on behalf of E.P.V. was still pending.
- 10. At no time in May or June of 2011 did Defendant ask for E.P.V.'s consent for Defendant to represent L.T.H.
- 11. Once Defendant undertook to represent L.T.H., he did not withdraw from representation of E.P.V.
- 12. Defendant engaged in sexual relations with L.T.H. while he was representing L.T.H.
- 13. Defendant engaged in sexual relations with L.T.H. while he was representing E.P.V. in the lawsuit against L.T.H.
- 14. Defendant did not inform his client E.P.V. of his representation of L.T.H. until approximately August 25, 2011 when Defendant presented E.P.V. with a settlement check in the personal injury lawsuit and a document informing her of his representation of L.T.H. and his relationship with L.T.H.

THEREFORE, Plaintiff alleges that Defendant's foregoing actions constitute grounds for discipline pursuant to N.C. Gen. Stat.§ 84-28(b)(2) in that Defendant violated the Rules of Professional Conduct in effect at the time of the conduct as follows:

- (a) By engaging in sexual relations with L.T.H. while he was representing her, Defendant engaged in sexual relations with a current client in violation of Rule 1.19(a);
- (b) By representing L.T.H. and engaging in sexual relations with L.T.H. at a time when he was suing her on behalf of another client, Defendant engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d);
- (c) By continuing to represent E.P.V. after he engaged in sexual relations with L.T.H. whom he was suing on behalf of E.P.V., Defendant engaged in representation of E.P.V. which involved a concurrent conflict of interest in that Defendant's personal interest might have materially limited his representation of E.P.V. in violation of Rule 1.7(a)(2);
- (d) By representing L.T.H. while he was suing her on behalf of his client E.P.V., and by representing E. P.V. while undertaking to represent L.T.H., Defendant engaged in representation of clients involving a concurrent conflict of interest in violation of Rule 1.7(a)(2);

- (e) By failing to promptly inform E.P.V. that he was undertaking to represent the opposing party in her lawsuit on other matters, Defendant failed to promptly inform his client of a decision or circumstance for which the client's informed consent is required in violation of Rule 1.4(a)(1); and
- (f) By failing to withdraw from representation of E.P.V. when he undertook to represent L.T.H., Defendant failed to withdraw from representation of a client when the representation would result in a violation of the Rules of Professional Conduct in violation of Rule 1.16(a)(1).

## WHEREFORE, Plaintiff prays that:

- (1) Disciplinary action be taken against Defendant in accordance with N.C. Gen. Stat. § 84-28(a) and § .0114 of the Discipline and Disability Rules of the North Carolina State Bar (27 N.C.A.C. 1B § .0114), as the evidence on hearing may warrant;
- (2) Defendant be taxed with the administrative fees and costs permitted by law in connection with this proceeding; and
- (3) For such other and further relief as is appropriate.

The 25<sup>th</sup> day of June, 2012.

Margaret M. Hunt, Chair Grievance Committee

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Mary D. Winstead Deputy Counsel State Bar No. 9778

The North Carolina State Bar

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Attorney for Plaintiff