

**FILED**STATE OF NORTH CAROLINA  
2012 NOV 7 AM 2: 16IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE NO.: 12 CVS \_\_\_\_\_

WAKE COUNTY WAKE CO., C.S.C.

BY  
THE NORTH CAROLINA STATE BAR,

Petitioner

v.

ROBERT E. GRIFFIN, Attorney,

Respondent

CONSENT ORDER OF  
PRELIMINARY INJUNCTION

THIS MATTER is before the undersigned Wake County Superior Court Judge on motion of the North Carolina State Bar. Petitioner was represented by Carmen H. Bannon. Respondent, Robert E. Griffin, represented himself. Based upon the consent of the parties, the Court makes the following:

## FINDINGS OF FACT

1. Respondent, Robert E. Griffin, was licensed to practice law in North Carolina in 1977.
2. Griffin's address of record on file with the North Carolina State Bar is P.O. Box 909, Fuquay Varina, NC, 27526.
3. The State Bar has received evidence indicating that funds held in trust by Griffin were mishandled by Griffin.
4. Griffin desires to cooperate with the State Bar.
5. While the State Bar reviews the matter and affected accounts, a need for prompt action exists to ensure that funds entrusted to Griffin are properly safeguarded.

Based upon the foregoing Findings of Fact, the Court makes the following

## CONCLUSIONS OF LAW

1. This Court has personal jurisdiction over Respondent and jurisdiction over the subject matter. This matter is properly before the Wake County Superior Court pursuant to N.C. Gen. Stat. § 84-28(f).
2. Prompt action, pursuant to N.C. Gen. Stat. 84-28(f), is necessary to preserve the status quo while the State Bar conducts an analysis of Griffin's trust,

fiduciary, and/or operating accounts and to ensure that client funds are properly safeguarded.

3. Until permitted to do so by further order of this Court, Griffin should be enjoined from accepting any further funds from or on behalf of clients or other individuals in any fiduciary capacity, from writing checks against any account in which client or fiduciary funds have been deposited, and from directing any employee or agent to draw a check on any account in which client or fiduciary funds have been deposited, except as expressly authorized by this order.

4. To assist the State Bar's analysis of his trust and operating accounts, Griffin should provide the State Bar, to the extent not already provided, with records of all accounts in which client or fiduciary funds have been deposited.

5. To assist the State Bar's analysis of his trust account, Griffin should provide the State Bar with the reconciliation reports that North Carolina lawyers are required to prepare and maintain pursuant to Rule 1.15-3(d) of the Rules of Professional Conduct.

6. Griffin should not be permitted to serve in any fiduciary capacity, including trustee, escrow agent, settlement agent, personal representative, executor or attorney-in-fact until and unless permitted to do so by further order of this Court.

THEREFORE, IT IS HEREBY ORDERED:

1. Robert E. Griffin is enjoined from accepting or receiving any funds from clients or third parties in any fiduciary capacity, from withdrawing any funds from and/or drawing any checks or other instruments against any account in which client or fiduciary funds have been deposited and from directing any employee or agent to withdraw funds from and/or to draw any checks or other instruments against any account in which client or fiduciary funds have been deposited until and unless permitted by subsequent orders of this Court.

2. Griffin or any other person having custody or control of records relating to any account into which client or fiduciary funds have been deposited shall immediately produce to the North Carolina State Bar for inspection and copying all of Griffin's financial records relating to any account into which client or fiduciary funds have been deposited, including, but not limited to bank statements, canceled checks, deposit slips, client ledger cards, reconciliation reports, check stubs and debit memos and any other records relating to the receipt and disbursement of client and/or fiduciary funds.

3. Griffin or any other person having custody or control over records relating to individuals for whom he has provided legal services shall produce to the North Carolina State Bar for inspection and copying all records and documents including but not limited to client files, billing statements, memoranda and receipts. Current client files shall be made available or produced within twenty-four hours of demand by the State Bar

and closed client files shall be made available or produced within three days of demand by the State Bar.

4. If Griffin does not have possession of the minimum records required to be maintained regarding trust and fiduciary funds pursuant to Rules 1.15-2 and 1.15-3 of the Rules of Professional Conduct, he shall direct the bank(s) where his bank account(s) are maintained, within ten days of the date of this order, to copy and transmit any such missing records directly to the North Carolina State Bar at Griffin's expense.

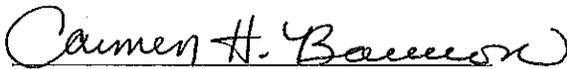
5. Griffin shall provide the State Bar within thirty days with identification of all funds held in trust in any trust account, including but not limited to providing a client ledger for each client who has a positive balance in any client trust account he maintains, along with contact information for each such client.

6. Griffin shall not serve in any fiduciary capacity, including trustee, escrow agent, settlement agent, personal representative, executor or attorney-in-fact until and unless he is permitted to do so by further order of this Court.

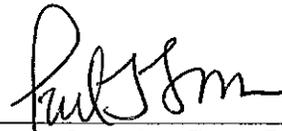
7. This Consent Order of Preliminary Injunction shall remain in effect until further orders of this Court.

This the 7 day of November, 2012.

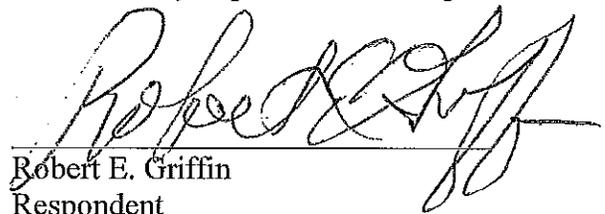
WE CONSENT



Carmen H. Bannon  
Attorney for Petitioner



Wake County Superior Court Judge



Robert E. Griffin  
Respondent