

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
11G0618 & 11G0952

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IN THE MATTER OF	)	
	)	
Cynthia A. Mills,	)	CENSURE
ATTORNEY AT LAW	)	
	)	

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On April 26, 2012, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by the North Carolina State Bar and D. M.

Pursuant to section .0113(a) of the Discipline and Disability Rules of the North Carolina State Bar, the Grievance Committee conducted a preliminary hearing. After considering the information available to it, including your response to the letter of notice, the Grievance Committee found probable cause. Probable cause is defined in the rules as "reasonable cause to believe that a member of the North Carolina State Bar is guilty of misconduct justifying disciplinary action."

The rules provide that after a finding of probable cause, the Grievance Committee may determine that the filing of a complaint and a hearing before the Disciplinary Hearing Commission are not required and the Grievance Committee may issue various levels of discipline depending upon the misconduct, the actual or potential injury caused, and any aggravating or mitigating factors. The Grievance Committee may issue an admonition, a reprimand, or a censure.

A censure is a written form of discipline more serious than a reprimand, issued in cases in which an attorney has violated one or more provisions of the Rules of Professional Conduct and has caused significant harm or potential significant harm to a client, the administration of justice, the profession or a member of the public, but the misconduct does not require suspension of the attorney's license.

The Grievance Committee believes that a hearing before the Disciplinary Hearing Commission is not required in this case and issues this censure to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this censure.

You represented L.B.O. in a Pitt County domestic case. Family Court Rules for District 3A require a pre-trial conference, among the stated purposes of which are "narrowing the issues for trial or disposition of the case" and "to seriously explore the prospects of settlement of the case." Although attendance at pre-trial conferences is mandatory for all attorneys of record, you opted instead to send to the conference an associate lawyer from your firm. The associate lacked the authority to deal with substantive issues in the case and therefore no discussions could be held regarding narrowing the issues for trial or settlement possibilities. By failing to attend the conference, you knowingly disobeyed an obligation under the rules of the tribunal in violation of Rule 3.4(c).

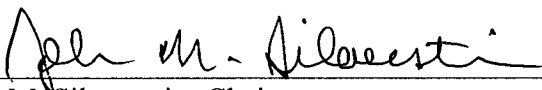
You filed a motion to recuse the presiding judge in L.B.O.'s case, which was denied after a full day hearing before a visiting judge. The stated legal and factual bases for your motion to recuse were frivolous in violation of Rule 3.1. In connection with the motion to recuse, you made allegations about the judge's conduct at prior hearings that were false and were easily disproved by readily-available recordings, thereby making false statements of material fact to the tribunal in violation of Rule 3.3(a) and making statements about the qualifications or integrity of a judge with reckless disregard to their truth or falsity in violation of Rule 8.2(a). By filing a motion that had "no legitimate purpose," you used means that had no substantial purpose other than to embarrass, delay, or burden a third person in violation of Rule 4.4(a).

You represented D.S.M. in a domestic matter that involved cases in both Carteret and Hertford Counties. D.S.M. eventually hired other counsel to represent her in the Carteret County case, from which you withdrew. You ceased working on D.S.M.'s other case pending in Hertford County but did not withdraw from that case, thereby failing to take reasonable measures to protect your client's interests upon termination of the representation in violation of Rule 1.16(d). You did not respond to repeated subsequent inquiries from D.S.M. and her counsel about the Hertford County matter, which was a violation of Rules 1.4(a) and (b).

You are hereby censured by the North Carolina State Bar for your violation of the Rules of Professional Conduct. The Grievance Committee trusts that you will ponder this censure, recognize the error that you have made, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession. This censure should serve as a strong reminder and inducement for you to weigh carefully in the future your responsibility to the public, your clients, your fellow attorneys and the courts, to the end that you demean yourself as a respected member of the legal profession whose conduct may be relied upon without question.

In accordance with the policy adopted July 23, 2010 by the Council of the North Carolina State Bar regarding the taxing of administrative fees and investigative costs to any attorney issued a censure by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this 8<sup>th</sup> day of April, 2015.

  
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John M. Silverstein, Chair  
Grievance Committee  
The North Carolina State Bar