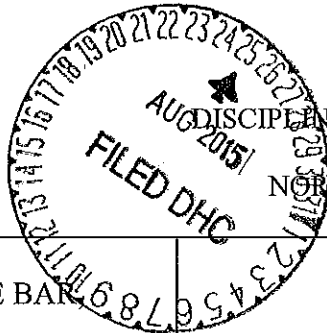


STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
14 DHC 18

THE NORTH CAROLINA STATE BAR

Plaintiff

v.

ANDREW N. PATTERSON, II, Attorney,

Defendant

ORDER OF DISCIPLINE

THIS MATTER was heard on 24 July 2015 by a Hearing Panel of the Disciplinary Hearing Commission composed of Steven D. Michael, Chair, Beverly T. Beal, and Christopher R. Bruffey pursuant to 27 N.C. Admin. Code 1B § .0114 of the Rules and Regulations of the North Carolina State Bar. Plaintiff, the North Carolina State Bar, was represented by Carmen H. Bannon and Brian P.D. Oten. Defendant, Andrew N. Patterson, II, represented himself.

On Plaintiff's motion, judgment by default was granted as to the findings of fact and conclusions of law by Order dated 12 May 2015. Based upon the pleadings and admissions pursuant to 27 N.C. Admin. Code 1B § .0114(f) and Rule 8(d) of the North Carolina Rules of Civil Procedure, the Hearing Panel hereby finds by clear, cogent, and convincing evidence the following

FINDINGS OF FACT

1. Plaintiff, the North Carolina 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 promulgated thereunder.

2. Defendant, Andrew N. Patterson, II, was admitted to the North Carolina State Bar on 20 March 1993 and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the rules, regulations and Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.

3. During the relevant period referred to herein, Patterson was actively engaged in the practice of law in the State of North Carolina and maintained a law office in Sylva, Jackson County, North Carolina.

4. Patterson was properly served with the summons and complaint in this matter.

5. Between 2010 and 2013, Patterson routinely failed to appear or appeared late to scheduled court hearings in both the North Carolina state courts and the Cherokee Tribal court.

6. Patterson's lateness or failure to appear resulted in his cases being unnecessarily continued or dismissed.

7. In June 2012, as a result of Patterson's conduct, Hon. Richlyn Holt, Chief District Court Judge of the 30th Judicial District, temporarily suspended Patterson from practicing before the district courts in the 30th Judicial District.

8. On or about 11 January 2010, the State Bar opened a grievance against Patterson based in part on the conduct described above, grievance file no. 10G0028.

9. After serving Patterson with a Letter of Notice in grievance file no. 10G0028 and receiving Patterson's response to the Letter of Notice, by letter dated 1 March 2012 the State Bar requested additional information from Patterson concerning his conduct and asked Patterson to produce documentation concerning his attorney trust account.

10. Patterson failed to provide the additional information and documentation requested by the State Bar.

11. In or around December 2011, Travis Van Hoogen retained Patterson to represent him in a child support and child custody action (Macon County case no. 11 CVD 240).

12. Van Hoogen paid Patterson \$3,500.00 for the representation.

13. Patterson executed a fee agreement with Van Hoogen.

14. Patterson's fee agreement with Van Hoogen did not reasonably communicate to Van Hoogen the basis or rate of the fee and the expenses for which Van Hoogen would be responsible.

15. Patterson's fee agreement stated: a) Patterson could withdraw from the representation with no notice to the client; b) Patterson's fee was "nonrefundable," and c) Patterson would sue the client to collect legal fees "if not paid within thirty days of the date owed."

16. The statements in Patterson's fee agreement referenced in paragraph 15 above were misleading.

17. Patterson agreed to file a motion to dismiss, a motion to modify child support, and a motion to change custody in Van Hoogen's case.

18. Patterson did not timely file the motions that Van Hoogen retained him to prepare.

19. Patterson did not timely respond to inquiries by Van Hoogen requesting an update on the status of the representation.

20. As a result of Patterson's inaction and lack of communication, Van Hoogen filed a motion to modify child support on his own without Patterson's assistance.

21. On 2 March 2012, Patterson filed a motion to strike and motion to dismiss on behalf of Van Hoogen in Macon County case no. 11 CVD 240.

22. In support of the motions, Patterson attached a verification purportedly signed by Van Hoogen.

23. Van Hoogen did not sign the verification page attached to the motion to strike and motion to dismiss.

24. Patterson signed Van Hoogen's name to the verification page without Van Hoogen's knowledge or consent.

25. At the time Patterson filed the motion to strike and motion to dismiss, Patterson was a licensed notary in the State of North Carolina.

26. Patterson notarized his signature of Van Hoogen's name on the verification page.

27. By signing Van Hoogen's name to the affidavit without Van Hoogen's knowledge or consent, Patterson committed the common law crime of forgery.

28. By filing the forged affidavit with the Macon County District Court in Van Hoogen's case, Patterson committed the common law crime of uttering a forged paper.

29. By notarizing Van Hoogen's forged signature on the affidavit, Patterson violated N.C. Gen. Stat. § 10B-60(d)(1) which makes it a felony to "take[]an acknowledgement . . . if the notary knows it to be false or fraudulent."

30. On 5 March 2012, Van Hoogen discharged Patterson as his attorney. Van Hoogen also requested a refund of the \$3,500.00 fee paid to Patterson.

31. Patterson never refunded any portion of Van Hoogen's paid fee.

32. On 6 June 2012, the State Bar opened a grievance against Patterson based upon Van Hoogen's allegations, grievance file no. 12G0541.

33. Patterson was served by the sheriff with the Letter of Notice in grievance file no. 12G0541 on 9 August 2012. The Letter of Notice instructed Patterson to respond within fifteen days of receiving the Letter of Notice.

34. Patterson did not respond to the Letter of Notice in grievance file no. 12G0541 until 25 September 2012.

35. On or about 9 March 2012, Jason Tramper ("Tramper") retained Patterson for representation in a child custody and visitation dispute.

36. On 9 March 2012, Tramper paid Patterson \$2,500.00 for the representation.
37. On 9 March 2012, Patterson and Tramper executed a fee agreement pertaining to the representation.
38. Patterson's fee agreement with Tramper did not reasonably communicate to Tramper the basis or rate of the fee and the expenses for which Tramper would be responsible.
39. Patterson's fee agreement stated: a) Patterson could withdraw from the representation with no notice to the client; b) Patterson's fee was "nonrefundable," and c) Patterson would sue the client to collect legal fees "if not paid within thirty days of the date owed."
40. The statements in Patterson's fee agreement referenced in paragraph 39 above were misleading.
41. On 11 May 2012, Patterson filed a complaint on behalf of Tramper.
42. Throughout the representation, Patterson failed to respond to requests from Tramper for an update on the status of his case.
43. In or around July 2012, Tramper terminated Patterson's representation and requested a refund of his paid fee.
44. Patterson did not respond to Tramper's request for a refund.
45. Patterson never refunded any portion of Tramper's paid fee after the representation was terminated.
46. On or around 3 August 2012, Tramper filed a fee dispute petition with the State Bar against Patterson, fee dispute file no. 12FD0392.
47. On 3 August 2012 and again on 7 September 2012, the State Bar sent Patterson a Notification of Mandatory Fee Dispute Resolution in fee dispute file no. 12FD0392.
48. Patterson did not respond to the Notification of Mandatory Fee Dispute Resolution in fee dispute file no. 12FD0392.
49. On 26 September 2012, the State Bar opened a grievance against Patterson based upon Tramper's allegations as well as Patterson's failure to participate in the fee dispute process, grievance file no. 12G0956.
50. In his response to the Letter of Notice in grievance file no. 12G0956, Patterson falsely stated that Tramper did not pay Patterson's fee until two weeks after they executed the fee agreement.
51. In or around July 2012, James Rostallon ("J. Rostallon") retained Patterson to file a complaint on J. Rostallon's behalf for an uncontested divorce.

52. J. Rostallon paid Patterson \$300.00 for the representation.
53. In September 2012, J. Rostallon provided the information Patterson needed to file the divorce complaint and instructed Patterson to file the complaint.
54. Patterson did not timely file the divorce complaint as instructed.
55. Between approximately 15 November 2012 and 13 December 2012, J. Rostallon made numerous inquiries to Patterson regarding the status of his case.
56. Patterson did not respond to J. Rostallon's inquiries.
57. On or about 14 December 2012, Patterson informed J. Rostallon's friend that Patterson required an additional \$250.00 to file the complaint.
58. At the outset of the representation, Patterson had not explained that J. Rostallon would be responsible for additional expenses of the representation.
59. J. Rostallon subsequently declined to provide Patterson with additional money, requested a refund of his paid fee from Patterson, and requested his client file from Patterson.
60. Patterson never refunded any portion of J. Rostallon's fee.
61. Patterson never provided J. Rostallon with his client file.
62. On 22 January 2013, J. Rostallon filed a grievance against Patterson with the State Bar, grievance file no. 13G0084.
63. Patterson was served by the sheriff with the Letter of Notice in grievance file no. 13G0084 on 12 March 2013. The Letter of Notice instructed Patterson to respond within fifteen days of receiving the Letter of Notice.
64. Patterson did not respond to the Letter of Notice in grievance file no. 13G0084 until 11 April 2013.
65. In or around July 2012, Mireille Rostallon ("M. Rostallon") retained Patterson for representation in collection of a debt from a third party.
66. M. Rostallon paid Patterson \$550.00 for the representation.
67. On or about 24 August 2012, Patterson informed M. Rostallon that he had filed the necessary papers to pursue her claim but had not yet served the opposing party.
68. Patterson's statement to M. Rostallon was false in that he had not filed any documents on her behalf.
69. On or about 30 September 2012, M. Rostallon requested a status update from Patterson regarding her case.

70. Patterson provided a terse response to M. Rostallon's inquiry, indicating that he was still working on M. Rostallon's case.

71. On or about 24 October 2012, M. Rostallon terminated Patterson's representation and requested a partial refund of her paid fee from Patterson.

72. Patterson did not respond to M. Rostallon's October 2012 request for a refund.

73. On or about 12 November 2012, M. Rostallon again requested a partial refund of her paid fee from Patterson.

74. Patterson did not respond to M. Rostallon's November 2012 request for a refund.

75. Patterson never refunded any portion of M. Rostallon's paid fee.

76. On 12 February 2013, the State Bar opened a grievance against Patterson based upon M. Rostallon's allegations, grievance file no. 13G0124.

77. Patterson was served by the sheriff with the Letter of Notice in grievance file no. 13G0124 on 12 March 2013. The Letter of Notice instructed Patterson to respond within fifteen days of receiving the Letter of Notice.

78. Patterson did not respond to the Letter of Notice in grievance file no. 13G0124.

79. During 2012 and 2013, Patterson represented two clients who were respondents in separate cases concerning domestic violence protective orders ("DVPO") sought by petitioners B.H. and T.C.

80. Both of Patterson's DVPO clients also faced related criminal charges arising out of the same facts as the DVPO petitions.

81. In both DVPO cases, petitioners B.H. and T.C. were represented by Legal Aid of North Carolina.

82. Patterson knew petitioners B.H. and T.C. were represented by Legal Aid of North Carolina.

83. In each case, during the course of the representation Patterson communicated directly with B.H. and T.C. about the subject of the representation without the consent of B.H.'s or T.C.'s counsel.

84. In one of the DVPO cases, Patterson aggressively approached and verbally berated counsel for T.C. Patterson also intentionally physically pushed opposing counsel with his shoulder while departing.

85. In or around May 2012, Patterson separated from his wife, Pamela Patterson ("his wife" or "Patterson's wife").

86. On or about 29 May 2012, Patterson filed a *pro se* "Complaint for Custody/Emergency Custody Visitation" against his wife, Jackson County file no. 12 CVD 335.

87. On or about 20 June 2012, Patterson filed a motion for emergency custody in 12 CVD 335.

88. Subsequently, Patterson and his wife executed a contract of separation – which was incorporated in a June 2012 court order – providing the parties with joint custody of their children.

89. In or around December 2012, Patterson filed a motion for a domestic violence protective order against his wife and filed a motion for a change of custody in 12 CVD 335. Patterson's wife also filed a number of motions in 12 CVD 335.

90. On or about 7 February 2013, Patterson and his wife entered into a consent order that provided both parties would refrain from making derogatory comments about the other in the presence of their children.

91. Shortly after signing the 7 February 2013 consent order, Patterson verbally berated his wife in the presence of their son.

92. Patterson's wife recorded Patterson's verbal berating.

93. In or around February 2013, Patterson inflicted injuries upon Patterson's 11-year old son.

94. On or about 11 February 2013, Patterson went to his wife's home uninvited and in direct violation of the terms of the 7 February 2013 consent order. Patterson refused to leave his wife's home until persuaded by the police.

95. Patterson's wife filed motions for domestic violence protective orders on behalf of her children against Patterson (Jackson County file nos. 13 CVD 117 and 13 CVD 187).

96. On or about 19 February 2013 and 19 March 2013, DVPOs were entered against Patterson prohibiting him from contacting his wife, his son, or his daughter.

97. On 24 through 29 April 2013, the parties' various pending motions were brought on for hearing in Jackson County District Court, Hon. David Fox presiding.

98. During the April 2013 hearing, the audio recording of Patterson's aforementioned February 2013 verbal berating of his wife was introduced into evidence.

99. During the April 2013 hearing, Patterson falsely testified that his son's voice had been dubbed onto the recording.

100. At the conclusion of the April 2013 hearing, and by written order dated 30 May 2013, Judge Fox found Patterson engaged in the conduct described in paragraphs 85-94 above, and further found that:

- (a) Patterson habitually reviled his wife in front of their children in violation of court orders and contractual obligations to the contrary; and
- (b) Patterson demonstrated ongoing indifference to court orders.

101. On 30 May 2013, Judge Fox also entered a DVPO against Patterson prohibiting Patterson from contacting his wife or his son.

102. On or about 12 June 2013, Patterson was arrested for violating the 30 May 2013 DVPO.

103. As a result of his 12 June 2013 violation of the DVPO, on 2 August 2013, Patterson pled guilty to violating the DVPO in Jackson County case no. 13 CR 50743.

104. On several other occasions during this period, Patterson knowingly violated DVPOs that had been entered against him.

105. On 14 March 2013, the State Bar opened a grievance against Patterson based upon the aforementioned conduct, grievance file no. 13G0192.

106. Patterson was served by the sheriff with the Letter of Notice in grievance file no. 13G0192 on 30 July 2013. The Letter of Notice instructed Patterson to respond within fifteen days of receiving the Letter of Notice.

107. Patterson did not respond to the Letter of Notice in grievance file no. 13G0192 until 10 September 2013.

108. In his response, Patterson falsely claimed that there was no evidence of injury to his son as a result of Patterson's conduct set forth in paragraph 93 above and in Judge Fox's May 2013 order.

Based on the foregoing Findings of Fact, and the pleadings and admissions pursuant to 27 N.C. Admin. Code 1B § .0114(f), the Hearing Panel makes the following

CONCLUSIONS OF LAW

1. All parties are properly before the Hearing Panel and the DHC has jurisdiction over Defendant, Andrew N. Patterson, II, and over the subject matter of this proceeding.
2. Defendant's conduct, as set out in the Findings of Fact above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. §§ 84-28(b)(2) & (b)(3) in that Defendant violated the Rules of Professional Conduct and N.C. Gen. Stat. § 84-28(b)(3) as follows:
 - (a) By failing to appear or failing to timely appear at scheduled court hearings, Patterson failed to act with reasonable diligence and promptness in representing clients in violation of Rule 1.3 and engaged in conduct that was prejudicial to the administration of justice in violation of Rule 8.4(d);

- (b) By failing to provide information and documentation requested by the State Bar in grievance file no. 10G0028, Patterson knowingly failed to respond to a lawful demand for information from a disciplinary authority in violation of Rule 8.1(b) and N.C. Gen. Stat. § 84-28(b)(3);
- (c) By failing to respond to Van Hoogen's inquiries concerning the status of his case, Patterson failed to keep his client reasonably informed about the status of the representation in violation of Rule 1.4(a)(3) and failed to promptly comply with reasonable requests for information in violation of Rule 1.4(a)(4);
- (d) By executing a fee agreement with Van Hoogen that failed to explain the basis or rate of the fee and expenses for which his client would be responsible, Patterson violated Rule 1.5(b);
- (e) By stating in the fee agreement that Patterson could withdraw from the representation with no notice to the client, by labeling his legal fee as nonrefundable, and by stating that he would sue his client to collect legal fees "if not paid within thirty days of the date owed," Patterson made misleading statements about the legal services he could provide in violation of Rule 7.1(a);
- (f) By failing to perform or timely perform the services for which he was retained and by failing to refund any portion of Van Hoogen's paid legal fee after termination of representation, Patterson failed to act with reasonable diligence and promptness in representing a client in violation of Rule 1.3, collected an excessive fee in violation of Rule 1.5(a), and failed to take steps to the extent reasonably practicable to protect his client's interest upon termination of representation in violation of Rule 1.16(d);
- (g) By knowingly forging his client's signature on a verification, Patterson committed a criminal act that reflects adversely on his honesty, trustworthiness, and fitness as a lawyer in violation of Rule 8.4(b), engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c), and engaged in conduct that is prejudicial to the administration of justice in violation of Rule 8.4(d);
- (h) By knowingly notarizing a forged verification page, Patterson committed a criminal act that reflects adversely on his honesty, trustworthiness, and fitness as a lawyer in violation of Rule 8.4(b), engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c), and engaged in conduct that is prejudicial to the administration of justice in violation of Rule 8.4(d);
- (i) By filing a forged verification page with the Macon County District Court, Patterson committed a criminal act that reflects adversely on his honesty, trustworthiness, and fitness as a lawyer in violation of Rule 8.4(b), engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of

Rule 8.4(c), and engaged in conduct that is prejudicial to the administration of justice in violation of Rule 8.4(d);

- (j) By failing to timely respond to the Letter of Notice in grievance file no. 12G0541, Patterson knowingly failed to respond as required to a lawful demand for information from a disciplinary authority in violation of Rule 8.1(b) and N.C. Gen. Stat. § 84-28(b)(3);
- (k) By failing to respond to Tramper's inquiries concerning the status of his case or to Tramper's request for a refund, Patterson failed to keep his client reasonably informed about the status of the representation in violation of Rule 1.4(a)(3) and failed to promptly comply with reasonable requests for information in violation of Rule 1.4(a)(4);
- (l) By executing a fee agreement with Tramper that failed to explain the basis or rate of the fee and expenses for which his client would be responsible, Patterson violated Rule 1.5(b);
- (m) By stating in the fee agreement that Patterson could withdraw from the representation with no notice to the client, by labeling his legal fee as nonrefundable, and by stating that he would sue his client to collect legal fees "if not paid within thirty days of the date owed," Patterson made misleading statements about the legal services he could provide in violation of Rule 7.1(a);
- (n) By failing to respond to the State Bar's fee dispute notification in fee dispute file no. 12FD0392, Patterson failed to participate in the fee dispute process in violation of Rule 1.5(f)(2);
- (o) By falsely stating in his response to grievance file no. 12G0956 that Tramper did not pay Patterson's fee until two weeks after they executed the fee agreement, Patterson made a false statement to the Grievance Committee in connection with a disciplinary matter in violation of Rule 8.1(a) and N.C. Gen. Stat. § 84-28(b)(3);
- (p) By failing to inform J. Rostallon, before or within a reasonable time after commencing the representation, of the additional expenses for which he would be responsible, Patterson violated Rule 1.5(b);
- (q) By failing to respond to J. Rostallon's inquiries concerning the status of his case, Patterson failed to keep his client reasonably informed about the status of the representation in violation of Rule 1.4(a)(3) and failed to promptly comply with reasonable requests for information in violation of Rule 1.4(a)(4);
- (r) By failing to provide J. Rostallon with his client file after termination of representation, Patterson failed to take steps to the extent reasonably practicable to protect his client's interest upon termination of representation in violation of Rule 1.16(d);

- (s) By failing to timely respond to the Letter of Notice in grievance file no. 13G0084, Patterson knowingly failed to respond as required to a lawful demand for information from a disciplinary authority in violation of Rule 8.1(b) and N.C. Gen. Stat. § 84-28(b)(3);
- (t) By failing to substantively respond to M. Rostallon's request for an update on the status of her case and by failing to respond to M. Rostallon's request for a refund, Patterson failed to keep his client reasonably informed about the status of the representation in violation of Rule 1.4(a)(3) and failed to promptly comply with reasonable requests for information in violation of Rule 1.4(a)(4);
- (u) By telling M. Rostallon that he had filed documents to pursue her case when he had not, Patterson engaged in conduct involving dishonesty, deceit, fraud, or misrepresentation in violation of Rule 8.4(c);
- (v) By failing to complete the services for which he was retained and by failing to refund any portion of M. Rostallon's paid legal fee after termination of representation, Patterson collected an excessive fee in violation of Rule 1.5(a) and failed to take steps to the extent reasonably practicable to protect his client's interest upon termination of representation in violation of Rule 1.16(d);
- (w) By failing to respond to the Letter of Notice in grievance file no. 13G0124, Patterson knowingly failed to respond to a lawful demand for information from a disciplinary authority in violation of Rule 8.1(b) and N.C. Gen. Stat. § 84-28(b)(3);
- (x) By speaking directly with the petitioners while representing the respondents in two separate DVPO cases about the subject of the representation without the consent of petitioners' counsel, Patterson improperly communicated with persons he knew to be represented by counsel without counsels' consent in violation of Rule 4.2(a) and engaged in conduct that was prejudicial to the administration of justice in violation of Rule 8.4(d);
- (y) By verbally berating and aggressively touching opposing counsel during the course of representing his client, Patterson engaged in conduct that had no substantial purpose other than to embarrass, delay, or burden a third person in violation of Rule 4.4(a);
- (z) By berating his wife in the presence of his son, thereby violating the terms of the 7 February 2013 consent order, Patterson knowingly disobeyed his obligation under the rules of a tribunal in violation of Rule 3.4(c);
- (aa) By testifying that his son was not present when he verbally berated his wife and that his wife's audio recording of the incident had been altered, Patterson made a false statement of material fact to a tribunal in violation of Rule 3.3(a)(1) and engaged in

conduct involving dishonesty, deceit, fraud, or misrepresentation in violation of Rule 8.4(c);

- (bb) By violating the domestic violence protective orders imposed against him, Patterson knowingly disobeyed his obligation under the rules of a tribunal in violation of Rule 3.4(c), committed a criminal act that reflects adversely on his honesty, trustworthiness or fitness as a lawyer in violation of Rule 8.4(b), and engaged in conduct that was prejudicial to the administration of justice in violation of Rule 8.4(d);
- (cc) By failing to timely respond to the Letter of Notice in grievance file no. 13G0192, Patterson knowingly failed to respond to a lawful demand for information from a disciplinary authority in violation of Rule 8.1(b) and N.C. Gen. Stat. § 84-28(b)(3); and
- (dd) By falsely claiming in his response to grievance file no. 13G0192 that there was no evidence of his son being injured by Patterson's conduct in February 2013, Patterson knowingly made a false statement of material fact in connection with a disciplinary matter in violation of Rule 8.1(a) and N.C. Gen. Stat. § 84-28(b)(3) and engaged in conduct involving dishonesty, deceit, fraud, or misrepresentation in violation of Rule 8.4(c).

Based upon the Findings of Fact, Conclusions of Law, and the evidence presented at the hearing in this case, the Hearing Panel also finds by clear, cogent, and convincing evidence the following

ADDITIONAL FINDINGS REGARDING DISCIPLINE

1. At the hearing, the Hearing Panel received testimony from a variety of witnesses, including judges, Defendant's former clients, an attorney, and Defendant himself. The Hearing Panel finds that Defendant's testimony was not credible, as Defendant's testimony was in complete conflict with the overwhelming credible evidence and testimony that was heard by the Hearing Panel during this proceeding.

2. Defendant's responses to State Bar grievance inquiries, filings in the DHC, and testimony and argument during the disciplinary hearing reflect a pervasive tendency to criticize others rather than acknowledging wrongdoing. For example:

- (a) In justifying his forgery and false notary, Defendant characterized his client as unavailable and his client's father as overbearing;
- (b) In responding to the allegations of communicating directly with represented parties, Defendant belittled opposing counsel, calling them "rude," "ugly," and "a real jerk;"

- (c) Defendant claimed he was not treated fairly by the judges in Western North Carolina and was “blackballed;” and
- (d) Defendant insinuated the State Bar engaged in improper conduct in litigating this disciplinary case.

3. Defendant acted with a selfish motive by prioritizing his own convenience over his clients’ interests and the integrity of the judicial process. This is demonstrated not only by his chronic failure to appear in court, but also by his statement that he forged Van Hoogen’s signature and falsified the notary because he “couldn’t get ahold of [Van Hoogen]” and wanted his Van Hoogen’s father to “get off [his] back.”

4. Defendant’s conduct caused significant harm to his clients, who were vulnerable because they were unfamiliar with the legal process and relied upon Defendant to protect their rights and interests. Defendant’s continual failure to diligently tend to his clients’ cases impaired his clients’ ability to achieve the goals of the representation and demonstrates his intent to act in a way that resulted in foreseeable significant harm to his clients. Defendant’s lack of dependability reflects adversely on his trustworthiness to handle clients’ legal matters.

5. Defendant’s conduct negatively impacted his client’s perception of the profession. Mireille Rostallon testified that she felt apprehensive of retaining an attorney for any work as a result of her experience with Defendant.

6. Defendant’s routine failure to appear in court and tardiness for court hearings directly interfered with the administration of justice and harmed his clients by delaying resolution of their cases. Defendant’s pattern of unexcused absenteeism occurred over a period of at least 7 years, in multiple courts.

7. Defendant has previously received written discipline from the Grievance Committee of the State Bar for violating the Rules of Professional Conduct:

- (a) In 1995, Defendant received a reprimand for directing an employee to sign a client’s name on a verified complaint and directing another employee to notarize that false signature.
- (b) In 1999, Defendant received a reprimand for abandoning his law practice without notice to clients and for failing to file a client’s bankruptcy petition.
- (c) In 2009, Defendant received an admonition for – among other things – making misrepresentations about missing hearings and billing a client for hearings he did not attend.
- (d) In 2009, Defendant received an admonition for failure to participate in good faith in the State Bar’s fee dispute resolution process and failure to timely respond to notice of a grievance filed against him.

8. These instances of prior discipline should have assisted Defendant in complying with the Rules of Professional Conduct, but Defendant did not reform in response to clear directives that his behavior was improper. Instead, his pattern of client neglect, dishonesty, and refusal to participate in the self-regulatory process continued unabated.

9. Defendant acted in a dishonest and deceitful manner when he signed his client's name to a verification, notarized the forged signature, and filed the verification with the Court. This conduct reflects Defendant's lack of honesty, trustworthiness, and integrity, particularly because he was previously reprimanded for nearly identical misconduct and expressly informed that such conduct was dishonest.

10. Defendant's conduct in forging his client's name on the verification, notarizing the forged signature, and filing the forged and falsely notarized verification with the Court constitute multiple criminal acts, at least one of which is a felony.

11. Attorneys as officers of the court have a duty to avoid conduct that undermines the integrity of the adjudicative process. When an attorney submits a forged and falsely notarized document to the court, it causes significant harm to the profession and the administration of justice in that—at minimum—such conduct erodes judges' and lawyers' ability to rely on representations by a fellow attorney.

12. Defendant's willingness to communicate directly with persons he knew were represented without the consent of their counsel had the potential to cause significant harm to the legal profession and the administration of justice by undermining the integrity of those individuals' attorney-client relationships.

13. Verbally and physically aggressive behavior towards opposing counsel, such as Defendant's behavior towards counsel for T.C., corrodes standards of professionalism among lawyers and tends to divert the targeted lawyer's focus away from representing his or her client's interests.

14. Defendant's criminal conviction for violating a Domestic Violence Protective Order reflects a disregard for the rule of law and has the potential to cause significant harm to the standing of the legal profession in the eyes of the public. When lawyers violate the law in their business and personal affairs, it brings disrepute upon the legal profession and undermines public confidence in lawyers.

15. Defendant's persistent refusal to meaningfully participate in the self-regulatory process interferes with the State Bar's ability to regulate its members and undermines the profession's privilege to remain self-regulating.

16. In addition to his repeated failure to timely respond to inquiries from the State Bar during the fee dispute and grievance processes, Defendant failed to respond to Plaintiff's discovery requests in this disciplinary case, even when compelled by order of this Hearing Panel. Defendant also appealed three separate orders issued by this Hearing Panel, one of

which stayed the proceedings in this case, but failed to perfect all three appeals, which resulted in unnecessary delay of this proceeding. Defendant also made misrepresentations – both in his motions and by omission – to this Hearing Panel regarding his availability for scheduled depositions and disciplinary hearing dates. Nothing in the record tends to show that Defendant’s non-compliance with rules and orders of this tribunal was a good faith mistake or the result of excusable neglect.

17. In 2013, Defendant relocated to Jacksonville, NC, and began practicing law in Onslow County. Defendant testified that he has practiced without incident in Onslow County. However, as Defendant acknowledged at the hearing, Defendant has received two Letters of Notice from the State Bar as a result of grievances filed against Defendant concerning his conduct while practicing in Onslow County.

18. There is no indication that Defendant has accepted responsibility for his misconduct and its consequences. He has not acknowledged violating the Rules of Professional Conduct, expressed remorse, or shown any insight regarding his lack of professionalism.

19. Defendant, who has been licensed to practice law in North Carolina for twenty-two years, has substantial experience in the practice of law.

Based upon the Findings of Fact, Conclusions of Law, and Additional Findings Regarding Discipline, the Hearing Panel makes the following:

CONCLUSIONS REGARDING DISCIPLINE

1. The Hearing Panel has carefully considered all of the different forms of discipline available to it.

2. The Hearing Panel considered all of the factors enumerated in 27 N.C. Admin. Code 1B § .0114(w) of the Discipline and Disciplinary Rules of the North Carolina State Bar.

3. The Hearing Panel concludes that the following factors from § .0114(w)(1), which are to be considered in imposing suspension or disbarment, are present in this case:

- (a) intent of the defendant to commit acts where the harm or potential harm is foreseeable;
- (b) circumstances reflecting the defendant’s lack of honesty, trustworthiness, or integrity;
- (c) negative impact of the defendant’s actions on client’s or public’s perception of the profession;
- (d) negative impact of the defendant’s actions on the administration of justice;
- (e) impairment of the client’s ability to achieve the goals of the representation;

- (f) acts of dishonesty, misrepresentation, deceit, or fabrication; and
- (g) multiple instances of failure to participate in the legal profession's self-regulation process.

4. The Hearing Panel concludes that the following factors from § .0114(w)(2), which require consideration of disbarment, are present in this case:

- (a) acts of dishonesty, misrepresentation, deceit, or fabrication; and
- (b) commission of a felony.

5. The Hearing Panel concludes that the following factors from § .0114(w)(3), which are to be considered in all cases, are present in this case:

- (a) prior disciplinary offenses in this state;
- (b) dishonest or selfish motive;
- (c) a pattern of misconduct;
- (d) multiple offenses;
- (e) bad faith obstruction of the disciplinary proceedings by intentionally failing to comply with the rules and orders of the disciplinary agency;
- (f) submission of false evidence, false statements, or other deceptive practices during the disciplinary process;
- (g) refusal to acknowledge the wrongful nature of conduct;
- (h) vulnerability of victims; and
- (i) degree of experience in the practice of law.

6. The Hearing Panel has considered all other forms of discipline available and concludes that any sanction less than disbarment would fail to acknowledge the seriousness of the offenses committed by Defendant, would not adequately protect the public, and would send the wrong message to attorneys and the public regarding the conduct expected of members of the Bar.

7. Defendant's persistent pattern of misconduct up through and including his actions in this disciplinary proceeding indicate that Defendant is either unwilling or unable to conform his behavior to the requirements of the Rules of Professional Conduct. Defendant refuses to acknowledge the wrongfulness of his conduct. Accordingly, if Defendant were permitted to continue practicing law, he would pose an unacceptable risk of continued harm to clients, the profession, the public, and the administration of justice.

8. Notwithstanding repeated prior warnings about the impropriety of his conduct, Defendant exhibits ongoing misconduct and an unrepentant attitude. Accordingly, the only way to protect the public is for Defendant to be required to demonstrate rehabilitation and reformation before he may be permitted to resume practicing law. Disbarred lawyers are required to prove reformation before they may be reinstated.

9. The Hearing Panel concludes that disbarment is the only discipline that will adequately protect the public from future transgressions by Defendant for the following reasons:

- (a) The nature and extent of Defendant's misconduct;
- (b) Defendant's repeated failure to participate in the State Bar's regulatory process;
- (c) The nature and extent of Defendant's prior discipline; and
- (d) The significant harm caused by Defendant's conduct and the significant potential harm resulting from Defendant's conduct.

Based upon the foregoing Findings of Fact, Conclusions of Law, and Findings and Conclusions Regarding Discipline, the Hearing Panel enters the following

ORDER OF DISCIPLINE

1. Defendant, Andrew N. Patterson, II, is hereby DISBARRED. This Order is effective 30 days after service of the Order upon Defendant.

2. Defendant shall submit his license and membership card to the Secretary of the North Carolina State Bar no later than 30 days following the effective date of this Order. Defendant shall comply with the wind down provisions contained in Rule .0124 of the North Carolina State Bar Discipline and Disability Rules, located at 27 N.C. Admin. Code 1B § .0124.

3. Defendant shall pay the costs and administrative fees of this proceeding as assessed by the Secretary, including the costs of all depositions as well as the costs of all video recordings and transcriptions of depositions taken in this case, within 30 days of service of the statement of costs and administrative fees upon him. If service of Defendant cannot be obtained following a reasonably diligent attempt by the Clerk, service shall be presumed 30 days after the Clerk's mailing of the statement of costs and administrative fees to Defendant at Defendant's address of record with the North Carolina State Bar pursuant to 27 N.C. Admin. Code 1B § .0114(y).

4. Within 15 days of the effective date of this Order, Defendant shall provide the State Bar with an address and telephone number at which clients seeking their files can communicate with Defendant and obtain such files.

5. Defendant shall promptly return client files to clients upon request, within 5 days of receipt of such request. Defendant will be deemed to have received any such request 3 days

after the date such request is sent to Defendant if the request is sent to the address Defendant provided the State Bar pursuant to the preceding paragraph.

21st Signed by the Chair with the consent of the other Hearing Panel members, this the
day of August, 2015.

A handwritten signature in cursive script that reads "Steven D. Michael". The signature is written in black ink and is positioned above the printed name and title.

Steven D. Michael, Chair
Disciplinary Hearing Panel