

STATE OF NORTH CAROLINA
WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING
COMMISSION OF THE
NORTH CAROLINA STATE BAR
15 DHC 8

THE NORTH CAROLINA STATE BAR,
Plaintiff

v.

CASSANDRA STUBBS, Attorney,
Defendant

**ORDER GRANTING
DEFENDANT'S MOTION FOR
RECONSIDERATION AND
ENTERING SUMMARY
JUDGMENT IN DEFENDANT'S
FAVOR**

Pursuant to 27 N.C. Admin. Code 1B §§ .0114(n) and .0114(u) of the State Bar's Discipline and Disability Rules, N.C. Gen. Stat. §1A-1, Rules 56 and 58 of the North Carolina Rules of Civil Procedure, and the inherent authority of the Disciplinary Hearing Commission (DHC), the Hearing Panel in the above-referenced action finds and orders the following:

1. On March 11, 2015, Plaintiff, the North Carolina State Bar, filed separate complaints against Cassandra Stubbs, 15 DHC 8, and Gretchen Engel, 15 DHC 9, alleging violations of Rule 1.3 and Rule 8.4(d) regarding two affidavits offered into evidence by the defense in the post-conviction litigation of *State v. Marcus Robinson*. Plaintiff proceeded with Ms. Stubbs's and Ms. Engel's cases separately.

2. On July 10, 2015, after converting Ms. Stubbs's pre-trial motion for judgment on the pleadings into a motion for summary judgment and considering materials submitted by the parties on that issue, this Hearing Panel heard oral arguments and concluded that Plaintiff, the non-moving party, was entitled to summary judgment in its favor.

3. On July 20, 2015, this Hearing Panel entered a written order memorializing its finding that there were no genuine issues of material fact and concluding as a matter of law that the charges of misconduct alleged in the complaint were established and entered summary judgment in favor of Plaintiff.

4. On September 11, 2015, this Hearing Panel conducted a Phase 2 hearing in Ms. Stubbs's matter and determined that an admonition would be appropriate. However, the Panel did not enter a written order finalizing that determination.

5. On September 15, 2015, after concluding a Phase 1 evidentiary hearing in *North Carolina State Bar v. Engel*, a different Hearing Panel of the Disciplinary Hearing Commission dismissed the complaint against Ms. Engel.

6. On November 16, 2015, before this Hearing Panel entered a final written order in Ms. Stubbs's matter, she filed a Motion for Reconsideration of the Phase 1 decision in her case and asked this Panel to vacate summary judgment in the State Bar's favor and enter summary judgment in her favor. On December 3, 2015, the State Bar filed a response to that motion. On December 16, 2015, Ms. Stubbs filed a reply to the State Bar's response.


7. The Hearing Panel has considered the entire record in this matter and ORDERS the following:

(a) Defendant's Motion for Reconsideration is granted.

(b) Pursuant to Rules 56 and 58 and the inherent authority of the Disciplinary Hearing Commission, this Hearing Panel vacates its July 20, 2015 order entering summary judgment in favor of the State Bar and hereby enters summary judgment in favor of Ms. Stubbs, finding as a matter of law that she did not violate the Rules of Professional Conduct as alleged in the Complaint.

(c) The Complaint filed in the above-captioned matter against Cassandra Stubbs is hereby dismissed.

Signed by the Chair with the consent of the other Hearing Panel members this 31 day of January, 2016.


Donald C. Prentiss, Chair
Disciplinary Hearing Panel