

Lisa Baldwin
5 Worley Lane
Fletcher, NC 28732
(828) 628-9537
February 19, 2014

The Grievance Committee
The North Carolina State Bar
208 Fayetteville Street
PO Box 25908
Raleigh, NC 27611
(919) 828-4620

Subject: Complaint against Karl Dean Shatley II.

I, the undersigned hereby complain against

Karl Dean Shatley II, ID 31782
Campbell Shatley, P.L.L.C.
674 Merrimon Avenue Suite 210
Asheville, NC 28804
(828) 378-0063
dean@csedlaw.com

I agree to cooperate by furnishing to the representatives of the North Carolina State Bar all pertinent information and records in my possession concerning the alleged misconduct of said attorney. I further agree that if a hearing or inquiry is ordered concerning the alleged misconduct of said attorney, then I will furnish evidence concerning the facts by submitting to deposition or personal attendance at the hearing or inquiry. I hereby indicate that this information is provided and transmitted by me to the North Carolina State Bar for the purpose of investigating the alleged misconduct of the above named attorney. I understand that I may also need to reveal this information to a privately-retained attorney to pursue private remedies on my behalf. I further understand that the immunity granted by North Carolina General Statute 84-28.2 applies only to those statements made without malice and intended for transmittal only to the North Carolina State Bar.

I also understand that the North Carolina State Bar may reveal this information to the accused attorney for his response to a formal inquiry and to others pursuant only to the Rules and Regulations of the North Carolina State Bar.

Complaint.

I am a member of the Buncombe County Board of Education. The Buncombe County Board of Education held a regular meeting on January 9, 2014. The agenda had been approved, with one agenda item being an Employee Service Recognition segment, the purpose being recognition of employees reaching milestones in their career, such as 10, 20, or 30 years of service. After the completion of this segment, Board Chair Bob Rhinehart allowed Superintendent Dr. Tony Baldwin (no relation to me) to veer off the agenda, "to roast Jan Blunt, Communications Director, a little bit". Jan Blunt was resigning from her position on January 31, 2014. The Board had not yet approved her resignation at that point in the meeting.

This Board Meeting was video recorded:

- by a professionally hired videographer whose video is posted on the Buncombe County Schools website <http://www.buncombe.k12.nc.us/>, specifically <http://vimeo.com/83883088#t=36m05s>,
- posted by Casey Blake as a short 57 second video of this segment of the meeting on The Asheville Citizen-Times on-line newspapers <http://www.citizen-times.com/article/20140109/NEWS/301090082>, as part of her article,
- and published as text in The Asheville Tribune Papers, <http://www.thetribunepapers.com/2014/01/20/school-board-pounds-lisa-baldwin-her-comments-called-illegal/>

In addition, I transcribed the audio which follows here.

“[Ms. Baldwin] Some countries are very honest about it when they are talking about public relations, communications directors - they call it minister of propaganda.

And I can truly say that Jan was quite a master at putting the spin on everything.

And it is my hope that in the future we decide not to have this position...

[Karl Dean Shatley II] Ms. Baldwin, that is unacceptable when you are talking negatively about an employee, calling into question their performance on the job.

[Ms. Baldwin] I'm telling the truth.

[Karl Dean Shatley II] Ms. Baldwin, but it's illegal...”

I believe when Karl Dean Shatley II interrupted the meeting, and burst out saying my remarks were “illegal”, he violated the North Carolina Bar Association Rules of Profession Conduct.

Subsequent to the meeting, I raised an objection with Karl Dean Shatley II for calling my remarks “illegal” and requested clarification with the following e-mail exchanges [See enclosed attachment].

On Jan 21, 2014, I sent the following:

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----- Forwarded message -----  
From: Lisa Baldwin <lisa.baldwin@bcsemail.org>  
Date: Tue, Jan 21, 2014 at 12:20 PM  
Subject: Jan. 9, 2013 Board Meeting Question  
To: Dean Shatley <dean@cstedlaw.com>
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Dear Mr. Shatley,
I am requesting your rationale 1) for the interruption of my comments and 2) for your description of them as "illegal" at the Jan. 9, 2013 regular Board meeting. Thank you for providing the rationale in writing.
Best regards,
Lisa

On January 23, 2014, I sent:

----- Forwarded message -----
From: Lisa Baldwin <lisa.baldwin@bcsemail.org>
Date: Thu, Jan 23, 2014 at 8:27 AM
Subject: Re: Jan. 9, 2013 Board Meeting Question
To: Dean Shatley <dean@csedlaw.com>

Good morning, Mr. Shatley,
I am requesting that you respond in electronic format, even if mailing a hard copy.

Thank you,
Lisa Baldwin

On Feb 4, 2014, Karl Dean Shatley II responded with:

Dean Shatley
Feb 4
to bob.rhinehart, Chris, chip.craig, me

If you are seeking a legal response, I would be happy to discuss the issues in closed session at the Board meeting.

Regards,
Dean

On Feb. 4, 2014, I responded to Karl Dean Shatley II and copied (Board Chair) Bob Rhinehart, Chris Campbell and (Board Vice-Chair) Chip Craig:

to Dean, bob.rhinehart, Chris, chip.craig, bcc: Lisa

Dean,
I assume you received my certified letter today. I do not want to talk about your rationale in a closed session. I want a public, written response to both of the very public interruptions at the last meeting.

The Board and the public deserve some answers.
Sincerely,
Lisa Baldwin

Karl Dean Shatley II never provided me with any public or private rationale for calling my remarks “illegal” during the Board Meeting.

Since this exchange during the Board Meeting was a widely published article in the Asheville Citizen-Times, referenced by other news organizations and readers began to comment on-line, I feel my reputation has been needlessly damaged. When “an attorney” called my remarks “illegal”, people tend to believe what an attorney says, because he is supposed to be knowledgeable about the law, and don’t realize that it is only an opinion. People also tend to believe what is printed.

An actual comment in the Asheville Citizen-Times by Michelle Pace Wood who attended the meeting (see Attachment) said about the exchange that “The attorney last night even said it was illegal”.

Violation of Rules of Professional Conduct.

0.1 PREAMBLE: A LAWYER'S PROFESSIONAL RESPONSIBILITIES

[2] As a representative of clients, a lawyer performs various functions. **As advisor, a lawyer provides a client with an informed understanding of the client's legal rights and obligations and explains their practical implications.**

As you can see from the e-mail dialog, even when I requested that I be given an informed understanding of his rationale and my legal rights, Karl Dean Shatley II balked, and basically refused, never providing the rationale for his interrupting a meeting without being recognized or asked for his legal opinion. To this day, Karl Dean Shatley II has never provided me with a North Carolina General Statute reference for his outburst.

0.1 PREAMBLE: A LAWYER'S PROFESSIONAL RESPONSIBILITIES

[5] A lawyer's conduct should conform to the requirements of the law, both in professional service to clients and in the lawyer's business and personal affairs. **A lawyer should use the law's procedures only for legitimate purposes and not to harass or intimidate others.** A lawyer should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers, and public officials. While it is a lawyer's duty, when necessary, to challenge the rectitude of official action, **it is also a lawyer's duty to uphold the legal process.**

I feel that I was intimidated. I was speechless and in a state of distress - I could not respond. I did exactly what the Superintendent told us to do, that was to roast Jan Blunt, the Communications Director. You walk a fine line when you ask people to roast someone, because you never know what people are going to say. Why did Karl Dean Shatley II say what I said was "illegal" in that context?

RULE 1.13: ORGANIZATION AS CLIENT

(b)) If a lawyer for an organization knows that an officer, employee, or other person associated with the organization is engaged in action, intends to act or refuses to act in a matter related to the representation that is a violation of a legal obligation to the organization, or a violation of law which reasonably might be imputed to the organization, and is likely to result in substantial injury to the organization, then the lawyer shall proceed as is reasonably necessary in the best interest of the organization. Unless the lawyer reasonably believes that it is not necessary in the best interest of the organization to do so, the lawyer shall refer the matter to higher authority in the organization, including, if warranted by the circumstances, to the highest authority that can act on behalf of the organization as determined by applicable law.

If Karl Dean Shatley II's outburst was aimed at me, an elected official, presumably because he was protecting the organization (Buncombe County School Board, the Board who hired him) from actions that might impugn the organization, then why has he never explained the rationale for his outburst, and never provided a statutory basis even to the School Board?

RULE 4.1: TRUTHFULNESS IN STATEMENTS TO OTHERS

In the course of representing a client a lawyer shall not knowingly make a false statement of material fact or law to a third person.

Karl Dean Shatley II not only made an alleged false statement of material law during his outburst to a third person, he made it to the entire world.

RULE 5.1: RESPONSIBILITIES OF PARTNERS, MANAGERS, AND SUPERVISORY LAWYERS

(a) A partner in a law firm, and a lawyer who individually or together with other lawyers possesses comparable managerial authority, shall make reasonable efforts to ensure that the firm or the organization has in effect measures giving reasonable assurance that all lawyers in the firm or the organization conform to the Rules of Professional Conduct.

Why hasn't Christopher Z. Campbell, Bar ID # 23035, Karl Dean Shatley II's senior partner, jumped in to clarify Karl Dean Shatley II's outburst?

RULE 8.4: MISCONDUCT

It is professional misconduct for a lawyer to:

(g) intentionally prejudice or damage his or her client during the course of the professional relationship, except as may be required by Rule 3.3.

The comment provided by Michelle Pace Wood is one of many damaging comments I have received, all believing that what I did was illegal. I feel I have been publically damaged with malicious intent and reckless disregard for the truth. I feel that this has been an abuse of power.

I believe that Karl Dean Shatley II has acted with Moral Turpitude.

enc:

Article, Asheville Citizen-Times, "School board clashes over Baldwin comments"

Article, The Tribune Papers, School Board pounds Lisa Baldwin; her comments called 'illegal'.

E-mail dialog with Karl Dean Shatley II

Notarized copy of Transcript

Comment to Asheville Citizen-Times article by Michelle Pace Wood

Lisa Baldwin
5 Worley Lane
Fletcher, NC 28732
(828) 628-9537

[Notary Stamp Here]

Jurat

Signed and sworn before me _____, on this day, the ____ day of _____, 2013.

Signed: _____

Printed: _____

My commission expires on _____

E-mail dialog with Karl Dean Shatley II

----- Forwarded message -----
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Lisa

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Lisa Baldwin, M.S.

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