

Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786
(828) 456-3718
June 8, 2018

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

Subject: Complaint against Russell L. McLean III.

Thank you for taking the time to write me your letter of May 30, 2018, indicating that you will not be opening a grievance file in response to Rusty McLean's abuse of power.

Am I to understand that if a lawyer writes or contacts you regarding his/her nefarious activities, he automatically gets off the hook regarding any future grievance filed against him?

What a racket!

Can you please cite the paragraph in the NC Rules of Professional Conduct you applied to excuse his abuse of power?

I am to assume that Rusty McLean gets a free pass on using the Haywood County Judicial System and Sheriff's Office for his own personal Private Investigation Service using Subpoena's, as I don't ever expect to hear from you again on this matter.

Thank you,



Monroe A. Miller, Jr.



The North Carolina State Bar
Office of Counsel

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May 30, 2018

Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786

JUN 2 2018

Re: Your grievance against Attorney Russell L. McLean III

Dear Mr. Miller:

This will acknowledge receipt of the above-referenced grievance dated May 14, 2018 and received by the State Bar on May 18, 2018. The subject matter about which you submitted the grievance has already come to the State Bar's attention. The State Bar does not open a file when a member of the public brings to its attention information of which it was already aware. Therefore the State Bar will not be opening a grievance file in response to your grievance.

Thank you for the information and documents you provided.

Sincerely,

Mary D. Winstead
Deputy Counsel

MDW/bc

Katherine E. Jean, Counsel

A. Root Edmonson, Fern Gunn Simeon, David R. Johnson, Jennifer A. Porter, Margaret T. Cloutier,
Carmen Hoyme Bannon, Brian P.D. Oten, Leonor Bailey Hodge, Barry S. McNeill, Mary D. Winstead,
G. Patrick Murphy, Susannah B. Cox, Joshua T. Walthall, Maria J. Brown, Regina Jay Wheeler - Deputy Counsel
Peter G. Bolac – Trust Account Compliance Counsel

9. On April 3, 2018 all doors were checked and locked including the front door deadbolt and the new keyed door knob, however the dead bolt was operated by the old key which the Defendant had in her possession.
10. The Defendant worked the night shift on April 3, 2018.
11. Sometime between 4:30 a.m. and 7:40 a.m. on April 4, 2018, the Defendant entered the tenement belonging to the Plaintiff.
12. A Samsung Computer model 700A was located in the back office of the Plaintiff's tenement which contained all the Plaintiff's trust accounts, client information, payroll accounts, client files, and software purchased by the Plaintiff.
13. Upon information and belief the Defendant broke into the locked premises with the use of force and without the permission or consent of the Plaintiff and removed the Samsung Model 700A Grey Computer containing proprietary files, trust accounts, client information, payroll files and other property information belonging the Plaintiff which was confidential information of the Plaintiff's clients.
14. Upon discovery of the break in, the Plaintiff contacted the North Carolina State Bar which advised of the seriousness of the breach of attorney-client privilege and directed the Plaintiff to bring an action to seize and secure the computer and to secure the relevant information removed from the Plaintiff's business premises.
15. The Plaintiff has no adequate remedy at Law to protect confidential and privileged client information and attorney work product but to seek an ex parte order to obtain such confidential materials because of the great risk of potential destruction, deletion or disclosure of privileged client information, particularly because the Plaintiff had no back-up system to protect this proprietary information.
16. The Plaintiff is in need of an emergency order of the Court to direct the Sheriff of Haywood County to search, locate and seize the Samsung Model 700 A computer and to secure the aforementioned goods and information and to deliver the computer to New Meridian Technologies, a neutral third party computer expert, to download and save all the Plaintiff's proprietary material and thereafter to remove/erase all proprietary information belonging to Plaintiff.
17. Upon information and belief the Defendant is staying at the Smoky Mountain Inn in Maggie Valley, North Carolina owned by Beth Reece. The room number is unknown to the Plaintiff and she has a storage building at 1106 Soco Road, Maggie Valley, North Carolina where the Plaintiff's goods and proprietary information may be stored.
18. The Plaintiff asks that the verified Complaint be accepted as an affidavit in support for an Ex-Parte Order to seize the Samsung Computer Model 700A in the Defendant's possession.