



**The North Carolina State Bar**  
Authorized Practice Committee

217 E. Edenton Street (27601)  
Post Office Box 25908  
Raleigh, North Carolina 27611  
Telephone (919) 828-4620  
Fax: (919) 821-9168  
Web: www.ncbar.gov

May 10, 2018

Ms. Jessica Sadovnikov  
c/o Mr. James Payne  
Attorney at Law  
PO Box 2308  
Shallotte NC 28459

**LETTER OF CAUTION**

Re: Allegation of Unauthorized Practice of Law  
File number: 18AP0006

Dear Ms. Sadovnikov:

On April 18, 2018, the Authorized Practice Committee of the North Carolina State Bar met and considered the results of its investigation into the above referenced matter as it is charged with doing by N.C. Gen. Stat. § 84-37 and the State Bar's rules and regulations. You were informed of the allegations before the Committee and given an opportunity to respond. You responded through your counsel, Mr. Payne, and the Committee carefully considered both your response and the other information received by it.

Based upon all of the information available to it, the Committee believes these are the pertinent facts in this matter:

On or about July 24, 2017, you prepared and presented a motion to the Honorable Richard T. Brown, Resident Superior Court Judge for Judicial District 16-A, asking for an order to compel third parties to disclose financial records to you concerning accounts of Jessie Terry and Barbara McDougald. You did not provide the motion to the District Attorney or inform the DA that you were presenting this motion. You did not serve defense counsel or the defendant even though they were entitled to notice because criminal charges were already pending against Ms. McDougald. You served the resulting order on third parties and represented that they were required to comply with it, including an out of state financial entity. At the time, you had not taken any appropriate steps to allow for enforcement of the order against this entity.

In your response to the Committee, you admitted these facts. You argued that you were authorized to present a motion to a judge for an order to compel third parties to produce financial records.

The North Carolina General Statutes prohibit individuals or entities other than active members of the North Carolina State Bar from practicing law. Under the statutes, preparing and

Alan S. Hicks, Chair  
Matthew W. Smith, Vice-Chair

Jessica Sadovnikov

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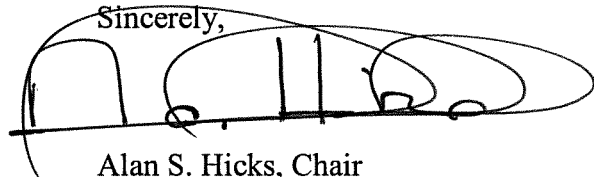
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presenting court pleadings to a court is the practice of law. Unless otherwise authorized by law, only a licensed lawyer may present motions to a court. N.C. Gen. Stat. §§ 84-2.1, 4, and 5. While there are a number of statutes that authorize law enforcement officers to apply to the courts for orders without an attorney, including but not limited to search warrants, arrest warrants, and authority for installing a pen register on a telephone line, North Carolina's Financial Privacy Act does not provide an exception for a law enforcement officer to file a motion with the court for these records after charges are pending. (The Committee notes that the Financial Privacy Act allows for production by means of a search warrant, but you chose not to use that method to obtain these records.) The Committee concluded that there is probable cause to believe that your activities as described violated the unauthorized practice of law statutes. Accordingly, it voted to issue this Letter of Caution.

This Letter of Caution is limited to the narrow circumstances presented to the Committee by your conduct. The Committee expects that you will stop engaging in those activities that violate the unauthorized practice of law statutes as a result of this Letter of Caution. The Committee's opinion expressed herein is not a legal determination. The State Bar does not have the authority to order you to discontinue your current practices. Only a court may determine that you have violated, or are violating, any law, and, if appropriate, impose a remedy or penalty for such violation. The State Bar has authority to file a lawsuit against you for injunctive relief, but the Committee is using its discretion not to pursue any proceedings for injunction or other action at this time. The Committee reserves the right to re-visit your conduct in the future in its discretion should you elect to continue it.

Thank you for your cooperation in this matter. Please contact the Committee's counsel, David R. Johnson or Joshua T. Walthall, if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan S. Hicks", written over a horizontal line. The signature is stylized and somewhat cursive.

Alan S. Hicks, Chair  
Authorized Practice Committee

ASH/lb