

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE DIRECTOR  
OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In the Matter of:	)	
	)	
Bambi F. Walters,	)	Proceeding No. D2011-18
	)	
Respondent	)	
_____	)	

**FINAL ORDER**

The Director of the Office of Enrollment and Discipline (“OED Director”) for the United States Patent and Trademark Office (“USPTO” or “Office”) and Bambi F. Walters (“Respondent”) have submitted a Proposed Settlement of Disciplinary Matter Pursuant to 37 C.F.R. § 11.26 (“Proposed Settlement Agreement”) to the Under Secretary of Commerce for Intellectual Property and USPTO Director.

The OED Director and Respondent’s Proposed Settlement Agreement sets forth certain stipulated facts, legal conclusions, and sanctions to which the OED Director and Respondent have agreed in order to resolve voluntarily a disciplinary complaint against Respondent.

The Proposed Settlement Agreement, which satisfies the requirements of 37 C.F.R. § 11.26, resolves the disciplinary action initiated by the USPTO arising from the stipulated facts set forth below. Nothing in this Final Order shall prevent the Office from seeking additional discipline against Respondent in accordance with the provisions of 37 C.F.R. §§ 11.34 through 11.57 for any misconduct not specifically addressed herein, including, but not limited to, discipline predicated upon a criminal conviction for the unauthorized practice of law in Virginia and/or preserving the identity of client funds or property.

Pursuant to such Proposed Settlement Agreement, this Final Order sets forth the parties’ stipulated facts, legal conclusions, and agreed upon discipline.

**Jurisdiction**

At all times relevant hereto, Respondent of Williamsburg, Virginia, has been a patent attorney registered to practice before the Office and is subject to the USPTO Disciplinary Rules set forth at 37 C.F.R. § 10.20 *et seq.*

The USPTO Director has jurisdiction over this matter and the authority to approve the Proposed Settlement Agreement pursuant to the provisions of 35 U.S.C. §§ 2(b)(2)(D) and 32, and 37 C.F.R. §§ 11.20 and 11.26.

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### Stipulated Facts

1. At all times relevant hereto, Respondent of Williamsburg, Virginia, has been registered as an attorney to practice before the USPTO and is subject to the Disciplinary Rules of the USPTO Code of Professional Responsibility set forth at 37 C.F.R. § 10.20 *et seq.* Respondent's registration number is 45,197.

#### Unauthorized Practice of Law In Virginia

2. On November 22, 2010, the North Carolina State Bar disciplined Respondent for violating its ethical rules. Specifically, the North Carolina State Bar publicly reprimanded Respondent for engaging in the unauthorized practice of law in Virginia. The reprimand was predicated upon the following facts:

- a. The North Carolina State Bar found that Respondent operated a law office in Virginia and failed to disclose that she is not licensed to practice law in Virginia. For example, Respondent's letterhead listed her areas of practice, but did not disclose that she is not admitted to the Virginia State Bar and that her practice is limited to practice before Federal agencies and Federal courts. Furthermore, Respondent's website identified her as licensed to practice law in Virginia.
- b. The North Carolina State Bar also found that Respondent provided legal services in Virginia state matters. Specifically, Respondent represented parties before Virginia state court and the Virginia State Corporation Commission.
- c. To her credit, the North Carolina State Bar also found that Respondent had taken the following remedial measures: (1) she corrected the misinformation provided to the public about her authority to practice law in Virginia, (2) she notified clients that she is not authorized to practice law in Virginia, and (3) she withdrew as counsel in matters pending before the Virginia State Corporation Commission.

#### Failure to Obey State Court Order

3. On January 12, 2010, the Superior Court Division of the North Carolina General Court of Justice issued an Order of Discipline prohibiting Respondent from practicing before the General Courts of Justice of the State of North Carolina for nine months beginning on December 15, 2009. The prohibition from practice before North Carolina trial and appellate courts was predicated upon the following facts:

- a. In a matter involving the dissolution of Respondent's former partnership, Respondent filed a lawsuit in Wake County Superior Court in North Carolina. *See Walters & Zimmerman, PLLC. v. Zimmerman*, 08 CVS 004182. The case was assigned to a judge in the Business Court division of the Wake County Superior Court. On May 12, 2008, Respondent signed a Case Management

Report in which she agreed to use the Business Court's electronic filing system and to receive all service in the case through email. Respondent was aware that the only means the Business Court had to communicate with her was by email.

- b. Sometime between early July 2009 and the middle of August 2009, Respondent intentionally blocked all email correspondence from the site from which all orders and other communications would be sent to Respondent from the Business Court. Her action effectively prevented any emails from the Business Court from being delivered to the email addresses Respondent provided to the Business Court for the purpose of email communication.
- c. On July 21, 2009, the Business Court ordered Respondent to produce tax return information for 2005, 2006, and 2007 to the receiver and gave Respondent ten days to file any objection to the receiver's invoices. The July 21, 2009 Order was served on Respondent by email notification at the three email addresses Respondent had listed with the Business Court. Furthermore, in at least two email discussions with Respondent, the receiver referenced the June 21, 2009 Order. Respondent did not produce any tax information to the receiver and did not file any objection to the receiver's invoices with the Business Court.
- d. On January 12, 2010, the Superior Court Division of the General Court of Justice issued an Order of Discipline finding that Respondent abandoned her obligation as an attorney with the Business Court by intentionally blocking any means that the Business Court had to communicate with her. The Court also found that Respondent's misconduct was prejudicial to the administration of justice in violation of Rule 8.4(d) of the Rules of Professional Conduct.

4. While the January 12, 2010 Order of the Superior Court Division of the General Court of Justice prohibited Respondent from practicing before North Carolina trial and appellate courts for nine months, the Order did not otherwise limit Respondent's authority to practice law in the state of North Carolina.

### **Legal Conclusion**

5. Based on the foregoing stipulated facts, Respondent acknowledges that her conduct violated the Disciplinary Rules of the USPTO Code of Professional Responsibility, specifically 37 C.F.R. §§ 10.23(b)(5) and 10.23(b)(6).

### **Sanctions**

- 6. Respondent agrees, and it is ORDERED that:
  - a. Respondent be, and hereby is, publicly reprimanded;
  - b. The OED Director shall publish the Final Order at the Office of Enrollment and Discipline's Reading Room electronically located at:  
<http://des.uspto.gov/Foia/OEDReadingRoom.jsp>;

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- c. The OED Director shall publish the following Notice of Reprimand in the *Official Gazette*:

**Notice of Reprimand**

Bambi F. Walters of Williamsburg, Virginia, is a registered patent attorney (Registration Number 45,197). The United States Patent and Trademark Office ("USPTO") has publicly reprimanded Ms. Walters for violating 37 C.F.R. §§ 10.23(b)(5) and 10.23(b)(6) because she was: (1) publicly reprimanded by the North Carolina State Bar for the unauthorized practice of law in Virginia; and (2) prohibited by the Superior Court Division of the North Carolina General Court of Justice from appearing in North Carolina trial and appellate courts for nine months starting December 15, 2009, for blocking all email communications sent by the court. During that time, Ms. Walters was still permitted to otherwise engage in the practice of law in North Carolina.

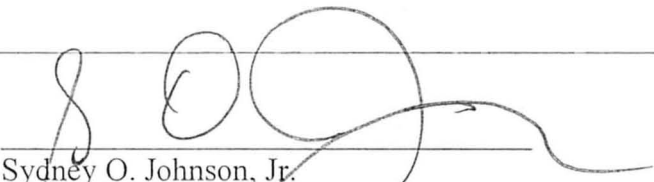
This action is taken pursuant to the provisions of 35 U.S.C. § 2(b)(2)(D) and 37 C.F.R. §§ 11.20, 11.26, and 11.59. Disciplinary decisions regarding practitioners are posted at the Office of Enrollment and Discipline's Reading Room located at: <http://des.uspto.gov/Foia/OEDReadingRoom.jsp>.

- d. Pursuant to 37 C.F.R. § 11.59, the OED Director shall give notice of the public discipline and the reasons for the discipline to disciplinary enforcement agencies in the state(s) where Respondent is admitted to practice, to courts where Respondent is known to be admitted, and to the public;
- e. Nothing in the Proposed Settlement Agreement or this Final Order shall prevent the Office from considering the record of this disciplinary proceeding, including the Final Order, (1) when addressing any further complaint or evidence of the same or similar misconduct brought to the attention of the Office, and/or (2) in any future disciplinary proceeding (i) as an aggravating factor to be taken into consideration in determining any discipline to be imposed and/or (ii) to rebut any statement or representation by or on Respondent's behalf; and
- f. The OED Director and Respondent shall each bear their own costs incurred to date and in carrying out the terms of this agreement.

[only signature line follows]

MAR 25 2011

Date



Sydney O. Johnson, Jr.  
Acting Deputy General Counsel for General Law  
Office of General Counsel  
United States Patent and Trademark Office

on behalf of

David M. Kappos  
Under Secretary of Commerce for Intellectual Property and  
Director of the United States Patent and Trademark Office

cc:

Office of Enrollment and Discipline  
U.S. Patent and Trademark Office

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