

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
15G0266

IN THE MATTER OF

CECIL C. SUMMERS,
ATTORNEY AT LAW

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REPRIMAND

On January 21, 2016 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by D. D. The grievance was assigned to a Subcommittee, which thoroughly reviewed the results of the State Bar staff's investigation of this matter.

Pursuant to Section .0113(a) of the Discipline and Disability Rules of the North Carolina State Bar, the Grievance Subcommittee conducted a preliminary hearing. After considering the information available to it, including your response to the letter of notice, the Grievance Subcommittee found probable cause. Probable cause is defined in the rules as "reasonable cause to believe that a member of the North Carolina State Bar is guilty of misconduct justifying disciplinary action."

The rules provide that after a finding of probable cause, the Grievance Committee may determine that the filing of a complaint and a hearing before the Disciplinary Hearing Commission are not required, and the Grievance Committee may issue various levels of discipline depending upon the misconduct, the actual or potential injury caused, and any aggravating or mitigating factors. The Grievance Committee may issue an admonition, a reprimand, or a censure to the respondent attorney.

A reprimand is a written form of discipline more serious than an admonition issued in cases in which an attorney has violated one or more provisions of the Rules of Professional Conduct and has caused harm or potential harm to a client, the administration of justice, the profession, or a member of the public, but the misconduct does not require a censure.

The Grievance Committee was of the opinion that a censure is not required in this case and issues this reprimand to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this reprimand.

In March 2012, you agreed to represent Ms. D. D. in a domestic case against her husband. Ms. D. wanted her husband removed from the marital home, as she sought sole possession of it. You filed a divorce from bed and board and equitable distribution complaint. It has been more than three years after Ms. D. retained you, and you still have not sought Ms. D.'s husband's removal from the marital home. As of January 21, 2016, the date of the Grievance Committee

meeting, you had not scheduled a hearing to request Ms. D.'s sole possession of the home. Your neglect of Ms. D.'s case violates Rule 1.3 and Rule 8.4(d).


On October 16, 2015, the State Bar deputy counsel assigned to investigate Ms. D.'s grievance asked you if you had asked the court to remove Mr. D. from the home. You told her that you had requested Mr. D.'s removal when you asked in the complaint that Mr. D. be "enjoined from selling, mortgaging, donating, destroying, or otherwise disposing of any item or thing which may be deemed to be marital property subject to equitable distribution, pending a separate hearing on that issue." The aforementioned language in the complaint was not a request that Mr. D be removed from the home. At the conclusion of the divorce from bed and board hearing on May 21, 2012, you prepared an order which awarded possession of the home to Ms. D. The presiding judge did not sign that order because you had not sought sole possession of the home for Ms. D. The Grievance Committee found that your handling of Ms. D's request for sole possession of the home showed a lack of competence in violation of Rule 1.1.

In addition, you told the deputy counsel on October 16, 2015 that you had not contacted Ms. D. since February 2015. You said that you would put Ms. D.'s case back on the court calendar. As of January 20, 2016, Ms. D. said that she had not heard anything further from you about her case. Your failure to communicate with Ms. D. violates Rule 1.4(a)(1)(2)(3) and Rule 8.4(d).

You are hereby reprimanded by the North Carolina State Bar for your professional misconduct. The Grievance Committee trusts that you will heed this reprimand, that it will be remembered by you, that it will be beneficial to you, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession.

In accordance with the policy adopted July 23, 2010 by the Council of the North Carolina State Bar regarding the taxing of administrative fees and investigative costs to any attorney issued a reprimand by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this the 10th day of February, 2016.



Michael L. Robinson, Chair
Grievance Committee

MLR/lb