

NORTH CAROLINA

WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
14G1208

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IN THE MATTER OF

JAMES M. HARRINGTON,  
ATTORNEY AT LAW

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REPRIMAND

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On July 21, 2016 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by S. H. 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.

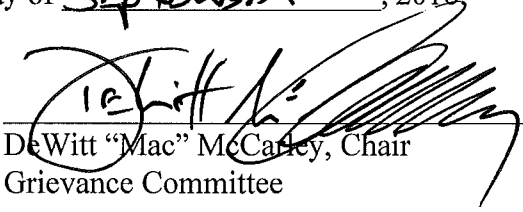
In August 2007, S.H. hired you to prepare and file a patent application with the United States Patent and Trademark Office (USPTO) and to defend S.H.'s claims against any objections from the examiner. Seven years later, after a missed deadline, a notice of abandonment, two petitions to revive the application, and a second filing of the patent application, S.H. was no closer to a final decision from the USPTO. According to you, an inordinate number of

coincidental mishaps affected S.H.'s case. If true, your explanation suggests that the U.S. Postal Service and the USTPO are incompetent at delivering mail and processing patent applications, respectively. If the USTPO is in fact as unreliable as you describe, minimal diligence would require a practitioner to perform "routine checks" of the USTPO's online filing system at least monthly to monitor the status of clients' cases and ensure adherence to deadlines. Throughout your protracted representation of S.H., you failed to act with reasonable diligence in violation of Rule 1.3 and failed to respond to reasonable requests for information from your client in violation of Rule 1.4(a). In determining that reprimand is the appropriate discipline in this matter, the Grievance Committee considered the fact that you were previously disciplined for similar conduct.

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 14<sup>th</sup> day of September, 2016.

  
DeWitt "Mac" McCauley, Chair  
Grievance Committee

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