

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
07G1159

IN THE MATTER OF)	
)	
BENITA W. GIBBS,)	REPRIMAND
Attorney At Law)	
)	

On April 24, 2008 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Ms. Manns.

Pursuant to Section .0113(a) of the Discipline and Disability Rules of the North Carolina State Bar, the Grievance Committee conducted a preliminary hearing. After considering the information available to it, including your response to the letter of notice, the Grievance Committee 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.

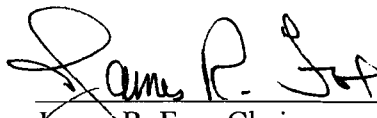
You represented Mr. Mitchell in the refinance of his home. You were negligent in your search of the title and failed to recognize that Ms. Manns had an interest in the property subject to the closing you completed on behalf of Mr. Mitchell. Your conduct is a violation of Rules 1.1, Competence and 1.3, Diligence. In an attempt to resolve the issues through mediation, you failed to (1) make it clear that you did not represent Mr. Mitchell in the matter, (2) make it clear that

you were not a disinterested when in fact you did have a personal interest in the matter as a result of your failures, and (3) inform that Ms. Manns that she was free to hire independent counsel. Your silence on the preceding issues is a violation of Rule 4.3(b), Dealing with Unrepresented Person. You were also slow to respond to the Bar in violation of Rule .0112(c).

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 October 15, 1981 by the Council of the North Carolina State Bar regarding the taxing of the administrative and investigative costs to any attorney issued a reprimand by the Grievance Committee, the costs of this action in the amount of \$100.00 are hereby taxed to you.

Done and ordered, this the 16th day of May, 2008



James R. Fox, Chair
Grievance Committee

JRF/npm