

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
15G0323

---

IN THE MATTER OF	)	
	)	REPRIMAND
R. KELLY CALLOWAY, JR.,	)	
ATTORNEY AT LAW	)	

---

On April 21, 2016 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by K. B. 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.

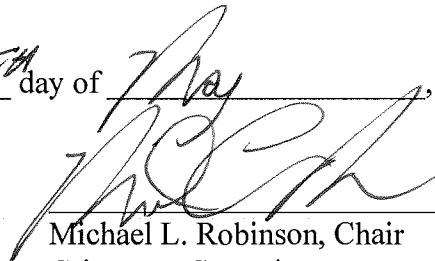
When your bankruptcy client, KB, became dissatisfied with your legal advice, communication, and performance, he terminated your services and requested a refund before you filed the bankruptcy petition. You refused the refund and KB contacted the State Bar's Fee Dispute Resolution Program (FDRP). You failed to respond to the FDRP facilitator's requests for information following your initial response. This was a violation of Rule 1.5(f)(2). The file was

then transferred to the Grievance Department and you failed to file a timely response to the grievance in violation of Rule 8.1(b). These failures to respond to the Bar were reminiscent of your similar conduct in 1998. Additionally, you failed to offer any explanation of the work you did to earn the fees paid by KB. The presumption is that your fees were clearly excessive as described by KB which violated Rule 1.5(a).

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 10<sup>th</sup> day of May, 2016.

A handwritten signature in dark ink, appearing to read 'Michael L. Robinson', is written over a horizontal line.

Michael L. Robinson, Chair  
Grievance Committee

MLR/lb