

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
14G0880

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IN THE MATTER OF

S. Wayne Patterson,  
Attorney At Law

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REPRIMAND

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On January 22, 2015, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by J. 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.

You wrote a letter dated September 4, 2014 to a business' representative who was represented by Attorney J. H. You indicated that you represented a party who had a charge pending in the U. S. Equal Employment Opportunity Commission (EEOC). In your letter to Mr. H.'s client, you stated that you represented your client in an action for damages and other relief

under federal statutes administered by the EEOC. An "action" connotes a lawsuit and no lawsuit can be filed until the EEOC has completed its investigation and issued the charging party a right-to-sue letter. As of the date of your letter, the EEOC had not issued a right-to-sue letter. You further indicated in your letter that you represented your client in an action for monetary damages and equitable relief and that you wanted to resolve the matter "in order to avoid trouble and expense of litigation..." The Grievance Committee found that you were holding yourself out as being able to practice law in North Carolina when you are not licensed in North Carolina, in violation of Rule 5.5(a)(b)(2). The Grievance Committee also found that your letter, in violation of Rule 8.4(c) was misleading because the EEOC had not issued a right-to-sue letter to Mr. H.'s client and thus there was no pending action for damages at the time you wrote Mr. H.'s client.

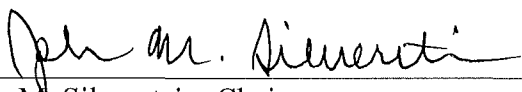
You identify your "practice" on your letterhead as "Patterson & Associates, P.C." The name of your "practice" is misleading and violates Rule 7.1(a)(1) as you do not have associates.

In issuing this reprimand, the Grievance Committee noted that the State Bar's Authorized Practice Committee cautioned you on two occasions about the very same conduct that was the subject of this grievance. The Authorized Practice Committee advised you in a November 3, 2009 letter of caution that you may not hold yourself out in any manner that "states or implies that you are a licensed North Carolina attorney or may practice law generally in North Carolina."

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 9th day of February, 2015.

  
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John M. Silverstein, Chair  
Grievance Committee

JMS/lb