

NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
15G0373

IN THE MATTER OF

WAYNE E. CRUMWELL,
ATTORNEY AT LAW

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REPRIMAND

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

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.

In March 2003, you filed an application with the Dispute Resolution Commission ("DRC") for certification as a mediator in the family financial mediated settlement conference program. In your application, you failed to disclose the fact that you had been subject to disciplinary action by the North Carolina State Bar Disciplinary Hearing Commission ("DHC") in 1991, and the fact that the DHC imposed a three-year stayed suspension on your license to practice law. Rules of the DRC required you to disclose this information on your application and

in submitting the application you certified that the information you were giving was true, accurate and complete information. You were certified as a mediator based on your application.

In subsequent years, you failed to disclose civil judgments that had been entered against you on renewal applications you filed with the DRC. Rules of the DRC required you to disclose civil judgments. Your renewal application in each instance affirmed that no civil judgments had been taken against you and you certified that the information you were giving was true, accurate and complete information.

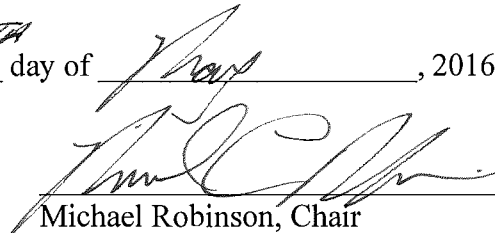
DRC rules also required you to report to the Commission within 30 days of receiving notice of any disciplinary complaint(s) filed with or actions taken by a professional licensing or regulatory body. You were served with letters of notice by the State Bar between 2010 and 2014 that you did not disclose to the DRC. On renewal applications that you filed in 2009 and 2011, you failed to disclose disciplinary proceedings that were pending against you as required by DRC rules.

Your failure to disclose professional discipline you received, report disciplinary complaints filed against you, and your repeated failure to disclose pending disciplinary proceedings and civil judgments on renewal applications demonstrates a pattern of engaging in conduct involving deceit or misrepresentation in violation of Rule 8.4(c) of the Rules of Professional Responsibility. This conduct was also prejudicial to the administration of justice in violation of Rule 8.4(d) of the Rules of Professional Conduct as it interfered with the DRC's ability to perform its function of regulating the certification of mediators 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 May, 2016.



Michael Robinson, Chair
Grievance Committee

MLR/hp