

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
11G0528 and 11G0722

IN THE MATTER OF

Kenneth R. Davis,
Attorney At Law

)
)
)
)
)

REPRIMAND

On January 24, 2013, the Grievance Committee of the North Carolina State Bar met and considered the grievances filed against you by J.B. and J.O.

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.

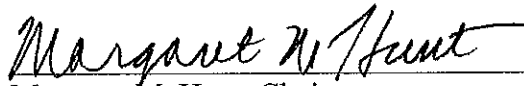
J.B. and J.O. retained you to handle their respective traffic ticket matters. They paid you a fee to handle the tickets. Although you had the matters continued, you were not able to complete either matter. J.B. and J.O. therefore asked you to refund the fees. Because you did not respond, J.B. and J.O. filed fee dispute petitions. You did not respond to the fee disputes and therefore two grievances were opened against you. In response to the grievances, you agreed to refund part

of the fees. Deputy Counsel sent you an email on May 18, 2012 regarding the refunds. You did not respond. On June 4, 2012, Deputy Counsel sent a second email. You did not respond. On June 20, 2012, Deputy Counsel left you a voice mail message seeking a response to the two prior emails. You did not respond. Your failure to respond to Deputy Counsel is a violation of Rule 8.1(b). The committee concluded that your failure to complete the services for which you were retained and your failure to respond to the fee disputes did not warrant discipline.

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 18th day of February, 2013.


Margaret M. Hunt, Chair
Grievance Committee

MMH/npm