

NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
09G0177

IN THE MATTER OF

Jimmy H. Joyner, Jr.
Attorney At Law

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REPRIMAND

On January 14, 2010 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by the 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.

You undertook representation of Mr. and Mrs. B in a civil action against General Motors Corp. and Dick Shirley Chevrolet, Inc. You filed a civil complaint alleging violations of lemon law. You later dismissed the complaint. You did not inform Mr. and Mrs. B of the dismissal. You filed another civil complaint alleging fraud. You failed to inform Mr. and Mr. B that the new civil complaint was filed. Subsequent to filing the second civil complaint, you received


supplemental discovery from defendants. You failed to answer the supplemental discovery. Defendants filed a Motion for Sanctions for your failure to answer the discovery and for failing to attend your client's deposition. Your failure to diligently handle your client's matter constitutes a violation of Rule 1.3. Although you filed a response to defendant's motion, you failed to inform Mr. and Mrs. B that the motion had been filed. You also failed to inform Mr. and Mrs. B that the court held a hearing regarding the discovery and the deposition. Mr. and Mrs. learned of the motion, the hearing and dismissal of the first action by reviewing the Clerk's file. Mr. and Mrs. B are not able to communicate with you except by appearing in your office and waiting until you arrive. Your failure to communicate with your clients and keep them informed of the status of their case is a violation of Rule 1.4(a).

On or about September 6, 2009 you received a letter from State Bar Deputy Counsel. You were asked to provide additional information regarding your representation of Mr. and Mrs. B. You were given until September 21, 2009 to provide a written response. You did not provide a written response. On October 30, 2009 you appeared at the State Bar's office. You stated that you sent a written response to Deputy Counsel's letter. You were informed that your response was not received. You stated you would resend your response. You failed to do so. Your failure to respond to Deputy Counsel's letter is a violation of Rule 8.1(b).

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 January 24, 2008 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 22 day of February, 2010



Ronald G. Baker, Sr., Chair
Grievance Committee

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