

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
10G0185

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IN THE MATTER OF

Jimmy H. Joyner, Jr.  
Attorney At Law

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REPRIMAND

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On October 28, 2010 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by C.G.

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.

C.G. provided heating and air services to third parties. Four of C.G.'s customers failed to pay C.G. for services rendered. In December 2009, C.G. retained you to file a lien against customer P's property, file a lawsuit against customer P and send demand letters to three other customers. Regarding customer P's matter, you agreed to file a lien in Durham County and file a lawsuit in Orange County. You further agreed to send the three demand letters. C.G. paid you

\$1,250. In January 2010 and February 2010, C.G. contacted your office several times for a status update and requested copies of the lien and demand letters. On the few occasions you responded, you told C.G. that you completed the work and would provide copies of the documents via facsimile. You failed to send C.G. copies of the lien and the demand letters. On or about January 26, 2010, you refunded \$600 to C.G. and promised to provide a full status report by January 28, 2010. You failed to provide the status report. On February 16, 2010, C.G. picked up his file. Neither a copy of the lien against customer P's property, the lawsuit against customer P, nor one of the three demand letters was enclosed in the file. A State Bar investigator reviewed the Durham County public records. You did not file a lien against customer P's property. Customer P sold his property and because C.G. did not have a lien, C.G. did not get paid the money he is owed. A State Bar investigator reviewed the Orange County public record. You did not file a civil lawsuit against customer P on behalf of C.G.

Because you failed to prepare and file the lien and civil lawsuit, and failed to send one of the three demand letters, the Committee concluded that you neglected C.G.'s matters in violation of Rule 1.3. C.G. called you more than a dozen times for a status update and copies of the documents. You failed to adequately respond to C.G. in violation of Rules 1.4(a)(3) and (4). When you did respond, your statements were untruthful. You told C.G. that you filed the lien and sent the three demand letters. You agreed to fax copies of the lien and the demand letters to C.G. You led C.G. to believe you did the work for which you were retained, when you had not done so. Your conduct was dishonest and deceitful in violation of Rule 8.4(c). C.G. initially paid you \$1,250. You voluntarily refunded \$600. For \$650, you agreed to file a lien, file a lawsuit and draft three demand letters. However, you only drafted two of the three demand letters. Because you failed to complete the legal services agreed to, you collected an excessive fee in violation of Rule 1.5(a).

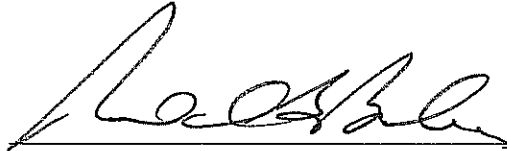
On March 16, 2010, you received the letter of notice regarding C.G.'s grievance. You failed to respond within 15 days as required by Rule .0112(c). On April 8, 2010, the State Bar mailed you a follow up letter reminding you of your obligation to provide a written response to the grievance. You were given until April 23, 2010 to provide a written response. You failed to respond. On April 27, 2010, the State Bar asked your local Bar Councilor to contact you. Sometime thereafter, you met with the Bar Councilor. You agreed to address the grievance with the State Bar. You failed to do so. On July 15, 2010, you called Deputy Counsel. You asked for an extension of time to respond the grievance. Deputy Counsel informed you that the grievance was late and would be reviewed by the Grievance Committee at its quarterly meeting on July 22, 2010. You and Deputy Counsel agreed that you would provide a written response by July 16, 2010. You failed to provide a written response. You failed to respond to the State Bar's letter of notice concerning this grievance in violation of Rule 8.1(b).

The Grievance Committee mitigated your conduct because you were ill during your representation of C.G. as well as during the investigation of the grievance.

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 2 day of December, 2010

A handwritten signature in black ink, appearing to read 'Ronald G. Baker, Sr.', written over a horizontal line.

Ronald G. Baker, Sr., Chair  
Grievance Committee

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