

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
18G0313

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IN THE MATTER OF	)	
	)	CENSURE
KENNETH T. DAVIES,	)	
ATTORNEY AT LAW	)	

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On July 26, 2018, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by N. 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.

A censure is a written form of discipline more serious than a reprimand, issued in cases in which an attorney has violated one or more provisions of the Rules of Professional Conduct and has caused significant harm or potential significant harm to a client, the administration of justice, the profession or a member of the public, but the misconduct does not require suspension of the attorney's license.

The Grievance Committee believes that a hearing before the Disciplinary Hearing Commission is not required in this case and issues this censure to you. As a vice chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this censure.

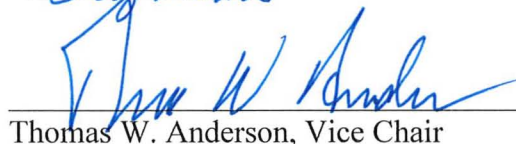
You permitted James Neal Rodgers, a former attorney who was disbarred for misappropriation, to engage in the unauthorized practice of law as a member of your firm; you allowed him to provide legal services and give legal advice to at least one client of your firm in Charlotte, North Carolina. You permitted Mr. Rodgers to charge this client \$200.00 per hour to provide the client with direct "paralegal" services. By allowing your paralegal to provide legal services and advice directly to a North Carolina resident, you aided another in the unauthorized practice of law in violation of Rule 5.5(f). Moreover, by allowing a nonattorney to act in this manner, you failed to take reasonable measures to ensure that a nonattorney assistant acted in accordance with the professional obligations of the profession in violation of Rule 5.3(b).

In determining that a Censure was appropriate in this matter, the Committee noted the significant actual and potential harm caused by your acts, your lack of remorse, and the fact that you have already received a Reprimand for this same misconduct in 2017.

You are hereby censured by the North Carolina State Bar for your violation of the Rules of Professional Conduct. The Grievance Committee trusts that you will ponder this censure, recognize the error that you have made, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession. This censure should serve as a strong reminder and inducement for you to weigh carefully in the future your responsibility to the public, your clients, your fellow attorneys and the courts, to the end that you demean yourself as a respected member of the legal profession whose conduct may be relied upon without question.

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 censure by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this 5<sup>th</sup> day of September, 2018.

A handwritten signature in blue ink, appearing to read "Thomas W. Anderson", is written over a horizontal line.

Thomas W. Anderson, Vice Chair  
Grievance Committee  
The North Carolina State Bar

TA/lb