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NORTH CAROLINA

WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
96G0288(IV)

IN THE MATTER OF )

WILLIAM C. SHUMWAY, )  
ATTORNEY AT LAW )

REPRIMAND

On October 16, 1996, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Gail D. Triner.

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, reprimand, or 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 and I am certain that you will understand fully the spirit in which this duty is performed.

Gail Triner hired you to represent her as Executrix of the estate of her father, Neil Triner. Ms. Triner contacted you on numerous occasions between October 16, 1995 and February 20, 1996, requesting that you provide her with certain documents

necessary to settle the estate. You failed to respond to any of these requests or to notify Ms. Triner that you no longer intended to represent her.

On March 28, 1996, you were issued a letter of notice from this Committee and asked to respond to Ms. Triner's allegations. You failed to do so. Additionally, you failed to respond to a May 23, 1996 subpoena ordering you to appear before the North Carolina State Bar Counsel. On June 19, 1996, you were subpoenaed to appear before the Grievance Committee at its July 1996 meeting. You appeared at that meeting and met with a SubCommittee appointed by the Chairperson of the Grievance Committee. You assured the SubCommittee that you would provide a written response to the grievance, that you would withdraw from the court file as counsel of record in the Triner estate, and that you would provide a copy of your entire file to Ms. Triner. Although you did provide a written response to the grievance, you failed to formally withdraw as counsel of record in the Triner estate or to provide Ms. Triner with a copy of her file. You also did not respond to two follow-up letters from State Bar counsel requesting that you do so. In your written response to the Grievance Committee, you admitted the allegations of the grievance without excuse or explanation.

Accordingly, your conduct violated Rules 6(b)(1) and 6(b)(3) of the Rules of Professional Conduct which require a lawyer to keep his client reasonably informed about the status of a matter, to promptly comply with reasonable requests for information, and to act with reasonable diligence and promptness in representing the client.

Your conduct also violated Rules 7.1(a)(1) and 7.1(a)(2) which prohibit a lawyer from intentionally failing to seek the lawful objectives of his client and from failing to carry out a contract of employment entered into with a client for professional services. You also withdrew from Ms. Triner's case prior to taking reasonable steps to avoid foreseeable prejudice to her rights, including giving due notice to her and delivering to her all the papers to which she was entitled. This conduct violated Rule 2.8(a)(2).

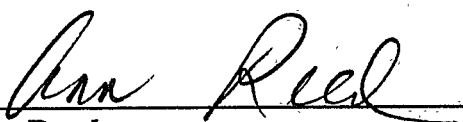
Additionally, by failing to respond to Ms. Triner's grievance and the first subpoena from the State Bar and by failing to comply with the representations you made to the SubCommittee of the Grievance Committee in July of 1996, you violated Rule 1.1(b). That Rule prohibits a lawyer from knowingly failing to respond to lawful demands for information from a disciplinary authority.

In voting to issue this Reprimand, the Committee took into consideration the fact that you had not received prior discipline.

You are hereby reprimanded by the North Carolina State Bar due to 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 October 15, 1981 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 \$50.00 are hereby taxed to you.

Done and ordered, this 1<sup>st</sup> day of November, 1996.

  
Ann Reed  
Chairman, Grievance Committee  
The North Carolina State Bar