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NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
03G1209

IN THE MATTER OF)

CRAIG M. BLITZER,
ATTORNEY AT LAW.)

REPRIMAND

On July 14, 2004, the Grievance Committee of the North Carolina State Bar ("State Bar") met and considered the grievance filed against you. Pursuant to section .0113 (a) of the Discipline and Disability Rules of the 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 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.

On September 7, 2002, you were hired by the family of Alberto Aguilar to defend him against federal criminal drug charges. You charged and were paid a retainer fee of \$25,000 to represent him. Aguilar's case was pending in the United States District Court in Richmond, Virginia. You hired local counsel in Virginia to assist you and paid him \$5,000. Soon thereafter, you were informed that Aguilar wanted to plead guilty to the

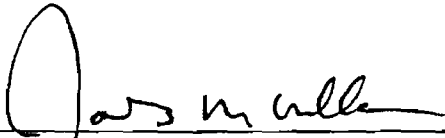
charges that the court had appointed a local lawyer to represent Aguilar with his consent. The court allowed you to withdraw as counsel on December 12, 2002. Aguilar and his family members asked you to refund the unearned portion of the fee that you were paid but you refused to make any refund.

You hereby are reprimanded for violating the Revised Rules of Professional Conduct and causing potential harm to your former client, the administration of justice, and the profession of law. The attorney-client relationship ended approximately two months after you collected the fee and ended at a very early stage of the criminal process. At that point, the \$20,000 fee became clearly excessive in light of the services actually rendered, and you had a duty to refund the unearned portion of the fee. Your refusal to refund the unearned portion of the fee you collected from Aguilar and his family violated Rules 1.5 (a) of the Revised Rules of Professional Conduct. See, 2000 Formal Ethics Opinion 5 (July 2000). In making this ruling, the Grievance Committee has taken in account as mitigating factors your remorse and agreement to refund \$15,000 of the fee.

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 ^{10th} ~~14th~~ day of ^{August 9th} ~~July~~ 2004.



John B. McMillan
Chair, Grievance Committee