

NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
09G0675

IN THE MATTER OF

Assata K. Buffaloe,
Attorney At Law

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REPRIMAND

On April 15, 2010 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by W. C.

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.

In 2007 through 2009 you were an Assistant District Attorney in Bertie County. In 2007 W. C. was charged with child sexual abuse. He remained incarcerated during the pendency of those charges. You had some familiarity with the charges against Mr. C. because you provided assistance to the ADA assigned to Mr. C.'s cases at the probable cause hearing and in preparing the indictments in September 2007. In early January 2009 the Department of Social Services

forwarded to an assistant in your office a document containing information tending to negate the guilt of Mr. C. The assistant placed the document in the office file relating to Mr. C.'s charges. This document was not provided to Mr. C.'s attorney. In mid-January 2009, in an effort to facilitate the flow of cases in Superior Court, you made a plea offer to Mr. C.'s attorney without reviewing the office file. You again made a plea offer to Mr. C.'s attorney in April 2009, again without reviewing the office file. Because you did not review the file before making the plea offers, you were unaware of the exculpatory information contained in the file. When that document was brought to your attention, you dismissed the charges against Mr. C. and he was then released from jail.

By failing to review the office file before extending plea offers to Mr. C.'s attorney, you did not act with reasonable diligence in violation of Rule 1.3 and you failed to make a reasonably diligent inquiry and to timely disclose to the defense all evidence required to be disclosed in violation of Rule 3.8(d). In issuing this discipline the Grievance Committee recognized that the file was not formally assigned to you but also recognized the harm or potential harm your actions caused Mr. C.

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 15 day of May, 2010



Ronald G. Baker, Sr., Chair
Grievance Committee

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