

NORTH CAROLINA
WAKE COUNTY

7614

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
96G0725(II)

IN THE MATTER OF)	
)	
AUBREY BLANCHARD, JR.,)	REPRIMAND
ATTORNEY AT LAW)	
)	

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

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

The Bar's investigation of this matter indicated that you failed to promptly disburse funds relative to a number of residential real estate closings which you undertook in the spring of 1996. There was no evidence that you misappropriated any of the funds to your own use, however.

Your clients were considerably inconvenienced by your neglect of their real estate matters, which constituted a clear violation of Rule 6(b)(3) and Rule 10.2(e) of the Rules of Professional Conduct. The Grievance Committee was further concerned by the fact that, at least initially, you were uncooperative with the State Bar. However, you did ultimately consent to the entry of an injunction by the Wake County Superior Court and a later order which requires you to properly disburse sums in your trust account. The Grievance Committee determined not to impose more serious discipline in this case primarily because the Wake County Superior Court has already ordered you to make regular accountings to the Bar and comply with other safeguards.

In deciding to impose a Reprimand rather than more serious discipline, the Committee took into account that you may be suffering from certain personal problems which contributed to and somewhat mitigated your misconduct. Having said this much, the Committee stresses that it is essential that you deal effectively with any such problems. Future violations of the rules governing trust accounts will not be tolerated, whatever the cause.

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 5th day of November 1996.



Ann Reed
Chair, Grievance Committee
The North Carolina State Bar