

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
05G0827

IN THE MATTER OF

Clinton O. Light,
Attorney At Law

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REPRIMAND

On April 20, 2006 the Grievance Committee of the North Carolina State Bar met and considered the grievances filed against you by L. P. M.

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.

L.P.M. hired you on November 29, 1999 to pursue collection of an equitable distribution claim. L.P.M.'s ex-husband subsequently filed a Chapter 12 bankruptcy action. Pursuant to an attorney agreement dated November 29, 1999, you agreed to handle complainant's case for one-half of any recovery. You filed a proof of claim on L.P.M.'s behalf in the bankruptcy action.

According to L.P.M., she fired you on December 10, 2002. In February 2005, your office told L.P.M. that she needed to endorse a \$10,000.00 check that you received, made payable to you and L.P.M., from the bankruptcy court. L.P.M. endorsed the check on or about February 1, 2005 and waited to receive her part of the proceeds. In June 2005, L.P.M. received a check from your office dated June 21, 2005 in the amount of \$5,282.24, some four months after she endorsed the check.

The Grievance Committee found that your one-half contingent fee in this matter was an excessive fee since it appears that you did little more than file a proof of claim with the bankruptcy court in this matter. The Grievance Committee also believed that your fee was excessive because L. P. M. fired you on December 10, 2002. North Carolina case law holds that when a client discharges a lawyer who agreed to handle a case on a contingent fee basis, the lawyer is entitled to a quantum meruit recovery, which is usually not the originally agreed upon contingent fee amount. Your conduct in this regard violated Rule 1.5(a) of the Revised Rules of Professional Conduct.

The Grievance Committee found that your delay in disbursing funds to L.P.M. violated Rule 1.15-2(m) of the Revised Rules of Professional Conduct.

The Grievance Committee was also concerned that you did not promptly respond to State Bar Deputy Counsel's follow-up questions in a letter dated February 15, 2006. You were given a deadline of February 24, 2006 to respond to those questions. However, deputy counsel did not receive responses to those questions until April 19, 2006, the day before the Grievance Committee met to consider this matter. Your failure to respond promptly to the North Carolina State Bar's investigation of this grievance was in violation of Rule 8.4(d) of the Revised Rules of Professional Conduct.

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 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 the 19 day of June, 2006


Barbara ("Bonnie") B. Weyher, Chair
Grievance Committee

BBW/lr