

NORTH CAROLINA

WAKE COUNTY

17709

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
00G0105

IN THE MATTER OF

Leon Orr Jr.  
Attorney At Law

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REPRIMAND

On July 19, 2000, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Janet Sweeney.

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.

On January 6, 2000, you handled a real estate closing for Elaine White who purchased a home from Barbara Wilfong. On the day of the closing, Ms. White and Ms. Wilfong signed the HUD-1 settlement statement (hereafter HUD-1). The HUD-1 reflected that Ms. Wilfong would receive \$58,673.70.

In your response to this grievance, you told the Grievance Committee that about an hour after the closing on January 6, 2000, the lender telephoned you and stated that the cost for the house appraisal should have been deducted from Ms. Wilfong's proceeds. You stated that the lender told you to change the HUD-1 and send the amended HUD-1 to them within 24 hours and before the disbursement of funds.

You told the Grievance Committee that you called Ms. Wilfong, Ms. White and Ms. White's agent, Verna McCravy and received permission to make the change to the HUD-1. You told the Grievance Committee that Ms. Wilfong, Ms. White and Ms. McCravy agreed that the change should be made and they would come in the next day and re-execute a settlement statement. You further stated that Ms. Wilfong understood that her proceeds would be reduced by \$275.00.

Ms. Wilfong, Ms. White and Ms. McCravy stated that neither you nor anyone from your office telephoned them about the change in the HUD-1 statement. Ms. Wilfong stated that she did not know that she would receive a reduction of \$275.00 in her closing proceeds until her real estate agent, Janet Sweeney, brought her the proceeds check the day after closing.

The Grievance Committee found that you misrepresented the truth about speaking to Ms. Wilfong, Ms. White and Ms. McCravy relative to making a change to the HUD-1. Your untruthful response to the Grievance Committee was in violation of Rule 8.1(a) and Rule 8.4(c) of the Revised Rules of Professional Conduct.

Furthermore, the Grievance Committee was concerned that you did not promptly respond to this grievance. It took you almost four months to respond to this grievance. You told the Grievance Committee that you had written a response to Ms. Sweeney's letter of complaint and sent it to the Mecklenburg County Bar Association. You said that you assumed that the North Carolina State Bar had received your response. However, you never contacted the North Carolina State Bar staff counsel to determine whether the office had received your response to the complaint and whether it was necessary for you to respond to the Letter of Notice. Your failure to respond promptly to this grievance was in violation of Rule 8.1(b) of the Revised Rules of Professional Conduct.

Finally, State Bar counsel sent you a letter dated June 9, 2000 with several follow up questions regarding this grievance. You were asked to respond to those questions within 10 days of June 9. You did not respond to State Bar counsel's questions. Your failure to respond to those questions violated Rule 8.1(b) 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 7 day of August, 2000.

  
James K. Dorsett III Chair  
Grievance Committee

JKD/tcc