

NORTH CAROLINA

WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
16G1099

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IN THE MATTER OF

RUFUS A. LYTCH,  
ATTORNEY AT LAW

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REPRIMAND

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On January 26, 2017 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by S. S. The grievance was assigned to a Subcommittee, which thoroughly reviewed the results of the State Bar staff's investigation of this matter.

Pursuant to Section .0113(a) of the Discipline and Disability Rules of the North Carolina State Bar, the Grievance Subcommittee conducted a preliminary hearing. After considering the information available to it, including your response to the letter of notice, the Grievance Subcommittee 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 March 2011, you agreed to assist S. S. with an offer to purchase. Mr. S. was unable to secure financing. He learned that the seller may have misappropriated his earnest money. In September 2012, you wrote the seller asking for the return of Mr. S.'s earnest money. The seller did not return the earnest money to Mr. S. In October 2012, the seller told you that he was unable to pay the earnest money to Mr. S. You told Mr. S. that you would draft a lawsuit for his review.

You did not send a proposed lawsuit to Mr. S. In May 2013, you told Mr. S. that you had given the proposed lawsuit to another lawyer to review. Mr. S. called you numerous times from May 2013 through February 2014, but you did not respond to him.

In March 2014, you told Mr. S. that the lawsuit was "virtually finished." In August 2014, you told Mr. S. that you would mail the documents to him. However, you did not send any documents to Mr. S. Mr. S. called you on October 16 and December 17, 2014. However, you did not return his calls. On July 9, 2016, Mr. S. asked for his file. You did not promptly send the file to him.

In your response to this grievance, you stated that you "really can't argue with Mr. S.'s claims..." Although you refunded the \$1,000.00 attorney's fee, you only sent "additional items" from the file to Mr. S.

The Grievance Committee found that your failure to attend promptly to Mr. S.'s case violated Rule 1.3. You also misrepresented the truth about the status of Mr. S.'s case, which violated Rule 8.4(c). You did not respond to Mr. S.'s inquiries about the status of his case in violation of Rule 1.4(a)(2) (3) and (4). You failed to turn over Mr. S.'s complete file to him, in violation of Rule 1.16(d).

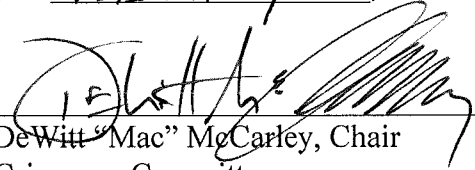
The State Bar's deputy counsel wrote you on December 13, 2016 and asked you to respond to additional questions respecting the investigation of this grievance. You did not respond to those questions prior to the Grievance Committee's meeting on January 26, 2017. Your failure to respond to the State Bar's additional questions as the deputy counsel investigated this grievance violated Rule 8.1(b) and 8.4(d).

The Grievance Committee found as a mitigating factor in issuing this grievance that you were dealing with, as you stated in your response, "significant personal issues and health issues" during your representation of Mr. S.

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 July 23, 2010 by the Council of the North Carolina State Bar regarding the taxing of administrative fees and investigative costs to any attorney issued a reprimand by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this the 10<sup>th</sup> day of FEBRUARY, 2017.

  
DeWitt "Mac" McCarley, Chair  
Grievance Committee