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NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
99G1100

IN THE MATTER OF)	
)	
WILLIAM C. SHUMWAY,)	REPRIMAND
ATTORNEY AT LAW)	
)	

On January 20, 2000, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Mr. ERM.

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 Aug. 23, 1999, Mr. ERM filed a grievance against you with the North Carolina State Bar. The N.C. State Bar sent you a letter of notice on Sept. 2, 1999, notifying you of Mr. ERM's grievance and directing you to respond within 15 days of receipt of the letter of notice.

The letter of notice was sent by certified mail and was received by an employee in your office on Sept. 7, 1999. Consequently, your response was due on Sept. 22, 1999.

On Sept. 30, 1999 the N.C. State Bar sent you a follow up letter, reminding you that your response to Mr. ERM's grievance had not been received. The Sept. 30, 1999 follow up letter asked you to respond by Oct. 11, 1999.


When you still did not respond, the N.C. State Bar issued a subpoena to you, commanding you to appear and respond to Mr. ERM's grievance in person at the Bar's office on Nov. 10, 1999. While you did appear in response to the subpoena, you offered no explanation for your failure to respond to the letter of notice in a timely fashion other than your belief that Mr. ERM was "trying to shake you down" and your desire to discuss the matter in person with Bar Counsel. However, prior to your appearance at the Bar on Nov. 10, 1999, you apparently made no contact with Bar Counsel nor did you attempt to explain the situation.

Although the Grievance Committee determined that there was no merit to Mr. ERM's grievance, it did conclude that you violated Rule 1.1(b) of the Revised Rules of Professional Conduct by failing to respond in a timely fashion to the letter of notice sent to you by the N.C. State Bar in this matter. Your conduct was aggravated by the fact that you have been disciplined twice previously for failing to respond to N.C. State Bar letters of notice.

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 15 day of February, 2000.


James K. Dorsett, III
Chair, Grievance Committee

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