

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
16G0250

IN THE MATTER OF

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)

REPRIMAND

DANIEL C. NASH,
ATTORNEY AT LAW

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On October 27, 2016 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by the North Carolina State Bar. 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.

You represented the estate of M. M. since it was opened in 2011. You failed to timely file inventories and accounts with the court and also failed to respond to the clerk's requests for documents.

You filed a final account in the estate but failed to pay the final court costs. The clerk asked you on numerous occasions about the final costs. On March 1, 2016, the clerk issued a show cause order to you because the final costs were not paid.

Your failure to attend diligently to the estate violated Rule 1.3 and Rule 8.4(d) of the Rules of Professional Conduct. Although you are not responsible for paying the final costs in the estate, it appears that you have done nothing to get the beneficiaries of the estate to pay the final costs. As a result of your inattention to this matter, the estate remains open and the clerk has not approved the final account. Again, your conduct as it relates to closing out the estate violated Rule 1.3 and 8.4(d).

You were subpoenaed to appear at the October 27, 2016 Grievance Committee meeting to discuss this grievance. You were served with the subpoena, but you did not appear at the meeting. Your failure to appear pursuant to a subpoena at the October meeting violated Rule 8.1(b) and 8.4(d) of the 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 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 11th day of NOVEMBER 2016.


DeWitt "Mac" McCarley, Chair
Grievance Committee

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