

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
07G0625

IN THE MATTER OF

William E. Brown,
Attorney At Law

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REPRIMAND

On January 24, 2008 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by D. L.

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.

Mr. L retained you on March 17, 2005 to seek adoption of his two grandsons. He paid your requested fee of \$1,000.00. In your response to Mr. L's grievance, you stated that you had prepared the documents for termination of parental rights of Mr. L's grandchildren's parents. You also stated that you had been waiting for Mr. L to give you the "go ahead" to publish the termination in the Fayetteville newspaper. Mr. L claims that you never told him about the need to publish the notice of parental termination in the newspaper.

The Grievance Committee was concerned that in the two years that you had this case, you had done nothing more than prepared documents for the termination of parental rights. The

Grievance Committee found that your lack of substantive action in this case was in violation of Rule 1.3 of the Rules of Professional Conduct.

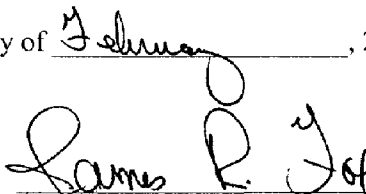
Attorney Harold Hunter Jr. asked on behalf of Mr. L that you return Mr. L's client file. Attorney Hunter also asked that you refund the unearned attorney's fee to Mr. L. You did not respond to Mr. L's request for the return of his file or a refund. It was only when the State Bar became involved through the grievance process that you finally returned Mr. L's complete client file to him, and refunded the attorney's fee. The Grievance Committee was concerned that you did not promptly return Mr. L's file as you are required to do under Rule 1.16(d) of the Rules of Professional Conduct.

You were served with a letter of notice in this grievance on June 16, 2007. Pursuant to the State Bar's rules, you are required to respond to this grievance within fifteen days of receiving it. We did not receive a timely response from you. On July 9, 2007, you were given an extension until July 19, 2007 to respond. We received no response from you by July 19, 2007, and we contacted your State Bar Councillor and asked him to contact you about responding to this grievance. After you were contacted by the State Bar Councillor, you contacted the Deputy Counsel assigned to this grievance, and she gave you another extension to respond to this grievance. You did respond by the extension date that the Deputy Counsel gave you. The Grievance Committee found that your delay in responding to this grievance was in violation of Rule 8.4(d) of the Rules of Professional Conduct. In order for our disciplinary system to work, lawyers must cooperate by responding promptly to grievances that are filed against them.

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 \$100.00 are hereby taxed to you.

Done and ordered, this the 26th day of February, 2008



James R. Fox, Chair
Grievance Committee

JRF/lr