

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
18G0712

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IN THE MATTER OF	)	
	)	REPRIMAND
ALLEN TORRES,	)	
ATTORNEY AT LAW	)	

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On October 25, 2018 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 Ms. I. L. in a domestic action against her husband Mr. R. L. Mr. L. was represented by Attorney P. M. You prepared and notarized a power of attorney on July 24, 2015 wherein Ms. L.'s father, S. G., was the principal and Ms. L.'s friend, E.E, was the agent. Mr. L. believed that Ms. L. planned to transfer property to her father to conceal assets from Mr. L.

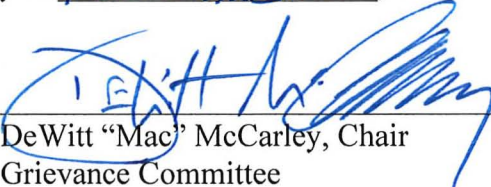
In 2017, Attorney M. sent Request for Production of Documents to you and your client. Request Number 11 requested: "Any Power of Attorney forms executed by you or your Father in which either of you would have granted your Power of Attorney to another person since January 1, 2015." You and Ms. L. responded: "No power of attorney exist [sic] and none have been signed since January 1, 2015."

You submitted a false response to the request for production of documents. The response denied the existence of a power of attorney which you prepared and Mr. S.G. signed on July 24, 2015. In your response to this grievance, you indicated that you did not have "any obligation to provide Mr. McArdle any documentation from third parties just because he suspected the parties involved in the litigation were plotting something he considered nefarious." You did not object to the relevance of the request. Instead, you misrepresented the truth in response to the discovery request. The Grievance Committee found that your failure to respond truthfully to the Request for Production of Documents violated Rule 8.4(c) and (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 14<sup>th</sup> day of November, 2018.

  
DeWitt "Mac" McCarley, Chair  
Grievance Committee

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