

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
14G0084

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IN THE MATTER OF	)	
	)	REPRIMAND
JO ANN DeJOURNETTE,	)	
ATTORNEY AT LAW	)	

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On July 27, 2017, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Mary Louise C. McWhorter. 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.

After being appointed as the Administratrix CTA for the estate of M.B. in December 2002, you failed to file annual accountings for M.B.'s estate between December 2002 and April 2005. You also failed to file the required fiduciary income tax returns for M.B.'s estate. Following the filing of one annual accounting in April 2005, you failed to file additional yearly annual accountings for M.B.'s estate until 2011, when the Clerk agreed to allow another attorney and public administrator to assist you in attempting to bring the estate records current. In December 2012, the Clerk agreed to permit you to resign as the Administratrix CTA, and

appointed the public administrator to complete the administration of M.B.'s estate. Because of your inattention to M.B.'s estate, certain stock belonging to the estate escheated to the State of North Carolina in 2009. Because of your inactions, M.B.'s estate incurred approximately \$15,000 in legal fees, taxes, penalties and interest, which you eventually partially mitigated by agreeing to a settlement of \$5,000 paid to M.B.'s estate in 2014. Your admitted lack of competence and diligence in the handling of M.B.'s estate violated Rules 1.1 and 1.3 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 9<sup>th</sup> day of August, 2017.

  
DeWitt "Mac" McCarley, Chair  
Grievance Committee

DM/lb