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NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
05G0603

IN THE MATTER OF

Albert J. Singer,
Attorney At Law

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REPRIMAND

On January 19, 2006, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by the North Carolina State Bar.

Pursuant to Section .0113(a) of the Discipline and Disability Rules of the North Carolina State Bar, the Grievance Committee conducted preliminary hearings in your case. 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 Revised 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.

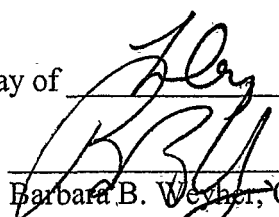
You represent many parents in child custody cases in district court. You have filed on your clients' behalf Petitions to Sue/Appeal as an Indigent, in which the clients sign affirmations that they are "financially unable to advance the required costs for the prosecution of this action" in situations in which evidence later offered by you demonstrates that the clients are not in fact indigent. The Grievance Committee did not find evidence to support your contention that you

were authorized by court personnel to submit the false affidavits in order to reduce bookkeeping tasks in your office. You undertake to represent a relative such as an aunt or grandmother to obtain custody of a child when Department of Social Services begins investigating the child's parent for abuse, neglect or dependency, knowing that once the court enters an order changing custody, DSS will cease its investigation of the parent. Physical custody of the child may not in fact change. Once the DSS investigation ceases, you commence a new action in which you represent the parent against your original client in an effort to restore custody to the parent even though in an earlier action you represented to the court that the parent was unfit and even though there has been no change of circumstances indicating the parent is no longer unfit. You do not obtain written waivers of these conflicts of interest. Despite being fully aware that Rule 2 of the Durham Family Court Domestic Rules makes use of the 2001 Affidavit of Judicial Assignment mandatory, since 2001 you have routinely used the pre-2001 form, thereby avoiding making the mandatory disclosures to the court, and thereby conceal from the court, essential information about pending and prior lawsuits involving members of the same families. The Grievance Committee found that your conduct violates Rules 1.7, 1.8(b), 1.9, 3.3(a) and (b) and 8.4(c) and (d).

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 \$50.00 are hereby taxed to you.

Done and ordered, this the 17th day of July, 2006.


Barbara B. Weyher, Chair
Grievance Committee

BBW/lr