

12353

NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
04G1256

IN THE MATTER OF

Leroy R. Castle,
Attorney At Law

)
)
)
)
)

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.

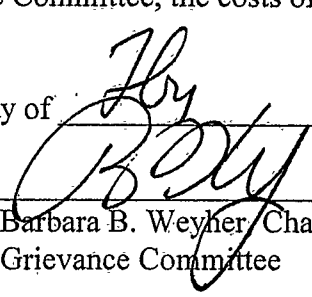
In April 2001, you and your associate undertook to represent JG in a personal injury claim. You failed to return JG's telephone calls and failed to make progress on JG's case. When JG retained new counsel in 2004, you ignored JG's and her new counsel's repeated requests to release JG's file. You told JG that you would not release her file until she paid "office administrative fees." In September 2004, JG contacted the State Bar's Client Assistance Program

in an effort to obtain her file. You assured the CAP representative that you would look into the matter and get back to her, but you never did so. You failed to respond to the CAP representative's follow up letter and follow up telephone call. JG's new counsel first requested JG's file on June 8, 2004 and the file was not released until sometime after October 13, 2004. The Grievance Committee determined that your conduct violated Revised Rules of Professional Conduct 1.3 and 1.16. The Grievance Committee considered your history of prior discipline as an aggravating factor.

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 17 day of July, 2006.



Barbara B. Weyher, Chair
Grievance Committee

BBW/lr