

NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
09G0680 and 09G0776

IN THE MATTER OF

Mary S. Phillips,
Attorney At Law

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REPRIMAND

On January 14, 2010 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by L. P and J. W.

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.

You agreed to handle estate matters for L. P. and J. W. You did not promptly handle these estate matters, in violation of Rule 1.3 of the Rules of Professional Conduct.

L. P and J. W. filed separate grievances against you regarding your handling of these estate cases. You did not respond to those grievances within fifteen days of receiving the letters

of notice regarding them. You also failed to provide a response after you were given an extension of time to respond.

You were subpoenaed to the Grievance Committee's meeting in October 2009. At that meeting, the Grievance Committee asked that you provide written responses to both of the grievances. They also asked that you submit a copy of both estate files, including all orders relative to the two estates, the fee agreements in both cases, and all accountings that you had made in both estates. The State Bar's deputy counsel followed up the Grievance Committee's request for information by letter dated October 27, 2009. You did not provide the requested information to the Grievance Committee.

You were subpoenaed to the State Bar Grievance Committee meeting scheduled for January 14, 2010. You did not attend that meeting, claiming that your car had broken down and you were unable to make it to the meeting.

The Grievance Committee found that your failure to respond to the various requests from the State Bar to answer the allegations in the Complainant's grievances violated Rule 8.1(b) and 8.4(d). You are reminded that as a licensed attorney in this state, you are required to cooperate with the investigation of any grievance that may be filed against you.

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 January 24, 2008 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 9 day of February, 2010


Ronald G. Baker, Sr., Chair
Grievance Committee

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