

NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
18G0071

IN THE MATTER OF

)

REPRIMAND

)

ALAN T. BRIONES, JR.,

)

ATTORNEY AT LAW

)

On October 25, 2018 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by T. W. 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.

T.W. retained you for representation in a time-sensitive claim against his business partners. T.W. was initially seeking injunctive relief against the opposing party based on a breach of contract. Without advising T.W. of any reason for why you were not filing for injunctive relief, you only offered excuses for the delays and eventually you prepared a general civil complaint that included significant errors. Although you assured T.W. on June 30, 2017 that you

had filed an amended complaint with his requested changes, you did not actually file it until July 12.

You claimed in response to the grievance that you did not hear from T.W. after you advised him to reinstate his corporate entity with the Secretary of State and that you had requested additional legal fees to proceed. In fact, you did have several text exchanges after he reinstated his corporation and there was no indication in any documentation that you were requesting additional attorney fees.

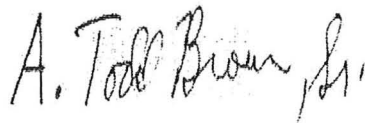
Over the course of the representation you repeatedly failed to communicate with T.W. about the status of his claim or your intentions regarding a strategy to pursue his interests. This was in violation of Rules 1.2(a) and 1.4(a)(3) and (4). Your failure to file for injunctive relief, delays in filing the civil complaint, and the inaccuracies in the complaint all support the Grievance Committee's finding that you violated Rule 1.3.

Finally, you violated Rule 8.1(b) by submitting a late response to the State Bar and failing to answer the Bar's follow-up questions.

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 3rd day of January, 2019.



A. Todd Brown, Sr., Chair
Grievance Committee

ATB/lb