

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
12G0957

IN THE MATTER OF

Timothy D. Smith,
Attorney At Law

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REPRIMAND

On October 23, 2014 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by A. S.

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 represented A.S. in her domestic matters including issues of custody and visitation. When A.S. was about to give birth and asked you a question about the father's right to visit the newborn child, you dismissed the question as theoretical until the baby was born and determined that you did not need to answer the question. Over several months, A.S.' requests for changes to the consent order drafts were repeatedly disregarded or forgotten by either you or your paralegal.

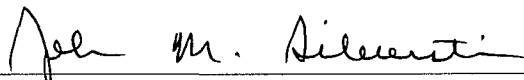
You failed to reasonably consult with your client about the means by which her objectives would be accomplished and failed to promptly comply with her reasonable requests for information.

Your communication failures in this representation are similar to those investigated in 11G0524. This suggests a pattern of conduct that the Grievance Committee determined to be of serious concern.

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 12th day of NOVEMBER, 2014.



John M. Silverstein, Chair
Grievance Committee

JMS/lb