

NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
12G1073

IN THE MATTER OF

Luther A. Douglas, III
Attorney At Law

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REPRIMAND

On July 18, 2013 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by S. N.

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.

In December 2003, you were appointed as administrator of the estates of J.S. You failed to file accountings for a five-year period, which resulted in the Clerk issuing a show cause order regarding your administration of J.S.'s estate in March of 2007.

Also in December 2003, you were appointed as administrator of the estate of M.S. You filed an amended inventory and annual accounting for M.S.'s estate in May 2007, but took no further action to administer the estate during the five years you served as administrator. The Clerk issued show cause orders regarding your administration of M.S.'s estate in May 2006 and March 2007.

In March 2004 you were appointed administrator of the estate of L.G. You filed the 90-day inventory in September 2005 (eighteen months after your appointment), and an annual accounting in April 2007. For the five years that you were the administrator, you filed only one annual accounting.

You lacked diligence in handling these estates in violation of Rule 1.3, and your failure to account for fiduciary funds as required by law was in violation of Rule 1.15-3(f). Your lack of diligence was so chronic that in December 2008 the Clerk issued show cause orders in all three of these estates, conducted a hearing, and found you in contempt. The Clerk found that your failure to perform your duties as administrator was willful. Accordingly, your failure to comply with your obligations as administrator was knowing and intentional in violation of Rule 3.4(c). In addition, your inaction resulted in extreme delay in the administration of the estates and required the Clerk to spend time and resources on the contempt proceeding, thereby prejudicing the administration of justice in violation of Rule 8.4(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 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 14th day of August, 2013.

Margaret M. Hunt
Margaret M. Hunt, Chair
Grievance Committee

MMH/lb