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STATE OF NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
93G0557(III)R

IN THE MATTER OF

DAVID R. TANIS,
ATTORNEY AT LAW

)
)
) REPRIMAND
)
)

On April 14, 1994, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Delonya Smith.

Pursuant to section 13(A) of article IX of the Rules and Regulations 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, reprimand, or 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 and I am certain that you will understand fully the spirit in which this duty is performed.

You undertook to handle the estate of Daphne Smith. Smith's daughter, Delonya, was the executrix of the estate. Prior to July 1992, most of the work regarding the estate was delegated to an associate in your firm. As of July 1992, however, you assumed responsibility for the estate file. On three occasions in late 1992, the clerk of court ordered Miss Smith to file a final accounting for the estate. Despite the orders, you did not file the accounting and in January 1993, the clerk issued an order to Miss Smith to appear and show cause why she should not be removed as executrix for failing to file the account. The hearing was set for May 3, 1993. You did not appear on Miss Smith's behalf on that date or on May 7, when the hearing was continued.

Although there is some indication that Miss Smith may not have initially provided you with all of the information which you needed to file the final accounting, by May 1993 you had the necessary information. By failing to appear at the show cause hearings and by failing to file the annual accounting in a timely fashion, you neglected a client matter in violation of Rule 6(B)(3).

You are hereby reprimanded by the North Carolina State Bar due to 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 5th day of May, 1994.

W. Erwin Spainhour
W. Erwin Spainhour, Chairman
The Grievance Committee
North Carolina State Bar

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