

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
16G0295

IN THE MATTER OF

WILLIAM R. SHELL,
ATTORNEY AT LAW

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REPRIMAND

On October 27, 2016 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by the North Carolina State Bar. 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.

You were issued an Order of Administrative Suspension on August 16, 2013 for failure to comply with CLE requirements. You continued to engage in the practice of law after your suspension and wind down period. On February 19, 2016, approximately 3 years after your wind down period ended, you wrote a demand letter to opposing counsel stating that you represented "United American Contractors, Inc." and Tony Gentile, a North Carolina resident, in a

construction dispute. You attempted to represent your clients' legal rights and interests in this letter and suggested that the parties attend mediation. You claimed in the letter that if mediation did not work, you would proceed to litigation.

By representing the legal rights and interests of others on their behalf and by threatening litigation on behalf of others, you engaged in the unauthorized practice of law in violation of Rule 5.5(a). Moreover, by holding out in the letter to opposing counsel as able to practice law despite not being actively licensed in this state, you made a misleading statement regarding the services you could provide in violation of Rule 7.1(a).

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 11th day of NOVEMBER, 2016.


DeWitt "Mac" McCarley, Chair
Grievance Committee

DM/lb