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NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
96G1084(III)

IN THE MATTER OF)

RICHARD DAILEY,)
ATTORNEY AT LAW)

REPRIMAND

On January 23, 1997, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Sherman White.

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, 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.

On August 11, 1995, you were appointed to represent Sherman White in the appeal of several criminal charges. Mr. White wrote you letters dated December 13, 1995, February 21, 1996, March 20, 1996, and May 16, 1996. It appears that you did not respond to any of those letters from Mr. White.

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On July 8, 1996, Mr. White filed a motion to dismiss his court appointed attorney. On August 9, 1996, Judge Catherine Eagles directed you to file an affidavit concerning the status of Mr. White's appeal. You filed the affidavit on August 20, 1996.

In the 12 months that you represented Mr. White, you took little or no substantive action in perfecting his appeal. Furthermore, you did not communicate with Mr. White unless you were directed by the court.

Your conduct in representing Mr. White is in violation of Rule 6(b)(1)(2) and (3). Those rules require an attorney to communicate with his client about the status of his case and to attend diligently and promptly to the client's matter. Furthermore, your conduct was prejudicial to the administration of justice and thus you violated Rule 1.2(d) of the Rules of Professional Conduct.

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 February, 1997.



Ann Reed
Chair, Grievance Committee
The North Carolina State Bar