

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
09G1265 and 10G0001

IN THE MATTER OF

William E. Brown,
Attorney At Law

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REPRIMAND

On July 22, 2010, the Grievance Committee of the North Carolina State Bar met and considered the grievances filed against you by E.C. and S.M.

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.

E.C. retained you to represent her in a domestic matter. E.C. paid \$1,500 toward your legal fee. Shortly thereafter, E.C. discharged you. E.C. requested a refund. You failed to respond to E.C. in violation of Rule 1.4(a). E.C. filed a fee dispute petition. You failed to respond to the fee dispute in violation of Rule 1.5(f). Because you failed to respond to the fee dispute, a grievance file was opened. In response to the grievance you stated that illness

prevented you from responding to the fee dispute. You also stated that you prepared pleadings on behalf of E.C. and therefore earned the \$1,500 collected. You were asked to provide evidence of your illness and copies of the pleadings. You failed to respond to Deputy Counsel's request in violation of Rule 8.1(b).

S.M. retained you to represent him in civil litigation. S.M. filed a grievance indicating that you failed to communicate the status of the litigation with him and failed to return his file. You received the letter of notice detailing S.M.'s grievance. You provided a written response to the grievance. Deputy Counsel sent you two letters seeking additional information. You failed to respond. Deputy Counsel sent you a subpoena to appear and produce S.M.'s file. In response to the subpoena, you mailed a copy of S.M.'s file to Deputy Counsel. You failed to appear at the State Bar office as directed by the subpoena. Deputy Counsel communicated with you by telephone to obtain additional information. Your failure to timely respond to Deputy Counsel's follow up letters until subpoenaed is a violation of Rule 8.1(b). The Grievance Committee concluded that there is not clear, cogent and convincing evidence that you failed to communicate with S.M. or failed to return S.M.'s file.

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 January 24, 2008 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 \$100.00 are hereby taxed to you.

Done and ordered, this the 26 day of August, 2010



Ronald G. Baker, Sr., Chair
Grievance Committee

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