

13341

NORTH CAROLINA

WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
03G1001

IN RE: Durryl D. Taylor,  
ATTORNEY AT LAW

REPRIMAND

On 15 January 2004, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by John Kenneth Shean.

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 and I am certain that you will understand fully the spirit in which this duty is performed.

You agreed to represent Mr. Shean on a speeding ticket and received a fee in April 2002. You entered a plea on behalf of Mr. Shean in June and the matter was settled. In January 2003, Mr. Shean contacted you again and asked you to check on the matter because he was having trouble with his insurance. You agreed to do so for an additional \$300, which Mr. Shean paid.

Mr. Shean became dissatisfied with the results and demanded a refund of his fee. You did not refund any of the additional \$300 fee paid and Mr. Shean filed a petition for fee dispute resolution with the Bar.

On 2 April 2003, you received by certified mail a notice of mandatory fee dispute resolution from the Client Assistance Program of the North Carolina State Bar dated 31 March 2003. You did not respond within the 15-day period as required by rule. On 12 May 2003, you received by certified mail a second notice of mandatory fee dispute resolution from the Client Assistance Program dated 7 May 2003. Again, you did not respond. On 5 June 2003, you received a third and final notice of mandatory fee dispute resolution dated 29 May 2003. You did not respond to that notice as required either.

On 21 July 2003, you received by certified mail a Letter of Notice from the Chair of the Grievance Committee concerning the complaint by Mr. Shean that you had not provided services and had not refunded his fee as well as your failure to respond to the fee dispute resolution notices. By Bar rule, you had 15 days to respond. You failed to respond to the Letter of Notice by the deadline required. A reminder letter was sent to you on 15 September 2003. You did not respond to it. Finally, a subpoena was issued compelling your appearance before counsel on 30 October 2003. You did appear in response and did answer questions. However, you provided no good answer or excuse for your failure to respond to the earlier notices.

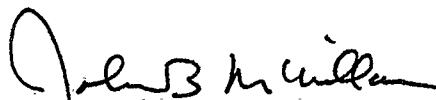
The Committee found that your above-described conduct violated several Rules and Revised Rules of Professional Conduct. Rule 1.5(f) requires you to participate in good faith in the mandatory fee dispute process. Rule 8.1(b) requires you to respond to the lawful demand for information from the disciplinary authority. Finally, N.C. Gen. Stat. § 84-28(b)(3) makes a failure to respond to any formal inquiry and contempt of any committee of the Bar grounds for discipline. Even assuming there were no grounds for discipline with regard to your actions on behalf of Mr. Shean, your failure to respond to the Bar's notices constituted the grounds for imposition of the discipline issued in this matter.

In deciding to issue a Reprimand, the Committee considered the following aggravating and mitigating factors. In aggravation, the Committee considered the multiple instances of your failure to respond in the same matter. In mitigation, the Committee considered that this was your first offense. The Committee strongly believes that the integrity of the self-regulation of the profession and the potential for harm to the reputation of the profession require attorneys to promptly respond to the Bar's inquiries as required by rule and statute.

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 4<sup>th</sup> day of February, 2004.



John B. McMillan  
Chair, Grievance Committee