

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
11G0015

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|                        |   |         |
|------------------------|---|---------|
| IN THE MATTER OF       | ) |         |
|                        | ) |         |
| Ralph L. Gilbert, III, | ) | CENSURE |
| ATTORNEY AT LAW        | ) |         |
|                        | ) |         |

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On July 19, 2012, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by the North Carolina State Bar.

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.

A censure is a written form of discipline more serious than a reprimand, issued in cases in which an attorney has violated one or more provisions of the Rules of Professional Conduct and has caused significant harm or potential significant harm to a client, the administration of justice, the profession or a member of the public, but the misconduct does not require suspension of the attorney's license.

The Grievance Committee believes that a hearing before the Disciplinary Hearing Commission is not required in this case and issues this censure to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this censure.

You maintained several attorney trust accounts, which you stopped using in 2003 when the nature of your practice changed. When your trust accounts were randomly audited by the State Bar in 2010, a combined balance of approximately \$9,000.00 still remained in the accounts. At the time of the audit, you were unable to identify the beneficial owners of the funds in your trust accounts. The State Bar's auditor determined that you had failed to: (a) file bank directives in violation of Rule 1.15-2(k); (b) determine the owner(s) of unclaimed funds and/or escheat abandoned funds as required by Rule 1.15-2(q); (c) maintain the minimum records required by Rule 1.15-3(b); or (d) reconcile your accounts monthly and quarterly in violation of Rule 1.15-3(d). You failed to respond to subsequent communications from the State Bar regarding the mismanagement of your trust accounts, in violation of Rule 8.1(b). Because you eventually escheated all of the money in your trust accounts and no longer

handle entrusted funds in the course of your practice, the Committee determined that discipline more severe than a censure was not necessary to protect the public.

You are hereby censured by the North Carolina State Bar for your violation of the Rules of Professional Conduct. The Grievance Committee trusts that you will ponder this censure, recognize the error that you have made, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession. This censure should serve as a strong reminder and inducement for you to weigh carefully in the future your responsibility to the public, your clients, your fellow attorneys and the courts, to the end that you demean yourself as a respected member of the legal profession whose conduct may be relied upon without question.

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 censure by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this 14<sup>th</sup> day of August, 2012.

A handwritten signature in cursive script, reading "Margaret M. Hunt", written over a horizontal line.

Margaret M. Hunt, Chair  
Grievance Committee  
The North Carolina State Bar