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NORTH CAROLINA

WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
05G0347

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IN THE MATTER OF

Robert E. Griffin,  
Attorney At Law

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REPRIMAND

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On July 14, 2005 the Grievance Committee of the North Carolina State Bar met and considered the grievances 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 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.

In May 2004, a former client of yours named H. B. filed a petition with the N.C. State Bar for resolution of a disputed fee. On July 9, 2004, you agreed to participate in binding arbitration of the dispute. In November, 2005, you participated in the arbitration process and the arbitrator determined that you should refund \$1,120 to Ms. B. You declined to abide by the

award, however and gave notice of appeal of the award. There is no evidence that you took any steps to perfect the appeal.

In response to the State Bar's letter of notice, you maintained that you had never agreed to binding arbitration and insisted that you were not told that the process was binding, even when the Bar pointed out that you had signed a written agreement to participate in binding arbitration.

The Grievance Committee concluded that you failed to participate in good faith in the fee dispute process in violation of Rule 1.5(f)(2) by refusing to honor the arbitrator's award. The Committee members also found your response to the grievance to be misleading, in violation of Rule 8.1(a) of the Revised Rules of Professional Conduct.

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 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 the 7 day of August, 2005

  
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Henry Babb, Chair  
Grievance Committee

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